Legal and Regulatory Challenges of Halal Certification: Insights from Cosmetic Manufacturers on Halal Built-In Implementation

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Abstract
The halal built-in concept assures that the whole cosmetic manufacturing process complies with the halal requirements and all related aspects of safety, cleanliness, efficacy, and quality. However, the challenges faced by cosmetic manufacturers in halal cosmetics will undermine the effectiveness of the halal built-in concept. This study will examine the legal and regulatory challenges cosmetic producers experience in complying with halal requirements throughout cosmetic production. To achieve the objective, this study adopted a qualitative method in which data were collected through interviews with twelve halal-certified cosmetic manufacturers and two industry experts. This study found that halal cosmetic manufacturers encounter challenges in getting halal raw materials, dealing with unsupportive suppliers, maintaining halal during production, and preparing documentation for the halal application. This study will enlighten suppliers, competent authorities, and the government on the efforts taken by halal cosmetic manufacturers to maintain the halal certification of the products so that it helps reduce all obstacles.
Keywords: Halal Built-In Concept, Halal-Certified Cosmetic Manufacturers, Halal Cosmetic Products.

Introduction
Halal certification for a product portrays a pledge by a cosmetic manufacturer to the consumer to provide safe, quality, and clean products (Khan et al., 2019). Halal certification ensures that the ingredients, manufacturing process and techniques used in the production of halal-certified products comply with Shariah standards (Jaiyeoba et al., 2019). It also assures regulatory compliance, including packaging, labelling, advertisement and quality standards (Annabi & Ibidapo-Obe, 2017). However, halal certification is voluntary and requires cosmetic manufacturers to make an application to the Department of Islamic Development Malaysia (JAKIM) or the State Islamic Religious Department (JAIN). In addition, to apply for the halal certification, cosmetic manufacturers must first notify their products to the National Pharmaceutical Regulatory Agency (NPRA) Ministry of Health Malaysia (MOH).

Notifying cosmetic products to NPRA is compulsory under Regulation 18A of the Control of Drugs and Cosmetics Regulation 1984 (CDCR). Regulation 18A stipulates that a person cannot produce, sell, supply, import, own, or use a cosmetic if the product is not notified to NPRA. After receiving the Notification Note, the cosmetic manufacturers can apply for the halal certification. To secure the halal certification, cosmetic manufacturers must follow the Guidelines for Control of Cosmetic Products in Malaysia 2017 (GCCPM), the Malaysian Manual Procedure for Halal Certification (Domestic) 2020 (MMPHC 2020), Malaysian Halal management Systems (MHMS) and Malaysian Standard MS2643:2019 Halal Cosmetics-General Requirements (MS 2634:2019).

The Malaysian Standard MS 2634:2019 was developed according to the halal built-in concept where the Shariah principle and fatwa are integrated within halal requirements (Department of Standard, 2019). The halal built-in concept was first introduced in MS 2424:2012 Halal Pharmaceuticals-General Guidelines (revised to MS2424:2019) (AR et al., 2021). It ensures the adoption of halal requirements in the manufacturing of halal pharmaceuticals (AR et al., 2021) and is later adopted across other standards for halal certification, including halal cosmetics. The halal built-in concept refers to a systematic approach that integrates all halal requirements as part of the management and control system of cosmetic products, from the planning of research and development of the product formulation, choosing of raw materials, and manufacturing process until the distribution of a finished product (AR et al., 2021; Standard, 2019).

Halal built-in requires continuous compliance to specific halal requirements comprising product safety, efficacy, performance, quality, and hygienic conditions in the manufacturing process, management, and control system of the company (MS 2634:2019; Draman et al., 2019). However, maintaining continuous compliance with the halal requirements is challenging for some cosmetic manufacturers, thus leading to ineffective halal built-in implementation. This will affect the halal certification status and cause a delay in the application of the halal certification. Therefore, this study is conducted to analyse the legal and regulatory challenges faced by cosmetic manufacturers in maintaining the effective implementation of the halal built-in concept in the overall management and control system of cosmetic production.

Various past studies have reviewed the challenges in halal certification but are largely limited to halal food. For example, a study by Al-shami and Abdullah (2021) identifies the obstacles confronting the global halal business and Malaysian companies concerning their operation, marketing, and certification processes. Muhammad et al (2020) examine the challenges posed by halal certification authorities and the steps that might be taken to strengthen their positions. This study found that the halal certification process faces six obstacles, including a lack of workforce, skills and knowledge among halal auditors, problems with reviewing halal certification applications, a lack of proper guidelines in Malaysia halal certification, and competition from foreign certification bodies. Finally, Damit et al (2018) review the consumers' challenges and concerns in the consumption of halal products. Although these studies examine the challenges in halal certification, none focused on the difficulties in managing halal cosmetic products.

Some studies focus on halal cosmetic products, like a study conducted by Shamsuddin and Yusof (2020) that analyzed the challenges faced by the cosmetic industry in Malaysia in adopting *Halalan Toyyiban* Risk Management Plan (HTRM) practices and the authors propose a conceptual framework based on the Technological, Organization, and Environment (TOE). Hashim (2018) examine the reason for halal cosmetics to remain competitive in the cosmetics market and the issues associated with halal cosmetics. These two studies look at the challenges in halal cosmetics, but both are conceptual papers without conducting empirical fieldwork. There was empirical research conducted by Zulkifli (2019) regarding external pressure in adopting halal certification among Malaysian cosmetic producers. However, this study utilizes the quantitative method by using SPSS to analyze the data.

The above studies discuss the challenges in the halal sector and the adoption of halal certification for cosmetic products. Fewer studies have focused on the legal and regulatory challenges in the halal cosmetic industry. Due to this gap, this study will analyze the legal and regulatory challenges cosmetic manufacturers face in maintaining the halal certification for their cosmetic products. This study will reveal the perspective of cosmetic manufacturers on their daily activities to secure halal certification and the safety and quality of cosmetic products.

Research Methodology
This study employed a qualitative approach in which semi-structured interviews with halal-certified companies and industry experts were conducted to get insights into the manufacturers' legal and regulatory challenges in maintaining halal certification. The selection of informants was based on a purposive sampling strategy based on criteria established beforehand (Merriam & Tisdell, 2016). The criteria used in the selection of informants are:
- Halal-certified cosmetic manufacturers in Malaysia
- Organization type
- Business Type

The interviews were taken between May 2022 and July 2022 at the informants' convenience. Five cosmetic companies have agreed to participate in the interview. Figure 1 provides a summary of the informant's background.

Informants	Company size	Years of operation	Number of certified halal products	Company base
CM 1	Medium	6-10 years	more than 10	cosmetics
CM 2	Medium	more than 10 years	more than 10	cosmetics
CM 3	Large	more than 10 years	more than 10	cosmetics and pharmacies
CM 4	Medium	more than 10 years	more than 10	cosmetics
CM 5	Medium	4-6 years	3-5 products	cosmetics
CM 6	Small	1- 4 years	more than 10	cosmetics and food beverages
CM 7	Medium	more than 10 years	more than 10	cosmetics and pharmacies
CM 8	Small	6-10 years	more than 10	cosmetics
CM 9	Small	1-4 years	1-2 products	cosmetics
CM 10	Small	4-6 years	more than 10	cosmetics and pharmacies
CM 11	Medium	4-6 years	3-5 products	cosmetics
M 12	Large	more than 10 years	more than 10	cosmetics

Figure 1. Summary of Informants

In the interviews with industry experts, the selection was made based on their vast experience in the halal cosmetic industry as qualified halal trainers and speakers in various halal training, workshops and seminars on halal cosmetics.

Data Analysis
This study employed a thematic analysis using an inductive approach derived from the interviews. All five interviews were transcribed, and excerpts were analyzed using Atlast-ti software. The coding was performed and grouped into several categories to generate suitable themes. Several steps have been taken to determine the themes. This involved coding, gathering and merging similar codes within a code group. The code groups are considered themes. These themes were inductively created based on the objective of this study.

Findings and Discussion
There are many directives from the Department of Islamic Development Malaysia (JAKIM), the Department of Standards, and even the cosmetic manufacturers have their Standard of Procedures (SOP). Despite that, the manufacturers still face challenges in ensuring the halal built-in concept is well implemented throughout cosmetic halal supply chain activities. Figure 2 summarises the challenge faced by cosmetic manufacturers in maintaining the effectiveness of the halal built-in concept. The interview coding yields four themes indicating the challenges cosmetic manufacturers face. Further discussion of the challenges is in the next section.

Initial codes	Theme
Challenging in getting the halal-certified raw material Challenging to get information for a new raw mate Hard to get an active ingredient with a halal certificate Insufficient local raw material, particularly alcohol Most foreign active ingredients have no halal certification	Challenges in getting the halal certified raw material
Hard to get supporting documents from the supplier Need to deal with the supplier several times to get supporting document Supplier discontinued producing raw materials without informing the company The supplier did not aware of which raw material needs supporting documents Suppliers provide the wrong documents Supplier lied that they had halal certification, but they didn't have Suppliers are slow in providing supporting documents, particularly raw material processing flow Delay in getting halal certification from the supplier	Unsupportive Suppliers
Difficult to maintain halal during production without contamination Difficult to get staff corporation Challenging in maintaining halal and the cleanliness of the premise Challenging in maintaining halal for equipment Non-muslim staff confuse about halal requirement Hard to control staff follow sop and halal	Difficulties in maintaining halal during the manufacturing process
Difficult to prepare documentation Different officers have different documents Different states have different halal implementations	Challenges in preparing documentation

Figure 2. Challenges faced by cosmetic manufacturers in maintaining halal built-in

a) Issues in halal raw materials/ingredients

The raw materials/ingredients used in the cosmetic products should be halal, safe and not contaminated with any types of najs (Procedure 17 (1) of the MMPHC). The requirement to only use safe ingredients is stipulated in the Control of Drugs and Cosmetics Regulations 1984 (CDCR) and Guidelines For Control of Cosmetic Products in Malaysia 2017 (GCCPM). If cosmetic companies fail to use the safe ingredient in their products, they are considered to have committed an offence and shall be fine not exceeding fifty thousand ringgit. The NPRA will withdraw the notification, and all unsafe cosmetic products will be recalled (CDCR, GCCPM). Therefore, cosmetic manufacturers must be careful in selecting ingredients for cosmetic products and are restricted to using only safe ingredients.

Safe ingredient approved by NPRA is not necessarily halal (Abbas Helmi et al., 2020), but halal is confirmed safe for consumption as it is a symbol of safety and quality (Shahid & Ahmed, 2018; Baharum et al., 2020; Radzi, 2021). However, it is challenging to determine halal or

prohibited (haram) ingredients due to the length of ingredients used in cosmetic products (Hussain-Gambles, 2020). In addition, cosmetic products consist of complicated elements that require technical knowledge of the ingredients, and the formulation involves mixing local and international ingredients (Salleh & Hussin, 2013). Moreover, details on the origin and the source of the ingredient used in cosmetics are not always available and need verification for the materials used in the product (Lockley and Bardsley, 2000). To reduce the challenges, each ingredient used in cosmetic products must be verified with halal certification, particularly animal-based ones (MMPHC).

The above explanation shows that the determination of halal in each ingredient is compulsory for halal recognition (Radzi, 2021), safeguarding the safety products and maintaining the effectiveness of the halal built-in implementation. However, cosmetic manufacturers still face some difficulties due to problems encountered. This study found several difficulties cosmetic manufacturers face when dealing with halal raw materials for cosmetic products (refer to figure 3).
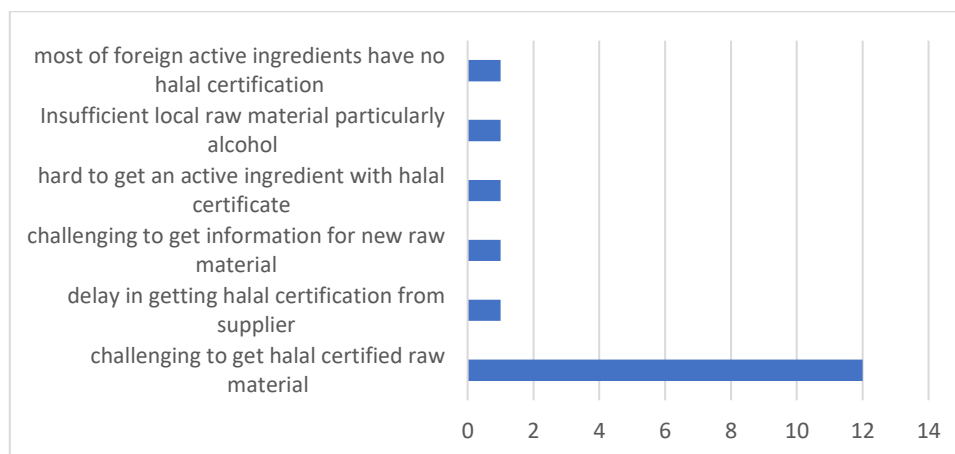

Figure 3: Challenges faced by cosmetic manufacturing in dealing with halal raw material

The above Figure 3 reveals the most significant challenge encountered by cosmetic manufacturers was to get the halal-certified raw materials/ingredients for halal cosmetic products, particularly for active and critical ingredients, as said by CM 4:
"*difficult to get a critical halal certification of raw materials because only a few raw materials have the halal certificate. For non-critical materials, our side does not face difficulties because the supplier can provide the necessary documents*".
This statement was later affirmed by CM 12 when he said:
"*The most difficult local raw material is alcohol because there is not enough.. local and international raw materials are different in terms of quality.. in Malaysia have not many active ingredients...*"

The shortage of local raw materials leads cosmetic manufacturers to depend on imported raw materials (Sarpaneswaran et al., 2021). However, it is hard to find foreign halal-certified raw materials, as contended by CM 2:
"*mostly, we bought foreign raw materials and many of them do not have the halal certificate.*"
This contention was later affirmed by CM 12:
"*most of the raw mate didn't have a halal certificate; for active ingredients, most of them are from outside.. so it's a bit difficult to get the certainty that the ingredients are halal*."

This study reached saturation on the issue of halal-certified raw materials when several cosmetic producers believed it was challenging to locate them. They had difficulty finding halal-certified foreign raw materials due to the scarcity of local raw materials. Therefore, it is time for the Malaysian government to provide full assistance to the industry to produce cosmetics' raw ingredients in light of these challenges (Expert 2).

b) Unsupportive suppliers
The preceding discussion regarding the shortage of halal raw materials is connected to this part. The raw materials used in cosmetic products must be halal, and each critical halal ingredient, like alcohol, gelatin, and glycerin, must be supported with halal certification. Meanwhile, for non-critical ingredients (from plants), supporting documents may be accepted as proof that the source of the raw material is halal (MMPHC). Among the required supporting documents are the Material Safety Data Sheet (MSDS), a Composition flow chart, and a certificate of analysis (COA) (MMPHC). The supplier must be ready to furnish all these supporting documents if their products have no halal certification. All of these documents are necessary to verify the halal origins of the raw ingredients supplied. The manufacturer of halal cosmetics will encounter obstacles if the supplier refuses to provide a halal certificate or supporting documentation. Without halal certification for critical raw ingredients and supporting documents, the application may be rejected (Basir et al., 2020) and prolong the application process (MMPHC).

This study discovered several difficulties cosmetic manufacturers encountered while dealing with their suppliers to complete documentation for halal certification applications-refer Figure 4.
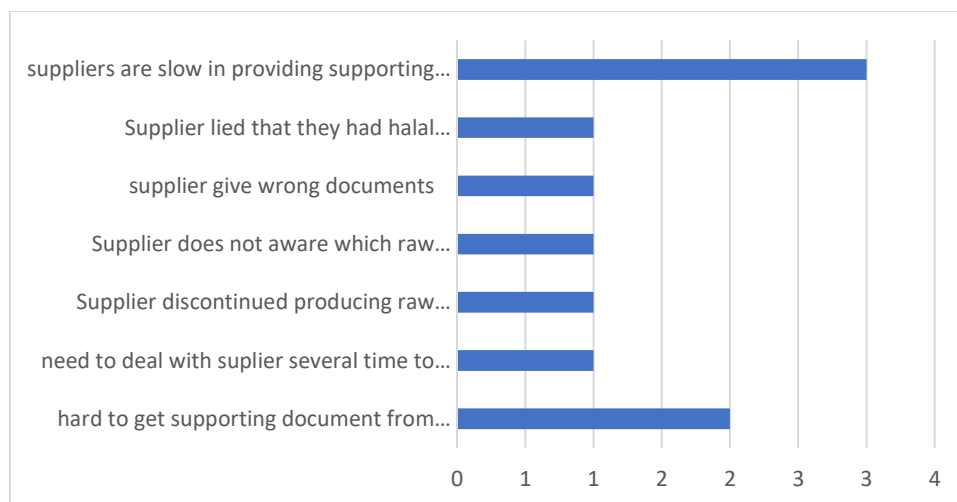

Figure 4. Challenging in dealing with raw material suppliers

The above Figure 4 indicates that cosmetic manufacturers face diverse challenges in getting a copy of the suppliers' halal certification and supporting documents. However, it also reveals that the biggest problem is the slowness on the part of the supplier to furnish the halal certification or supporting documents, as said by CM 5:
"it takes a while to get documents from the supplier. We deal with an overseas company that is slow to get documents from them."
This statement was later affirmed by CM 11:

"*Suppliers are sometimes slow to get the process flow..delay the raw mate document.. they are slow to give the halal certificate.*"

The cosmetic manufacturers also commented that the suppliers were reluctant to supply the supporting documents for the raw material and had furnished the wrong documents to the cosmetic manufacturers. This can be referred to the statement given by CM 2:
"*The suppliers didn't give us documents...sometimes we asked for other documents. They gave us other documents. Sometimes they gave documents which does not meet what the halal department wants, so we must ask again. Sometimes we must ask two or three times because the supplier does not respond.*"

The above statement suggests that suppliers' slowness and unwillingness to provide halal certificates and supporting documentation cause a delay in the halal certification procedure due to the inadequacy of documentation (Sulaiman et al., 2019).

Apart from the above, there was an unethical issue on the part of suppliers when they lied to the cosmetic manufacturers regarding the halal certification for the raw materials. As told by CM 6:
"*The company had an experience… we wanted to buy the raw material. The supplier said he has the halal certificate, and JAKIM has recognized it. We bought that raw material from that supplier suddenly; there was an issue with the renewal of the supplier's halal cert, we asked for the old halal certificate, but the supplier did not give it. We thought this looked like a fraud. Then when the halal department checked, it was apparently not halal.*"

From what CM 6 has experienced, it shows that unethical suppliers merely think about their profit without considering the consequence of their conduct to their customers. For example, in CM 6 case, when they realized that the raw material contained porcine, they were then asked by JAIN to do *sertu* procedures, thus causing a delay in their application.

c) Issues during the Manufacturing Stage
The manufacturing stage is an integral part of cosmetic production. This stage will determine the halal status of the final product. Although the cosmetic producer employed an approved halal ingredient, the product is not halal if the product is contaminated throughout the manufacturing process (Radzi, 2021). The manufacturing process must be carried out strictly and hygienically (Hashim & Hashim, 2013) with competent and ethical workers (Radzi, 2021). The manufacturing stage involves the processing area, equipment, facilities, and workers. The processing area must be clean and free from contamination with non-halal items. All activities in this area must conform to halal requirements, Good Manufacturing Practice (GMP), MMPHC, MHMS, MS 26344: 2019 and the relevant laws and regulations concerning cosmetic products. The MMPHC stipulates that the processing area shall not be used for non-halal products. In addition, the halal cosmetic raw materials must be isolated and not in contact with any prohibited materials or other poisonous products (MMPHC; Jusoh et al., 2017).

Apart from the above, the equipment must be in good condition, clean, and only be used for processing raw materials for the halal products (MMPHC). Furthermore, the company should perform *sertu* if the equipment has been used for processing non-halal products and the performance of *sertu* must be verified by a competent halal authority (MS 2634:2019).

Furthermore, the equipment and processing aid design should facilitate cleaning and not be made with non-halal or harmful substances (MS 2634:2019). Also, defective equipment should be removed, and the company must be suitable for cosmetic products and comply with the requirements stated in relevant legislation (MMPHC).

Without personnel to conduct processing activities and equipment, manufacturing processes and equipment are meaningless. Therefore, the employees or personnel are the backbone of the manufacturing sector. As regards halal cosmetic personnel, the MPPHC and the MS 2634:2019 have prescribed several requirements that must be followed to maintain the halal certification. Among them are:
i.   sufficient numbers of Muslim personnel,
ii. each personnel should practice personal hygiene in the aspect of attire and appearance,
iii. the personnel should always comprehend and practice halal requirements, practice the employee code of ethics and Good Hygiene Practices (GHP),
iv. the personnel must be trained and skilled,
v.   the personnel should ensure all foods and beverages bring to the processing area are halal or bought from halal shop (MMPHC).

Concerning this current study, the cosmetic manufacturers were asked about the challenge faced in maintaining continuous compliance with halal requirements during the manufacturing process. Among difficulties as listed in the following Figure 5:
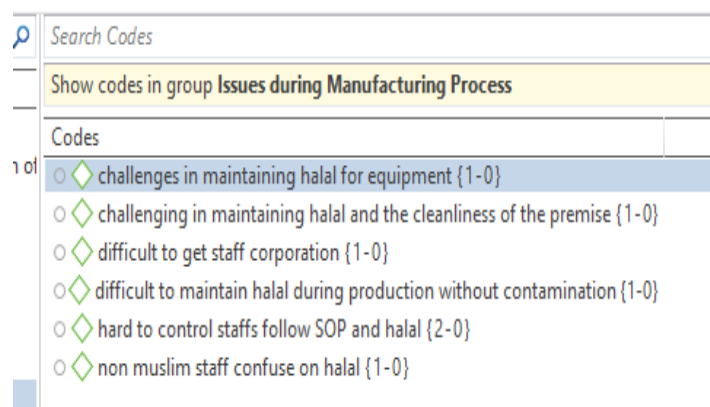

Figure 5. Challenges during manufacturing process

This study found that some cosmetic manufacturers have difficulties maintaining halal during processing in respect of the cleanliness of the processing area and equipment. Cleanliness must always be maintained to reduce the contamination risk that impacts the safety, halal status and product quality. However, keeping the cleanliness of the processing area and equipment is challenging without personnel's support and cooperation. Based on the data collected, the biggest challenge is to control the personnel to constantly comply with the halal requirements, as commented by CM11:
"*to ensure the staff follows the rules is really difficult.*"

It is hard to get full cooperation from personnel to always comply with halal requirements, as they are only willing to collaborate during the audit preparation and not before or after, as said by CM 9:

"The cooperation from the staff was only to get over with the audit. The staff only cooperated during the preparation for and during the audit. Not from the beginning. Apart from that time, there is less cooperation from the staff."

Some large and medium companies have non-Muslim personnel who do not really comprehend halal requirements. For instance, they were uncertain as to what constituted halal and haram, particularly regarding the foods and beverages they brought to the manufacturing premise. In addition, although cosmetic manufacturers have provided halal training to their personnel, it is not easy to control due to the high turnover rate. As CM7 stated:

"There are ups and downs to maintaining cleanliness on the premise. Even though we have a cleaner, a recorded process, but sustaining halal is challenging, sometimes we have new staff additions, visitors sometimes they don't understand, sometimes there are student attachments."

The preceding explanation reveals that personnel knowledge and understanding of halal are crucial for the success of halal built-in implementation. However, fast personnel turnover and the attitude of the personnel lead to difficulty in maintaining halal status.

d) Challenges in Preparing Documentation
Each application for halal certification must be supported with complete documentation as prescribed in the MMPHC. The documentation is important to verify the halal ingredients, manufacturing process and all related procedures in halal cosmetic production. It also includes details of the company profiles, premises, workers, equipment, packaging and labelling, logistics, and suppliers (Latif et al., 2014; Othman et al., 2016). JAKIM and JAIN will appoint the inspecting officer to audit the applications and ensure the application and documentation meet the Malaysian halal certification procedures requirement. The inspecting officer has a right to delay the application process or reject the application if information related to the halal certification application is insufficient. To avoid the application being rejected or delayed, the applicant must provide full cooperation to the inspection officer when necessary. However, preparing the documentation is very challenging, as commented by CM 10:

"usually preparing documents is more challenging, particularly for a halal raw material."

This was confirmed by CM 11;

"The difficulty is with the documentation in the raw material section… because to ensure that all the supporting documents are complete."

MMPHM gives the right to the inspecting officer who conducts the adequacy of documents to request other information related to the application from the applicant if deemed necessary (Expert 1). This led to inconsistency in the implementation of the halal application documentation. It also burdens the cosmetic manufacturers to furnish complete documentation. CM 2 commented that:

"Sometimes changing officers, before this we deal with the old officers, suddenly the new officer's handle, the way of handling and looking at the document is not the same as the officer we are used to dealing with. For example, the officer just asked for more documents as compared to the old officer."

Cosmetic manufacturers face different implementations among not only the officer in respect of adequacy of halal application documentation but also the difference of implementation among the state concerning raw material documentation. For example, CM 12 commented:

"*The problem in this industry is… we apply for halal certification in State X; they use the same manual and procedure but in terms of implementation is different. The raw materials we use in State X do not approved in State Z. It is not certain that the raw material approve in State Z will also approve in State X.*"

Conclusion and Recommendation
This study focused on the regulatory constraints and difficulties that halal cosmetic manufacturers encountered in ensuring the proper application of the halal built-in concept. This study discovered that a lack of local halal raw materials prompted cosmetic manufacturers to import foreign raw materials. However, it is difficult to find foreign halal raw materials to meet legal and halal requirements. In addition, this study revealed that suppliers' co-operations are vital for procuring halal-compliant raw materials. Still, most of them lack an understanding of halal regulations and guidelines, making it difficult for cosmetic manufacturers to obtain their co-operation. Furthermore, it is also challenging to ensure that all employees adhere to halal requirements. Cosmetic manufacturers also struggle to prepare adequate documents for the halal certification application.

Maintaining halal built-in concept is essential to verify the halal status and confirm the safety of cosmetic products. However, the above challenges in halal manufacturing may reduce the effectiveness of halal built-in. This lead to uncertainty about the halal status of the products and will retard the growth of halal cosmetic industries. Thus, cooperation between the suppliers, cosmetic manufacturers, and competent authority is very needed to address all the challenges. The suppliers should be aware of and prepared to provide halal-certified raw materials; if they cannot do so, they should be ready to provide all supporting documentation as requested by their customers. Meanwhile, cosmetic manufacturers need support from upper management and employees in the organization to implement the Halal Assurance System (HAS) or Internal Halal Control System (IHCS) to ensure continuous compliance with halal requirements throughout the manufacturing process. Next, competent authorities should always respond to cosmetic manufacturers' complaints, and more awareness campaigns or hands-on training are needed to assist cosmetic manufacturers in halal certification applications.

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