

The Position of Maqasid Daruriyyah in Addressing The Halal Status of Food Product Innovations Today

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Abstract

The halal industry sector, especially the food industry, has become a significant factor in boosting the country's economic power. This is because the demand for food characterized by '*halalan tayyiban*' has been increasing over time. The rapid development of biotechnology and nanotechnology, as well as the production of various innovations in the food industry today, are aimed at meeting the demand for food while also achieving Sustainable Development Goal 2, which is zero hunger. What is concerning is that issues related to halal and *tayyib* aspects of some food products, from production chains, processing, sales to consumption, are still not fully resolved and remain a subject of debate among the Muslim community. This study examines the relationship between *Maqasid Daruriyyah* and product innovation in the halal food industry. The research method used is the analysis of documents to examine fatwas related to contemporary issues in food product innovation, including cultured meat, genetically modified (GM) foods, the use of blood plasma and alcohol in food, and the use of cochineal as a coloring agent. The analysis results indicate that in Islamic law, food product innovation is evaluated based on the principles of benefit (*maslahah*) and harm (*mafsadah*), which emphasize human welfare and societal well-being

Keywords: Maqasid Daruriyyah, Food Products, Benefits, Emergency, Shariah.

Introduction

In the context of Maqasid Shariah (Objectives of Shariah), the innovation of food products that guarantee halal, cleanliness, and safety is highly emphasized and should not be underestimated. The presence of innovative and technologically advanced food ingredients being rapidly produced should not be accepted or rejected arbitrarily without considering their production aspects and their usefulness, whether they are halal according to Shariah or otherwise. The term "emergency" to legalize a product identified as using forbidden or prohibited items in Shariah must be studied and refined to ensure that it does not deviate

from the true principles of Shariah. In addressing this phenomenon, *Maqasid Daruriyyah* is found to be authoritative to be used as a parameter and a foundation in determining laws and issuing fatwas regarding the halal and safety issues of food product production today. *Maqasid Daruriyyah* establishes the principle that the measurement of urgent necessity is not solely based on rational considerations but must be guided by deep knowledge and mastery of the corpus of Shariah evidence.

Maqasid Daruriyyah are established in the name of *maslahah* (public interest). The term *maslahah* aims to seek something beneficial (*Jalb al Masalih*) or to repel something harmful (*Dar'u al Mafasid*). In other words, *maslahah* is to preserve and protect the five *Daruriyyah* objectives, namely religion, life, intellect, lineage, and property. Failure to safeguard and protect these five matters is considered harmful (*mafsadat*), and eliminating them (*mafsadat*) is deemed necessary to fulfill the interest (*maslahah*). Additionally, Shariah seeks to ease hardships and not burden individuals in emergency situations, thereby accommodating flexibility within the original law to ensure Shariah implementation remains feasible and manageable. However, any concessions granted in accordance with the principle of *al-rukhsah* must adhere strictly to the conditions and procedures laid down by Shariah.

Hence, scholars have devised criteria for evaluating the legitimacy of *maslahah* (public interest), based on Sharia sources, categorizing them into three types (Omar, 2024):

1. If a *maslahah* is supported by textual evidence from the Quran and Sunnah, it is considered *mu'tabarat* (consensually accepted) and is regarded as absolute, not open to dispute.
2. Should a *maslahah* directly conflict with definitive texts (*qath'i nas*), it is deemed *mulgha*, meaning rejected and invalid.
3. In cases where there is no explicit text (*nas*) from the Quran and Sunnah either supporting or prohibiting a *maslahah*, it is termed *mursalat* (permissible). This allows scholars to exercise *ijtihad* based on their own analysis and reasoning. However, such *ijtihad* must meet strict criteria:
4. The analysis must be meticulous, ensuring the identified *maslahah* corresponds to actual circumstances, not merely logical deduction.
5. The *maslahah* must benefit the general populace (*kulliyat*), not just specific groups, classes, or individuals.
6. The *maslahah* must not contradict established texts of the Quran or Sunnah.

In the *Maqasid Daruriyyat*, the principle of necessity that changes the ruling of a matter from originally forbidden (*haram*) to permissible (*halal*) is based on the following conditions (Omar, 2024):

1. An emergency is deemed genuine when a situation arises involving the five basic elements of religion, life, intellect, lineage, and property, known to cause harm. Destruction may occur definitively or based on strong suspicions, informed by experience or knowledge.
2. In the face of an emergency, permissible actions cannot be undertaken to alleviate harm except by abstaining from prohibited actions.
3. After exerting effort, if no permissible alternative is found, resorting to something forbidden to prevent harm becomes necessary.

4. Consumption of forbidden items according to Sharia is only permitted to the extent required in an emergency.
5. In situations where the consumption of substances like medicine or food deemed forbidden is necessary, confirmation from an expert or specialist in the relevant field is essential.

Firmly, the objective of necessity (*Maqasid Daruriyyat*) emphasizes flexibility in extraordinary urgent situations. This concept affirms that in certain circumstances, exceptions to religious laws may be permitted to preserve human life's continuity and well-being. Allah provides a clear illustration of this principle through verses in the Quran, including in Surah al-Baqarah, verse 173:

Meaning: "He has only forbidden to you dead animals, blood, the flesh of swine, and that which has been dedicated to other than Allah. But whoever is forced by necessity, neither desiring it nor transgressing its limit, there is no sin upon him. Indeed, Allah is Forgiving and Merciful."

Therefore, this study is crucial in identifying the principles of *Maqasid Daruriyyat* that must serve as the foundation and be applied in determining the 'halal and *tayyib*' status of a food product. Agencies responsible for investigating the halal status of a food product before issuing halal certification will benefit from the findings of this study for reference. Government authorities can also utilize this research as one of the fundamental sources to develop *Maqasid Daruriyyat* Halal Guidelines needed in the future to address global food crises. Furthermore, academics and scholars can use this study as motivation to conduct more in-depth research or develop technology-based products to establish a more systematic and innovative *Maqasid Daruriyyat* parameter system in line with the advancements of current technology.

Research Background

The halal industry, especially in the food sector, plays a significant role in strengthening the country's economy. This is due to the increasing demand for food products that meet the criteria of '*halalan tayyiban*' over time. To address the growing demand for food in line with population growth, emphasis on the use of technologies such as biotechnology and nanotechnology in production, processing, and food manufacturing is increasing. By 2023, the global Muslim population has grown rapidly to over two billion, leading to an increase in demand for halal and *tayyib* products (Munsif, 2023). This reflects the need for products and services that not only meet halal standards but also prioritize cleanliness and purity. The annual increase in the halal market has now grown significantly, estimated to reach around 25% (Timan, 2011). The food and beverage (F&B) industry specifically represents the largest sector in the halal industry, contributing approximately 56% of total global Muslim spending (Latif, 2017).

This phenomenon is widely supported not only in countries with Muslim-majority populations but also in regions with non-Muslim populations. The widespread acceptance of halal principles can be seen in various sectors, from the food industry to finance, tourism, and beyond. With the continued demand for halal products and services, businesses are adapting to capitalize on this growing market. The universal appeal of the halal market transcends

cultural and religious boundaries, making halal not only a religious guideline but also a standard aligned with ethical and clean lifestyles for diverse populations worldwide. This evolution demonstrates the dynamic nature of the halal phenomenon, transforming it into a global concept that transcends traditional boundaries and influences various aspects of contemporary life.

Among the innovations being hotly debated in the food and medical industries is the use of alcohol as an additive in foods such as cakes and dishes to produce long-lasting and high-quality products (Jamaluddin & Ramli, 2012). Additionally, transglutaminase enzymes and plasma powder are used as food additives derived from blood. Both sources are found to have high solubility and emulsifying properties, low viscosity, and the ability to form strong gels. Furthermore, transglutaminase enzymes and plasma powder are identified as capable of enhancing texture in processed food products such as meat and fish (Benjakul et al., 2001a; McDermott et al., 2004). GMOs (genetically modified organisms) are among the new products created through genetic engineering. GMO foods produce plants and animals with modified and edited genetic structures in laboratories to incorporate genes from other organisms (Fauziah & Ramadhani, 2023). This advanced technology can occur between the same species and even across species between animals and plants. Today, the production of cultured meat is heavily debated in terms of its halal status. This meat is produced using tissue culture techniques or stem cells taken from animal bodies placed in a suitable medium to allow them to proliferate and develop into meat.

However, what is concerning is the halal and *tayyib* status of food products produced throughout the production, processing, distribution, and consumption chain, which remains an ongoing debate among the Muslim community. In the context of Shariah Maqasid, significant emphasis is placed on food product innovation that ensures halal, cleanliness, and safety, which should not be underestimated. The presence of innovative and high-tech food ingredients also needs to be thoroughly investigated before being accepted without sufficient study of their benefits. This aspect sometimes involves *Maqasid Daruriyyah* dimensions, such as the preservation of religion, life, intellect, property, and progeny. For example, in clear emergency situations, Islam allows the use of sources or substances that may be considered haram or forbidden to safeguard lives due to the absence of other alternatives. However, the leniency in using forbidden sources in this emergency is still subject to the strict principles and conditions set by Shariah.

Therefore, the rapid pace of innovation and technology products in the food industry today demands a comprehensive study to measure their halal foundations. The use of instruments under the discipline of Shariah Maqasid such as assessing elements of benefit, emergency levels including the use of alternative purification methods such as *istihalah* and *istihlak* are among the aspects that will be refined in constructing the halal and *thayyib* parameters for the halal food industry (Kashim et al., 2015). The dimensions of *Maqasid Daruriyyah* presented by the *usuliyyin* scholars need to be studied so that a comprehensive and practical halal and *thayyib* parameter can be presented.

Research Methodology

This study employs a qualitative method to obtain more comprehensive and holistic findings. Through literature review, content analysis is conducted to gather accurate and current facts

discussed by past and contemporary Islamic scholars regarding the examined issues. Additionally, a semi-structured interview approach is carried out with stakeholders and authorities to acquire precise information regarding the procedures, processes, and implementation of fatwa issuance. The data obtained is then analyzed using Nvivo14 software.

Findings and Research Discussion

1. Analysis of Fatwas Regarding Issues in Halal Food Product Innovation

This study will examine several issues arising in current food innovation and the halal industry that are subject to discussion among Islamic scholars and scientists. In addition to the halal and *tayyib* aspects of the food innovations under study, debates about the necessity of using something forbidden (*muharramat*) in innovative food products on grounds of urgent need or '*darurah*' are also being explored. Furthermore, this study also highlights several fatwas issued regarding selected products, discussing both the similarities and differences in fatwas based on the arguments supporting those decisions.

1.2 Cultured Meat

In the context of halal food product innovation, the development of cultured meat has become a primary concern. In brief, cultured meat refers to the creation of meat in a laboratory setting using tissue extracted from animal cells (Rahmawati, 2023). This process is carried out through biotechnology methods and tissue culture techniques, where animal muscle cells are grown in specialized growth vessels in a controlled environment. Although it holds potential as a sustainable protein source, the production process of cultured meat faces significant challenges, particularly regarding its halal status in terms of the source of its raw materials, which are based on animal muscle cells that have not been slaughtered (Rabia Iram, 2022). The process of producing cultured meat involves replicating animal cells in the laboratory without going through a clear slaughtering process, which contradicts halal principles (Hossain, 2019; Kashim et al., 2023).

Table 1

Summary of Fatwas Regarding the Status of Cultured Meat

Fatwa Institution	Status
1) Indonesian Ulama Council (MUI) <i>Official website of the Indonesian Ulama Council (MUI) published on November 24, 2022</i>	Haram: if the cultured cells are derived from impure and still living animals. Halal: if the cultured cells are derived from permissible (halal) animals and have been slaughtered in the name of Allah.
2) Islamic Religious Council of Singapore <i>Fatwa on cultured meat (2024) by the Islamic Religious Council of Singapore (MUIS).</i>	Halal: Permissible (halal) with three important conditions: i. The cells must be derived from permissible (halal) animals ii. Every substance used to form the texture and composition of cultured meat must be halal iii. The product must be non-toxic and clean.
3) Federal Territories Mufti Office, Malaysia	Haram: if the tissue is taken while the animal is still alive or dead without being slaughtered, then it is judged as carrion.

Irsyad Al-Fatwa Series No. 595: Cultured Meat According to Sharia Perspective **Halal:** if it is taken from animals that have been properly slaughtered according to Sharia.
Halal: if the tissue is taken from marine animals.

Overall, all parties issuing fatwas agree that cultured meat can only be considered halal for consumption if its source is permissible according to Islamic law, such as meat slaughtered with the mentioning of Allah's name, or derived from plants and marine animals. However, it should be noted that the issue of cultured meat is still a new issue that is being studied from various aspects, and there have not been many fatwas issued by fatwa institutions yet.

Genetic Modified Food

Food produced through genetic engineering (GE) has undergone DNA modifications using genes from other plants or animals. Scientists take genes for desired traits in one plant or animal, and they insert these genes into the cells of another plant or animal (Hashim, 2019). Genetic engineering facilitates the transfer of desired genes from one organism to another, including plants, animals, or bacteria (Fauziah & Ramadhani, 2023). Unlike conventional selective breeding, which requires time-consuming crosses to obtain desired traits through natural breeding, genetic engineering allows for the targeted insertion of specific genes, thereby avoiding unwanted traits (Bouzenita, n.d.). Among its advantages are enhanced nutritional content, drought tolerance and disease resistance, reduced use of pesticides, and increased food supply with lower costs and longer shelf life. Since the initial steps in the field of genetic engineering have been taken, several prominent scholars have issued their fatwas regarding related questions.

Table 4

Summary of Fatwas Regarding the Status of Genetic Modified Food

Fatwa Institution	Status
1) Indonesian Ulama Council (MUI) <i>Fatwa of the Indonesian Ulama Council No. 35 of 2013 concerning Genetic Engineering and its Products</i>	Permissible: Genetic modification of animals, plants, and microorganisms is permissible if beneficial and does not harm humans or the environment. Halal: if genetically modified products are produced using halal sources, provide benefits, and are safe to consume.
2) Fatwa Committee of the National Council for Islamic Religious Affairs Malaysia <i>Deliberation of the Fatwa Committee of the National Council for Islamic Religious Affairs Malaysia</i>	Haram: if the production of GM Food uses forbidden substances and harms humans and the environment. Halal: if the production of GM Food uses halal ingredients and follows Shariah methods.

It is formulated that the debate and discussion on food technology innovation from the perspective of Islamic law, which sometimes leads to differences in legal opinions, revolve around four (4) main facts, namely:

- i. Altering God's creation. Genetic modification manipulates creation, actions, or interventions that disrupt or manipulate what is considered natural order or the creation of Allah.

- ii. Side effects on health. There are many concerns about the safety of food product innovations (such as GM Food, cochineal, and cultured meat) and their side effects on human health.
- iii. Taking substances from parts of the body including genes from living halal animals before slaughter is considered carrion based on the hadith of the Prophet Muhammad S.A.W.
- iv. Relying on the school of thought (mazhab) that is adopted by a country and allowing for considerations of benefits (*maslahah*) not explicitly mentioned in the Quran and Sunnah for jurisprudential interpretation.

Ethanol in Food

Ethanol is the main psychoactive component in alcohol that causes intoxication and is considered haram (forbidden) in Islam. However, there are differences in interpretation among scholars regarding the permissibility of using ethanol in other products such as medicines, perfumes, or even some food products where it may be present as a trace element due to fermentation processes or others (Jamaluddin & Ramli, 2012). Regarding issues related to the use of ethanol in food, it is important to consider the level of ethanol content present and the purpose of its use in the food product. In some cases, ethanol is used as a solvent, preservative, or flavoring agent in food production. While some scholars permit consuming foods containing insignificant amounts of ethanol if it does not cause intoxication, others have stricter interpretations and suggest avoiding such products altogether (Najiha et al., 2014).

Table 7

Summary of Fatwas Regarding the Status of Ethanol

Fatwa Institution	Status
1) Brunei Darussalam Government Mufti Department <i>Royal Mufti Fatwa, (2007) Halal Products Issues, Government Mufti Department</i>	Ethanol of natural origin is permitted provided it does not exceed the percentage of alcohol in alcoholic beverages (2%). Industrial ethanol is prohibited
2) Indonesian Ulama Council (MUI) <i>Indonesian Ulama Council Fatwa No. 10 of 2018 Regarding Food and Beverage Products Containing Alcohol/Ethanol</i>	Ethanol of natural origin is permitted provided it does not exceed 1%. Industrial ethanol is allowed but the percentage of ethanol must be 0.0% in the final food product
3) National Fatwa Council Malaysia 2011 <i>Deliberation of the Fatwa Committee of the National Council for Islamic Religious Affairs Malaysia Discussing Issues of Alcohol in Food, Beverages, Fragrances, and Medicines on July 14-16, 2011</i>	Ethanol of natural origin is permitted provided it does not exceed 1%. Industrial ethanol is allowed but the percentage of ethanol must not exceed 0.5% in the final food product.
Islamic Religious Council of Singapore	Industrial ethanol is allowed but the percentage of ethanol in flavoring must not exceed 0.5%, and 0.1% in the final food product to which the flavoring is added.

Interview Analysis

Five (5) stakeholders were interviewed semi-structurally with research instruments validated by experts. These parties include (1) Shariah Experts (2) Nutrition Experts (3) Halal Food Control Division, Department of Shariah Affairs, Brunei Islamic Religious Council (4) Brunei Darussalam Food Authority (BDFA), and (5) Ghanim International Corporation Sdn Bhd. From the conducted interview sessions, there are two (2) primary measurement aspects that need to be implemented in determining the halal status of a new innovative product, namely: (1) Scientific Measurement and Laboratory Testing, and (2) Shariah Measurement. The authorities are responsible for conducting a careful analysis of these two measurement aspects.

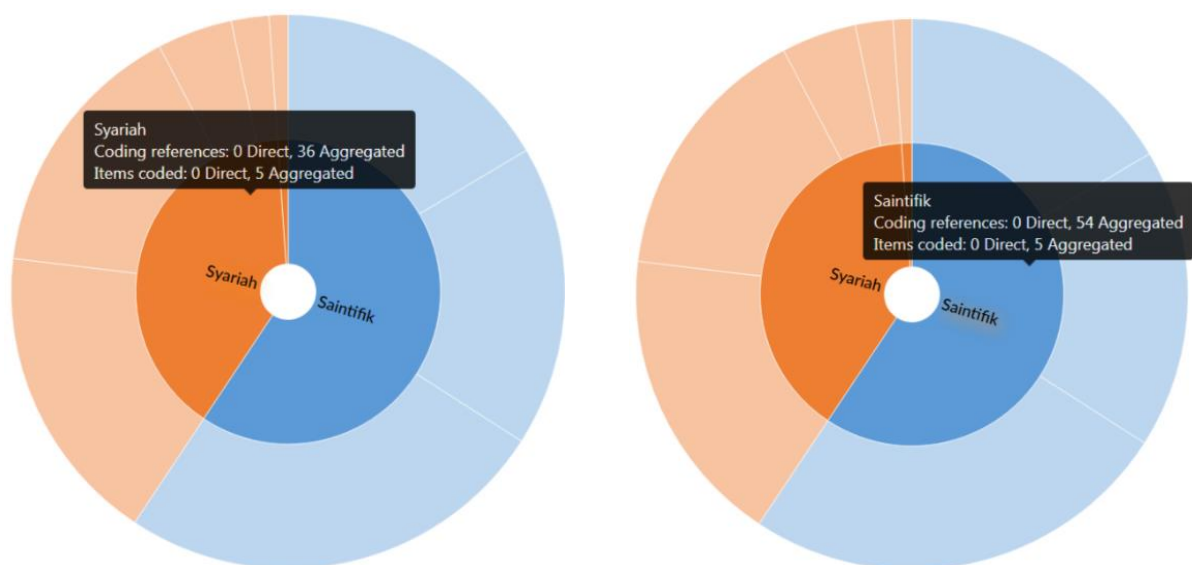


Diagram 1: Measurement Aspects of *Maqasid Daruriyyah* in Food Product Innovation

Measurement from Shariah aspects is a priority that must be thoroughly researched in determining whether a product produced is truly halal, adhering to Shariah requirements. The need to consume a food product containing prohibited elements on the grounds of necessity cannot be done arbitrarily. Measurements are made for the sake of benefits, not based on mere intellect or worldly desires. *Maslahah* or benefits that are identified are based on texts taken from the Qur'an and Sunnah, thus *maslahah* is considered definitive and not open to debate. As for *maslahah* that contradicts clear textual evidence (*nas qat'i*), then such *maslahah* is rejected and considered void. Whereas *maslahah* that is not found in the texts of the Qur'an and Sunnah, this situation allows scholars to explore benefits through in-depth study and research, and exercising *ijtihad* with strict conditions based on Shariah principles (Zamroni, 2021).

The measurement of Shariah aspects in determining halal is directly mentioned by informants and can be summarized as follows

1. It must be carefully studied with evidence from the Quran, Hadith, Qiyas, *masalih mursalah*, *urf*, and others to ensure achieving what is considered necessary. Halal must exist in its essence (the food itself), be halal in terms of its source, and be accompanied by *tayyiban* (wholesome and good).

2. Consideration must be given to the use of Fiqhiyyah principles. The principle of *Al Aslu Fi Asya' Al Ibahah* (the original rule regarding things is permissibility unless there is evidence stating it is prohibited) touches on three principles: First: the food must not consist of elements of swine, carrion, flowing blood, and animals slaughtered in the name of idols other than Allah. Second: animals that do not have fangs used to kill prey (e.g., birds with talons for hunting prey) and any animal that lives in two worlds are considered prohibited. Third: any food considered unclean by civilized society (urban) is deemed prohibited.
3. Reference must be made to the approach of Maqasid Shariah, as it encompasses five protections that directly or indirectly involve food. For example, the protection of life prohibits consuming food that harms life or the body.
4. Research must be conducted on external fatwas because external fatwas may be based on more recent information and thus should be considered.
5. It is highly advisable to apply the Shafi'i school of thought in the context of Brunei and Malaysia because there are provisions in the law.

For the Scientific Aspect Assessment, three items are identified, namely: (1) Expert Information, (2) Laboratory Testing, and (3) Governance. Whereas for the Sharia Aspect Assessment, four (4) items need to be used as mechanisms in the assessment, namely: (1) Principles of Jurisprudence (*Usul Fiqh*), (2) Jurisprudential Maxims (*Qawaid Fiqhiyyah*), (3) Objectives of Sharia (*Maqasid Syariah*), and (4) Fatwas.

The involvement of experts is crucial to obtain valid and detailed information about the food products produced. This was emphasized by all five parties interviewed, and their statements are as follows:

Informant 1

Translate:

"... Due to involving matters of public welfare, the existence of experts is a communal obligation (fard kifayah), therefore experts must be invited to obtain their opinions in determining the status of food."

Informant 2

Translate:

"... It is extremely important to involve experts to ensure not only that the product is halal but also tayyib. Tayyib, which can bring goodness and benefit to public health. For example, involving Certified Dietitians who have professional certification in the field of food substances related to chronic diseases. Certified Dietitians must have a certificate of membership from the Allied Health Professional Council (Ministry of Health, Malaysia)."

Not only expert involvement, but laboratory testing also needs to be conducted, especially to ensure the contents of the innovative products produced. This is emphasized through the statement of the informant as follows:

Informant 3

Translate: "...Very necessary. Based on previous experiences, there are indeed products or substances that need to be directed for analysis in scientific laboratories to determine their content. So, it is indeed a necessity that must be fulfilled."

Informant 5

Translate:

"... Indeed, it is appropriate to study and examine the nutrient information, laboratory results are also important to see if there are bacteria present or not, and to determine the shelf life of a product."

Furthermore, the responsibility to ensure that a product is truly halal, a role needs to be played by all parties. Universities, for example, which have experts in the field and good laboratory facilities, can collaborate with the government in making this noble effort a success. Below are statements from informants in this regard:

Informant 4

Translate:

"... Indeed, it is necessary to conduct research. Research on Halal aspects can be conducted by UNISSA (Universiti Islam Sultan Sharif Ali), while research on safety aspects can be carried out by UTB (Universiti Teknologi Brunei. So, the universities can collaborate in conducting research.

If we look at Singapore and Australia, even though it's not directly related to Halal, they have conducted Food Research that can assist the food industry in terms of regulators, which is very important for policymakers."

In addition, decisive action needs to be taken by the responsible authorities against food items that are identified as non-halal or harmful. Clear measures are also consistently implemented as stated below:

Informant 4

Translate: "... If a product is identified to contain harmful substances, the BDFA will take action by first investigating whether the product is imported or not. Then, the BDFA will stop and recall the product, followed by issuing a press release to inform the public about the product. If the product is confirmed to be harmful and anything deemed unfit for consumption by the BDFA, the BDFA will direct the importer to dispose of it, disposing of the product according to the Public Health Food Act Chapter 182. If it involves fresh meat under the Wholesome Meat Order, if there is any doubt about its halal status, sometimes the meat will be used as food for animals and not for human consumption."

The question raised is whether in today's reality, Muslims are forced to consume food that has been identified to contain forbidden sources due to urgent necessity or *darurah*? The majority of respondents state that the current situation cannot be considered an emergency because people still have various options and alternatives to obtain food from halal sources. Below are statements from the respondents:

Informant 3

Translate: "... So far, when it comes to food, there has never been a necessity (emergency) to consume forbidden food. However, in the context of medicine, there is, depending on the determination conveyed through the fatwa council. The reason is, in terms of necessity in food consumption, there are still many other halal food options and so on."

Informant 5

Translate: "... In my opinion, the situation does not yet reach the level of urgency because there are still many alternatives available, unless in desperate circumstances such as being in the wilderness. However, under normal circumstances, there are still many premises selling halal products, so there is no compromise to the extent of consuming prohibited products."

Informant 1

Translate: "... It is permissible to produce such food (resulting from innovation and technology) even if it contains elements that are haram (as preparation for future emergencies), but it should not be used. If a food crisis truly occurs, then halal options must be sought first, and only if there are no halal options available, then the food in question may be used. It can be produced but should not be used except in emergencies."

Conclusion

The analysis results indicate that in Islamic law, the innovation of food products is evaluated based on the principles of benefit (*maslahah*) and harm (*mafsadah*), emphasizing the interests (*maslahah*) and well-being of humans in fulfilling the requirements of Maqasid Shariah. However, there are still some parties who disregard the implications of halal and haram in the production of innovative food products to prioritize materialistic gains over religious considerations. Moreover, there are also those who relax the principle of necessity contained in Islamic law as an argument to justify the production of food products.

This study also found weaknesses in considering the aspects of uncertainty and risks related to the innovation of food products, which may lead to neglect of the negative effects on human health and the natural environment. To address these weaknesses, the study identifies a significant need for critical and more holistic assessments of the innovation of food products. An assessment that utilizes an integrated approach by combining Shariah assessment and scientific assessment in evaluating halal and *tayyiban* is the best solution to address the challenges of producing innovative food products in today's global market.

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