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## Innovative Fiqh Approach in Halal Logistics Operation

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### Abstract

The halal industry has received a vast recognition across the globe. It becomes the nature of trade and business in quality assurance and lifestyle. The growing demand for halal logistics services contributes to halal food integrity. In essence, halal logistics cover on halal logistics hub, halal logistics transportation, halal logistics route and halal logistics management. Unlawful (haram) and the risk of contamination including smell, taste and color changes are consequential issues that need fore critical attention. Thus, this study attempts to illuminate the issues by addressing the scope of halal logistics and its integrity. An established talfiq and takhayyur as innovative tools based on Shariah principle will be discussed with a special focus on contamination in halal logistics operation. This study will support with prominent Muslim scholars' views on talfiq and takhayyur and also analyzed the relevancy of applied in the halal logistics globally. This study adopts qualitative study research methodology whereby descriptive and explanatory approaches were used. This study believed that talfiq and takhayyur approach could serve as a benchmark to constitute a sufficient measure to address the issues properly.

**Keywords:** Fiqh Approach, Halal Logistic, Innovative, Talfiq and Takhayyur.

### Introduction

Currently, most of Muslim consumers have greater knowledge on halal where they are more particular and sensitive towards the status of halal products and possess high understanding on halal food consumption. Initially, a validation system on halal food status was introduced in 1970s when the global food service organizations began to open food premises in the Muslim countries. The report from the Pew Research Center (2017) has denoted that Muslims make up a majority of the population in 49 countries around the world where Indonesia is the largest number (about 209 million) an average 87.2% identifies as Muslim and followed by India as a second largest Muslim population in raw numbers roughly 176 million. Even though Australia, New Zealand and South Africa have a minor population of Muslims but these countries have a potential to contribute in the international halal trade. A study from Hanifah et al., (2017) has demonstrated that the halal industry is a promising industry in increasing the income of developed countries. The demand for the halal market is expected to increase significantly as a result of increasing the numbers of Muslim

population worldwide and of awareness of consumption of the halal food and its by-products. Consequently, halal industry sector could be an effective mechanism to generate positive economic growth in particular.

Conceptually, the governance of halal food and goods has been emphasized clearly in many verses in the Quran. In al-Baqarah, verse 168, for instance Allah says: "*O' mankind! Eat of what is in the earth lawful and good; and do not follow the footsteps of Satan. Surely he is a manifest foe for you.*" According to al-Ghazali (1986), choosing halal food as prescribed by Islamic legal rulings will develop one's spiritual and physical wellbeing. This signifies that Muslims are not permissible to consume food which is clearly prohibited in the Quran. Apart from that, effort should be made to avoid consuming *syubhah* (doubtful) food. Seemingly, as the awareness towards the halal concept has significantly increased, so the demand for halal products and services slightly increased as well and this result to the quality and hygiene standards that are associated with halal have gained global recognition and acceptance. This tremendous recognition stems from the fact that halal is not merely exclusive to Muslims but includes non-Muslims. Moreover, halal encompasses a broad spectrum of sectors and services and this has proven by its capability in generating economic growth effectively.

The understanding of halal is not limited to ritual slaughter and food consumption solely, but it functions as a centre for the global Muslim food industry. In relation to this, logistics operation is viewed as one of main driving forces to facilitate the growing demand for halal food. This scenario contributes to the need for establishing halal food integrity in halal logistics. Indeed, the growth of halal industry depends on the success of halal logistics (Abu Bakar, 2014) due to halal logistics covers on halal logistics hub, halal logistics transportation, halal logistics route and halal logistics management. According Fathin et al. (2016), logistics service provider has created a service called halal supply chain service demand from world halal industries. This sector is considered as new service offered by logistics service provider companies as an added value service to their operation and it keeps increasing from time to time. Aziz and Zailani (2016) have advocated that there are two standards have been developed by the Department of Standards Malaysia used by the halal-certified logistics companies namely Quality management system requirements from the Islamic perspective (MS1900:2014) and Halalan Toyyiban Assurance Pipeline Standard (MS2400:2010) in order to ensure all the activities related to the halal logistics operation adhere to the Shariah requirements. Additionally, there are 31 logistics companies in Malaysia have been certified as halal logistics with certification of Halalan Toyyiban Assurance Pipeline Management System (MS2400:2010) Part 1 for Transportation and Part 2 for Warehousing (Zaharah et al., 2016). The number of logistics companies with halal logistics certifications would increase due to the increase of awareness and readiness on the importance of halal logistics standard and the willingness of the companies to practice halal logistics. Although the requirements and guidelines embedded in MS2400:2010 are generic in particular with regard to the requirements for halal compliance identification, premises, packaging, containerization, handling, transportation, storage and personnel with specific emphasis on compliance control, it appears that all logistic providers lack to comply with this respective guideline.

## Literature Review

### The Fiqh Challenges Issues in Halal Logistics

There are many cross-contamination issues on food need for solution from the perspective of Islamic law such as an intentional mislabelling, contamination of halal meat with pork and other non-halal materials, meat certification and illegal slaughter. There are several studies have discussed on

the malpractice that happened in the halal industry. A study carried out by Awal, et.al (2017) for example has mentioned two cases in United Kingdom related to this matter i.e. mislabelled product containing pig blood and pig skin as halal from Aldi Supermarket and this company had to apologise to its Muslim consumers, and another company had a case related to the presence of porcine DNA in 'halal' savoury beef pastry where the products originally from a processing plant where pork and the halal products in question were processed using the same equipment. In similar, a controversial case has been related to Cadbury company was reported in Malaysia between the end of May 2014 to early June 2014 when DNA porcine contamination was detected in two Cadbury products which were labelled as 'halal' which led to the suspension of Cadbury's halal certification for 17 days (Nurhafilah, et al., 2016). In relation to this matter, logistics plays an important role in protecting the halal integrity of halal food through proper transportation, storage and handling along the supply chain until it reaches its final destination.

There are similar functions and process among halal and conventional logistics, but the difference is, halal logistics requires halal dedicated facilities or equipment (Abu Bakar, 2014). On the other hand, halal logistics only caters for halal-certified goods which mean all not certified halal such as swine and liquor are prohibited. As mentioned by Tieman (2011), halal products and services focus on the usage or purchase includes the preparation process. The integrity in every aspect of halal food products must be protected, and all necessary steps must be taken wisely by all parties involved in the supply chain as to avoid any cross contamination that will lead the products become non-Halal. Zalina (2004) shares the similar view when she has stressed the requirements for Muslim to select halal food. Thus, the essential elements in food selection include halal sources, usage of halal substances, processing method which approved by the Shariah including the water and container for clean food preparation and ensuring clean premises and storage. For this, Logistics essentially acts as a liaison between suppliers, manufacturers, retailers and end users to ensure the flow of materials and services throughout the supply chain is sustainable. Nonetheless, although halal certification has been legally issued to some halal logistics companies, various issues remain unresolved. The important role of logistics was highlighted by Tieman (2013) where he claimed that "halal logistics is the process of managing the procurement, movement, materials storage and handling, parts, livestock, food and non-food items inventory, related information and documentation of the organization management and supply chain which comply with the general principles of Shariah".

### **Research Methodology**

This is a qualitative study involving the use of resources from the library and websites. A number of references are used, namely divine texts, al-Quran and al-Sunnah, classical books from the prominent jurists related to *talfiq* and *takhayyur*, journal articles related on halal to draw insights based on information related to the area of discussion. The research also used online databases for social sciences such as ProQuest, EBSCO Academy Search Premier, EBSCO Business Source Complete, Science Direct and Scopus. Hence, this research involved the combination of two or more various types of approaches namely a descriptive, explanatory, critical and comparative approach to analyze the views of the scholars pertaining to logistics operations.

### **Results and Discussion**

The Concept of *Talfiq and Takhayyur* in Islamic Jurisprudence view

The term *talfiq* (التلفيق) comes from the Arabic language derived from the basic word يلفق, تلفيقا which means the merging, collecting and consolidating. While in the connotation of *syara'*, the term of *talfiq* can be defined in a different and broad meanings based on the application in the fields of knowledge. According to Mustafa, S (n.d), the *talfiq* word capables to be a separate term in several areas of knowledge. Al-Zuhaili (2001) argues that *talfiq* is mixed with two different opinions in one issue or problem where the problem has a certain condition and peculiarity or well known as building a mode of practice that no jurists acknowledge it. Kamali (2007) further in opinion that *takhayyur* as a preference and selection of one among the available rulings or views of a single or among the existing *mazhabs*. He also claims that *takhayyur* originally a process of selecting jurists' view while *talfiq* is a combination of a part of schools' views in forming the most suitable ruling.

Historically, all sources are based on the Quran and Hadith at the time of prophet Muhammad pbuh where in any trivial issues, *ijihad* was practiced by referring to the Quran and Hadith. Based on foregoing, the term of *talfiq* was not discussed at the time of prophet PBUH but it had only been discussed long after since fifth or sixth century where the school of law has established. However, there are some jurists refused the usage of *talfiq* and *takhayyur* such as Syeikh Bakhit (Aznan, 2003), al-Safarini and 'Abd al-'Aziz al-Dukhayyil whereby the jurists believed that *talfiq* could bring Muslims to be too easy in carrying out their religious obligations (Hafiz, 2016). Aznan (2003) has stipulated that there are several jurists assume the practice of following one issue from one school of law and another issue to another school does not amount to the *talfiq* but the practice is recognized as a *takhayyur*. Some jurists such as al-Ghazali, Ibn 'Abd al-Bar, Ibn Hazm, the Hanbalis and Malikis permitted *talfiq* as long it does not bring to the *tatabu' al-rukhas* (running after the easiest views of every school of law).

#### *Takhayyur* Approach towards Halal Issues

From the perspective of halal implementation in Malaysia, the halal standards used are based on Islamic law in the school of Shafi'e or any other Islamic law of other schools such as Maliki, Hanbali and Hanafi agreed by Yang di-Pertuan Agong to be enforced in the Federal Territory, or the Ruler or Sultan of a state enforced such laws in their state, or a fatwa endorsed by the authorities of the Islamic religion. The Malaysian standards of MS1500:2009 and MS2400: 2010 emphasise on the *najs* namely a) dogs and pigs and their descendants, b) halal food that is contaminated with things that are non-halal, c) halal food that comes into direct contact with things that are non-halal; d) any liquid and objects discharged from the orifices of human beings or animals such as urine, blood, vomit, pus, placenta and excrement, sperm and ova of pigs and dogs except sperm and ova of other animals. Milk, sperm and ova of human and animals, except dog and pig, are not *najs*; e) carrion or halal animals that are not slaughtered according to Shariah law; and f) *khamar* and food or drink which contain or mixed with *khamar*. It categorized *najs* to three:

Mughallazah	Mukhaffafah	Mutawassitah
Considered as severe <i>najs</i> which are dogs and pigs ( <i>khinzir</i> ) including any liquid and objects discharged from their orifices, descendants and derivatives.	Considered as light <i>najs</i> . The only <i>najs</i> in this category is urine from a baby boy at the age of two years and below who has not consumed any other food except his mother's milk; and	Considered as medium <i>najs</i> which does not fall under severe or light <i>najs</i> such as vomit, pus, blood, <i>khamar</i> , carrion, liquid and objects discharged from the orifices, etc.

According to Noorsiah & Sariwati (2016), contamination will occur in any stage of halal logistics process depends on probability of exposure, duration of contact, and frequency exposure onto the halal goods being carried. If contaminations occur with *najs mughallazah*, the logistics operators need to be well prepared for remedial preventive and corrective actions as to assure its *halalness* status by performing ritual cleansing (*sertu*) procedure for contaminated transport containers that carry halal products (MS2400: 2010).

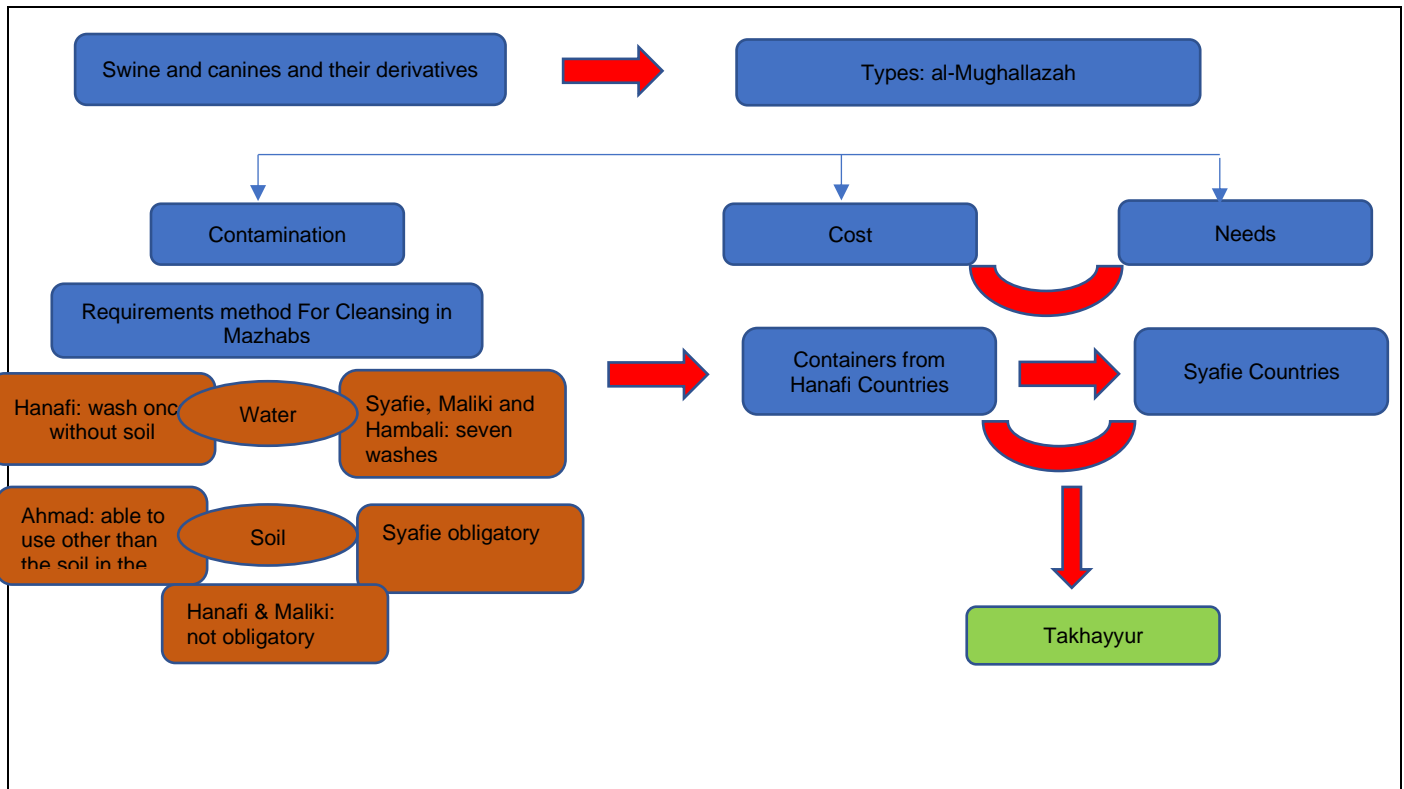


Figure 1: The Example of Issue need to *takhayyur* method

According to Irsyad al-Fatwa (2018), the Maliki school opines that cleansing for the impurity caused by canines or their derivatives saliva with seven washes using water is *ta'abudiyah* which means it not impure (*najs*). However, the majority school claims that impurity and *ta'abbud* only refer to the numbers of cleansing and not by the action. Nevertheless, all main schools are in consensus that the swine and canines are impure and only differ in terms of the method of cleansing. Furthermore, in the books of *hukm tatrib* has mentioned that there are some arguments from the various schools of law on the use of soil for the issue related to canines. The views are as follows;

- i- Syafie opinion views that it is compulsory to use seven washes, and the first must be with soil
- ii- Imam Ahmad Schools permits the use of other than soil in the ritual cleansing process
- iii- Imam Hanafi and Maliki schools claims, to use soil is not compulsory

The argumentative from the schools of law may result to the confusion if there is uncertainty on how to cater the cross-contamination issues in the logistics operation and *talfiq* and *takhayyur* methods could be used as an appropriate mechanism to solve the problem. Similar opinion suggested by

Dasuqkhi et al. (2017) whereby the obligation of performing the ritual cleansing for the doubtful container or equipment is an established practice in the context of halal logistics operations because the commandment is already clearly mentioned in the classical *fiqh* literature. However, there are legal views from other schools including within the Shafi'e School that permit to not performing the ritual cleansing for the case of impurity caused by swine. In this case, Muslims can amalgamate the legal opinions by using *talfiq*.

### Recommendations and Conclusions

Based on the disputable scenario, this research attempts to examine the position of *talfiq* and *takhayyur* in halal logistics operations from the ethical and legal perspective. In examining the usage of *talfiq* and *takhayyur* in halal logistics, this study posed an established relationship between the halal logistics and halal market's demand which are associated with cost. This study suggests that the technique of *talfiq* and *takhayyur* could be important consideration in ensuring the proposed solutions in global halal issues in halal logistics operations are monitored accordingly by related experts.

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