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MISLEADING ISLAMIC BRANDING IN MALAYSIA: LEGAL PERSPECTIVES AND CONSUMER PROTECTION

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Abstract: *This paper critically examines the rising issue of brand misrepresentation within Malaysia's halal industry, focusing on how non-Muslim producers misuse Islamic imagery, halal logos, and religious terminology to gain Muslim consumer trust. It is an examination of Malaysia's principal legal mechanism, the Trade Descriptions Act 2011 (Act 730), and the Malaysian Standard MS1500 (2019) in relation to the fraudulent halal practices. Media-reported cases, especially the nationwide "meat cartel" scandal and manipulation of halal certifications and misleading of Islamic brandings, contribute to adverse effects on consumer confidence and religious integrity. Evidence from Malaysian media reports, court proceedings, and scholarly studies identifies critical regulatory and enforcement gaps associated with penalties, prosecutorial authority, and inter-agency coordination. The paper recommends policy reforms on turnover-based fines execution, digital traceability, and granting high powers for the Department of Islamic Development Malaysia (JAKIM) are crucial to strengthen halal governance. These comprehensive legal and policy evaluation perspectives would safeguard consumer protection, ethical branding, and the preservation of Halalan-Tayyiban principles in Malaysia's evolving halal economy.*

Keywords: *Islamic Branding; Halal Manipulation; Muslim Customers; Statutory and Non-Statutory Rules and Regulations; and Halalan-Tayyiban Principles*

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Introduction

Halal certification in Malaysia serves as a combination of religious obligation, consumer protection mechanism, and a catalyst for national economic growth. For Malaysia's approximately 20 million Muslim citizens and a steadily expanding global Muslim consumer base, the halal logo signifies more than simply the absence of pork or alcohol: it is a guarantee of lawful ingredients, ethical sourcing, hygienic preparation, and spiritual compliance with Islamic law. Malaysia has leveraged this trust to position itself as a global halal hub, consistently ranking at or near the top of the Global Islamic Economy Index and exporting certified products to more than 40 countries. Malaysia has secured the top position in the Halal food category in the Global Islamic Economy Index (GIEI) for 11 consecutive years since 2013. In the 2024 ranking, Malaysia scored 117.0 in the Halal food segment, leading the first runner-up, Singapore, with a score of 89.8, and the second runner-up, the UAE, with a score of 84.1, demonstrating its clear advantage in this segment.

Malaysia was the top five Organisation of Islamic Cooperation (OIC) importers of Halal food in 2023. The value of its imported Halal food imports is valued at US$20.8 billion (or 7% of the total imports), followed by Saudi Arabia (US$27.4 billion), Indonesia (US$25.5 billion), and Türkiye (US$22.6 billion). Malaysia is widely recognised the global Halal food industry leader due to its robust growth of the country's Halal food market (at a CAGR of 6.2% from 2025 to 2031), and also its proactive stance in promoting the Halal industry with supportive policies and a globally recognised Halal certification system (MARTRADE; MIDA; HKTDC RESEARCH).

The Malaysian government established the Halal Development Corporation (HDC) in 2006 to facilitate the development of Malaysia's Halal ecosystem (including the Halal food segment). A dedicated government body known as the Department of Islamic Development Malaysia (JAKIM) is empowered to set up Halal standards and the issuance of the Halal Certification to support the development of the Halal industry.

In March 2023, the Malaysian government set up the national plan of Halal Industrial Master Plan (HIMP) 2030, aiming to position Malaysia as a prominent leader in the global Halal economy. It is expected that the domestic Halal market size will reach US$113 billion by 2030. The functions of HIMP are to attract investment to the Halal industry, explore international markets, and nurture talent in the industry. Malaysia is also a frontrunner in setting up Halal parks with designated industrial parks for manufacturers of Halal products.
Even though the economic potential attracts legitimate investors, it has also contributed to the deception of halal manipulations.

Branding manipulation refers to the use of deceptive, coercive, or exploitative tactics to influence consumer decisions, exploit customers' lack of knowledge or emotional state towards halal perspectives, which takes advantage of the consumer's expense. It is associated with psychological tricks, exaggerating product/service benefits or value claims, or misleading information to influence the customers' purchasing behaviours. Some of the key characteristics of manipulation, deception, exploitation, psychological pressure, lack of informed consent, and unethical intention. Some of the manipulative tactics executed by manufacturers or producers are providing misleading advertisements on product's features, benefits, or effectiveness, influencing consumers to believe in the inauthenticity of a product's worth or value, or outcome in solving real problems or improving their well-being, and exploiting psychological biases by not purchasing the product/service.

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Literature Review

Malaysia's legal and institutional framework for halal assurance is internationally recognized. The Trade Descriptions Act 2011 (Act 730) statutory definitions of "halal" outline offences for false trade descriptions, and grant power to the Minister of Domestic Trade and Cost of Living on the appointment of competent authorities, principally JAKIM and the State Islamic Religious Departments (JAIN), to manage and oversee Halal certification. The MS 1500 is a Malaysian Standard for Halal food, providing general requirements and guidelines for the production, handling, and storage of halal food products in Malaysia. Its latest versions incorporate new requirements for halal integrity, record management, and management responsibility, with an introduction of clauses on normative references and halal competent authorities. It specifies critical requirements for Islamic permissible ingredients, slaughtering methods, and the prevention of contamination. Even though with all these instruments and regulations, enforcement has proved uneven. Other substantial regulations of the domestic and global Halal standards in Malaysia are specified under Clause No. 10 (Monitoring and Enforcement) in the Manual Procedure for Malaysia Halal Certification (Third Revision) 2014, namely;

i. Trade Description Act 2011;
ii. Manual Procedure for Malaysia Halal Certification;
iii. Food Act 1983 (Act 281), Food Regulations 1985 and Food Hygiene Regulations 2009;
iv. Animal Act 1953 (Revision 2006), Animal Ordinance 1953, Animal Rules 1962, Animals (Importation) Order 1962, Abattoir Act (Corporatization) 1993;
v. Custom Act 1967, Custom Order (Prohibition of Import 1998);
vi. Local Government Bylaws 1976 (Act 171) and Local Council Bylaws (PBT);
vii. Act/ State Administration Enactment of Islamic Affairs; and
viii. Trade Mark Act 1976.

An Analysis of Halal Acts, Statutory and Non-Statutory Regulations

Legal and Regulatory Foundations

Malaysia's halal governance system is based on two principal legal instruments: the Trade Descriptions Act 2011 (Act 730) and the Malaysian Standard MS1500.

Section 28 of the Act empowers the Minister of Domestic Trade and Cost of Living to determine when the expression "halal" or any other words indicating compliance with Islamic law may be used, as per Section 29, which criminalises the application of false trade descriptions. Violations can result in fines of up to RM5 million for corporations and RM1 million, or a term of three years' imprisonment. The Act also authorises the appointment of competent authorities—primarily the Department of Islamic Development Malaysia (JAKIM) and the State Islamic Religious Departments (JAIN)—to implement halal verification and enforcement.

The Malaysian Standard MS1500:2019 states the concrete requirements for halal food. In the aspect of Islamic slaughter of animals, it requires that animals must be healthy, slaughter activities must be performed by a sane Muslim in the name of Allah, and ensuring the blood is fully drained. It also mentions that strict controls should be executed in preventing contamination by non-halal substances, highlights the permissible ingredients, and in the need for hygienic production and storage. Both the TDA 2011 and MS1500:2019 are the backbone of Malaysia's halal rules and regulations.

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The Malaysian legal provisions are scattered amongst the statutory regulations, namely the Trade Descriptions Act 2021, the Food Act 1983, the Animal Rules 1962, and the Consumer Protection Act 1999, creating overlap and procedural confusion. On the other hand, from the perspective of the limitation of investigatory powers, JAKIM lacks direct prosecutorial authority and must rely on the Ministry of Domestic Trade to initiate legal action, which causes a delayed enforcement and sometimes discourages prosecution. Furthermore, the enforcement of inadequate penalties, even though the TDA 2021 provides for fines and imprisonment, the amounts may not reflect the significant profits gained from fraudulent halal branding, reducing their deterrent effect.

In relation to these drawbacks, stronger statutory definitions of "halal misrepresentation," turnover-based fines for corporate offenders, and a consolidated halal statute or a dedicated chapter within the TDA 2011 to unify enforcement are crucial.

This section will discuss further some legal provisions and regulations about halal perspectives in Malaysia.

1. Trade Descriptions Act 2011 (Act No. 730), Malaysia, the Trade Descriptions Order (Halal Definition) 2011

In accordance with the Trade Descriptions Act 2011 (Act No. 730), Malaysia, the Trade Descriptions Order (Halal Definition) 2011 states that: Food / Products are Halal if they do not contain parts from forbidden animals for Muslims or are not slaughtered, do not contain impurities, parts of products of human, and are not toxic or harmful or intoxicating or contaminated and do not contact with, mixed with, or close to forbidden animals or impurities during processing.

Based on the above cases, it can be concluded that misleading or confusing language or statements suggesting that food is permissible for Muslims is considered an offense. Some of the normal phrases used by the irresponsible producers or manufacturers are indicating halal foods via the use of Quranic verses, the words Allah or Muhammad, Ramadan/iftar buffet, Islamic calligraphy or script, and Bismillahirahmanirahim. These phrases are normally Muslim's holy and sacred words, and they are not allowed to use them blatantly. Misuse or manipulation of these words contributes to disrespect for Muslims. Ironically, the consumption of non-halal foods is considered sinful amongst Muslims. The Penalties for breaching the clause if found guilty of an offense, a fine impose up to RM 5,000,000.00, or for specific offenses, up to RM 10,000,000.00 (corporations) and up to RM 1,000,000.00 / imprisonment for up to 3 years, or both; for specific offences, up to RM 5,000,000.00 or imprisonment for up to 5 years, or both for non-corporations.

The Trade Descriptions Order (Halal Certification and Marking) 2011 prescribes that only authorized bodies are permitted to issue halal certification in Malaysia, namely; the Department of Islamic Development Malaysia (JAKIM) and State Islamic Religious Councils (MAIN). The Department of Islamic Development Malaysia (Malay: Jabatan Kemajuan Islam Malaysia, Jawi: جابتن كماجوان اسلام مليسيا) or popularly known as JAKIM (جاكيم), is a federal government agency in Malaysia that administers Islamic affairs in Malaysia. Food, products, or services with halal descriptions or halal phrases must be certified as halal by JAKIM or MAIN, and be marked with a valid halal logo. The imported foods or products must fulfil two other requirements per se: be certified as halal by an internationally recognized halal certification body approved by JAKIM; and be marked with the certification body's halal logo. As of today,

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JAKIM (Trade Descriptions Order (Certification and Marking) (Amendment of the Second Schedule) 2023 has certified 83 international certification bodies from 46 countries.
Section 29 of the Trade Description (Certification and Marking of Halal) Order 2011 grants the Minister of the Ministry of Domestic Trade and Consumer Affairs (KPDN) the power to designate competent authorities for halal certification, which include JAKIM and state religious councils. Nevertheless, the prosecutorial power under the Trade Descriptions Act 2011 primarily lies with the Ministry of Domestic Trade and Consumer Affairs (KPDN) officials, and NOT JAKIM. From this law perspective, JAKIM reports to the KPDN and has no absolute power or authority on halal matters.

The exercises of the power under the Trade Descriptions Act 2011;

1. Minister's Power to Designate:
The Minister has the power under the Trade Descriptions Act 2011 to designate bodies, such as JAKIM, as "competent authorities" for specific tasks related to halal certification awards. The KPDN officers have the absolute power to take an enforcement action, including conducting investigations and initiating prosecutions under the Act.

2. Limited Prosecutorial Power:
JAKIM has limited prosecutorial power to initiate cases in civil courts under the Trade Descriptions Act 2011. JAKIM is the only authorized certification body and potentially a witness or agent in the enforcement process. The prosecutorial power under the Trade Descriptions Act 2011 rests with the Ministry of Trade.

As highlighted above, JAKIM’s main role is primarily a certifying body but lacks independent prosecutorial authority, relying on the Ministry of Domestic Trade and Cost of Living. Enforcement, therefore, depends on inter-agency coordination, which can delay legal action. JAKIM has the power to act for violations of the Trade Descriptions Act and related regulations.

The prohibition of false trade description in relation to trademark on Section 8. (2) Any person who (a) applies a false trade description to any goods (b) supplies or offers to supply any goods to which a false trade description or (c) exposes for supply or has in his possession, custody or control for supply any goods to which a false trade description is applied, commits an offence and shall, shall, on conviction, be liable to a fine — (A) not exceeding fifteen thousand ringgit, and for a second or subsequent offence, to a fine not exceeding thirty thousand ringgit. for each goods bearing the false trade description (if that person is a body corporate); or (B) to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding three years or to both, and for a second or subsequent offence, to a fine not exceeding twenty thousand ringgit, or to imprisonment for a term not exceeding five years or to both (if that person is not a body corporate).

Section 18 stated therein on false or misleading statements in advertisements; (1) No person shall make any false or misleading statement in any advertisement in relation to any goods or services; (2) Where any person is charged with an offence under this section.

Section 26 highlights the prohibition of the importation of goods bearing a false indication of origin grants a power to the Minister who may make an order prohibiting the importation of goods into Malaysia where a false trade description is applied to any goods outside Malaysia and the false indication, or one of the false indications, given, or likely to be taken as given, is

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an indication of the place of manufacture, production, processing or reconditioning of the goods or any part of the goods.

2. Manual Procedure For Malaysia Halal Certification (Third Revision) 2014: Published in 2015 by JAKIM

This circular is aimed to inform the enforcement date of the Manual Procedure for Malaysia Halal Certification (Third Revision) 2014 (MPPHM 2014) for Malaysia Halal Certification by the Department of Islamic Development Malaysia (JAKIM) and all State Departments of Religious Affairs (JAIN).

Clause 2.3.2 defines halal according to the Trade Descriptions (Definition of Halal) Order 2011 and Trade Descriptions (Definition of Halal) (Amendment) Order 2012 as follows: i. When food or goods are described as halal or are described in any other expression to indicate that the food or goods can be consumed or used by a Muslim, such expression means that the food or goods are: a. neither is nor consist of or contains any part or matter of an animal that is prohibited by Shariah law for a Muslim to consume or that has not been slaughtered in accordance with Shariah law and Fatwa; b. does not contain anything which is impure/ najs according to Shariah law and Fatwa; c. does not intoxicate according to Shariah law and Fatwa; d. does not contain any part of a human being or its yield which are not allowed by Shariah law and Fatwa; e. is not poisonous or hazardous to health; f. has not been prepared, processed or manufactured using any instrument that is contaminated with najs according to Shariah Law and Fatwa; and g. has not in the course of preparing, processing or storage been in contact with, mixed, or in close proximity to any food that fails to satisfy paragraph (a) and (b).

Clause No. 2.6 on Slaughter's meaning, killing a live, halal animal by severing the trachea (halkum), oesophagus (mari'), and both carotid arteries and jugular veins (wadajain) to hasten the bleeding and death of the animal by using a sharp tool with the intention due to Allah. Clause 4.5 is to ensure sources for ingredients are halal and choose suppliers who supply halal materials or have obtained a recognized halal certificate; 4.6 applies to all types of products/ menu which are produced by the factory/ premise; 4.7 applies to repackaging in which must be accompanied by a recognized halal certificate for the said products.

Clause 5.1 Requirements of Raw Materials/ Ingredient/ Processing Aid: i. ii. Ensure raw material/ ingredient sources are halal and safe; Raw material/ ingredient which are sourced from animal shall have a valid halal certificate; iii. Sources of imported animal-based raw materials shall come from approved plants by JAKIM and Department of Veterinary Services (DVS); iv. Raw material without halal certification shall be accompanied with a complete specification (indicating material composition, flow chart and its raw material sources); v. Raw materials, processing aid and product/ menu shall be listed in detail in the application form; and vi. Non-halal raw material/ ingredient is not allowed to be stored in the premise.

Clause 5.3 Packaging and Labelling i. Every packaging label should be printed prominently, clearly, and indelible; ii. The packaging label shall contain information according to the rules, act, and related standards; iii. name of product; Malaysia Halal Logo with the Malaysia Standard (MS) number and the file reference number (the last 10 digits); Labelling and advertising shall not contravene the principles of Shariah law and shall not highlight indecency which contradicts the Shariah law; iv. The Malaysia Halal Logo cannot be used on promotional products in conjunction with non-Islamic religious festivals or together with non-Islamic religious emblems; v. Name of product does not use the word 'Halal' and names with elements

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of religion and God; and vi. The packaging material shall not be made from materials that are classified as najs.

Clause 5.3 (v) specified clearly the prohibition of the name of the product with a 'Halal" by the use of names related to religion and God elements. Based on the branding today, producers or manufacturers have blatantly used Islamic branding, manipulating the consumers in association with halal perspectives and misleading the Muslim consumers. The Government of Malaysia, especially JAKIM should take this matter seriously by providing stricter rules and regulations for those using the Islamic branding so as not to manipulate the halal status and, most importantly, comply with Clauses 2.3.2, 4.5, and 5.1. The Clause 5.7 on Sanitation System and Clause 10.2 on the implementation where all inspections for monitoring and enforcement are also related.

Clause 10.3 is on Type of Inspection; 10.4 Category of Offences and Inspections (Major and Minor). Clause 10.4.3 specifies a serious offence as per the details below;

i. Offences which involve Syariah and Technical matters that lead to the revocation of the Malaysia Halal Certificate by the inspection officer and need to be presented to the Halal Certification Panel for the final decision
ii. Shariah offences are offences involving Shariah laws as follows:
    a. confirmation of haram status by JAKIM/ MAIN/ JAIN/ other Islamic authority agencies on product/ ingredient/equipment and other miscellaneous;
    b. using haram material after receiving the Malaysia Halal Certificate;
    c. mixing/ storage of halal and haram material together;
    d. storage of halal product with haram product;
    e. Equipment used is interchangeable between halal and haram;
    f. processing of improperly slaughtered or improperly dead animals; and
    g. use of a stunner which may cause death of the animal or hayat mazboh.

3. Consumer Protection Act 1999

Under the Consumer Protection Act 1999; PART II MISLEADING AND DECEPTIVE CONDUCT, FALSE REPRESENTATION AND UNFAIR PRACTICE; Interpretation 8 (a) "false", "misleading" or "deceptive", in relation to conduct, representation or practice, includes conduct, representation or practice which is capable of leading a consumer into error; and (b) "price", in relation to any goods or services, in addition and without prejudice to the generality of the definition of "price" in section 3, means— (i) the aggregate of the sums required to be paid by a consumer for or otherwise in respect of the supply of the goods or services; or (ii) except in subsections 12(3) and (4), any method which will be or has been applied for the purpose of determining the aggregate. Misleading conduct 9. No person shall engage in conduct that— (a) in relation to goods, is misleading or deceptive, or is likely to mislead or deceive, the public as to the nature, manufacturing process, characteristics, suitability for a purpose, availability, or quantity, of the goods. The false or misleading representation, according to Section 10. (1) No person shall make a false or misleading representation that— (a) the goods are of a particular kind, standard, quality, grade, quantity, composition, style or model.

4. The Malaysian Standard MS1500:2019

The Malaysian Standard MS1500:2019 is the Halal Food General Requirements standard, which sets guidelines for the entire halal food ecosystem in Malaysia in the aspects of

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production, preparation, handling, and storage. The third revision of the standard serves as a fundamental requirement for halal food products basic framework for manufacturers.
The main criteria of MS1500:2019 cover the manufacturing of halal foods and nutrient supplements. Its main purpose is to ensure that halal food products meet religious and ethical requirements.

5. Act 281 Food Act 1983
An analysis of the ACT 281 FOOD ACT 1983 by incorporating the latest amendment - Act A1266/2006 about Section 15. Labelling, etc., not complying with the standard prescribed for any food, any person who prepares, packages, labels, or advertises any food which does not comply with that standard commits an offence and is liable on conviction to imprisonment for a term not exceeding three years or to a fine or to both. Section 16. False labelling, etc. Any person who prepares, packages, labels or sells any food in a manner that is false, misleading or deceptive as regards its character, nature, value, substance, quality, composition, merit or safety, strength, purity, weight, origin, age or proportion or in contravention of any regulation made under this Act commits an offence and is liable on conviction to imprisonment for a term not exceeding three years or to fine or to both.

Section 14 (2) specifies, regulations made under this Act contain provisions prescribing the standard of any food or the composition of, or prohibiting or restricting the addition of, any substance to any food; a purchaser of the food shall, unless the contrary is proved, be deemed for this section to have demanded food complying with the provisions of such regulations. Section 16. False labelling, etc. Any person who prepares, packages, labels or sells any food in a manner that is false, misleading or deceptive as regards its character, nature, value, substance, quality, composition, merit or safety, strength, purity, weight, origin, age or proportion or in contravention of any regulation made under this Act commits an offence and is liable on conviction to imprisonment for a term not exceeding three years or to fine or to both.

Section 18 states the power of the court to order the licence to be cancelled and the food to be disposed of. (1) On the conviction of any person of any offence under this Act, the court may lawfully impose or cancel any licence issued to such person under this Act or any regulation made thereunder. (2) Where a person has been convicted of an offence under this Act, the court may order any food of a similar nature belonging to or in the possession of the convicted person or anything found with such food to be forfeited, and upon such order being made, such food or things may be disposed of as the court directs.

The Section 19 on Prosecutions; (1) if an offence under this Act has been committed, an authorised officer may, subject to section 377 of the Criminal Procedure Code [Act 593] and section 32A, take proceedings under this Act before any court having jurisdiction in the place where the food sold was actually delivered to the purchaser or the sample thereof taken.

The Sections 14, 15, 16 and 18 of the ACT 281 FOOD ACT 1983 imposed stringent rules and procedures for labelling manipulation.

In addition, Section 23 of the ACT 281 FOOD ACT 1983; No defence that the offence was not wilfully committed. The provisions of this Act or of any regulation made thereunder, it shall be no defence that the defendant did not act wilfully unless he also proves that he took all reasonable steps to ascertain that the sale of the food would not constitute an offence against this Act or against any regulation made thereunder.

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The Regulation 11. Particulars in labelling. (1) Every package containing food for sale bear on it a label containing the following particulars, namely - (a) the appropriate designation of the food or a description of the food containing the common name of its principal ingredients; (c) where the food contains beef or pork, or its derivatives, or lard, a statement as to the presence in that food of such beef or pork, or its derivatives, or lard, in the form – CONTAINS (state whether beef or pork, or its derivatives, or lard, as the case may be)" or in other words to this effect; (d) where the food contains added alcohol, a statement as to the presence in that food of such alcohol, in capital bold-faced lettering of a non-serif character not smaller than 6 point, in the form- "CONTAINS ALCOHOL" or in any other words to this effect.

The Regulation 15: Statement of strength of ingredient. Where the standards of strength, weight or quantity, as the case may be, of any ingredient or part of any food are mentioned on the label, unless otherwise provided in these Regulations, "per cent" shall mean per cent by weight, "parts per million" shall means parts per million by weight, and "parts per billion" shall mean part per billion by weight.

As for the ALCOHOLIC BEVERAGE, Regulation 361 on the general standard for alcoholic beverages. (1) An alcoholic beverage shall be a liquor containing more than 2 per cent v/v of alcohol and includes the food for which a standard is prescribed in regulations 362 to 384, 386, and 386A, but does not include denatured spirit or any liquor or any preparation containing more than 2 per cent v/v of alcohol for which medicinal properties are claimed.

6. The ANIMAL RULES 1962 (Empowered Under Section 8)
Approval to Import a. Application for importation of the animals into Malaysia shall be made in writing to the Director General of Department Veterinary Services (DVS) Malaysia (hereinafter referred to as the Director General) or to Director of State Veterinary Services (Director) and an import permit shall be obtained from the Director General or the Director, before departure of the animals from the country of export. Clause 5. a. specifies that all animals shall be slaughtered in approved abattoirs as determined by DVS.

Problem Statement

The high-profile scandals of manipulation of Islamic branding, deceiving and exploiting halal certifications, and spreading of product and service misinformation reveal gaps in monitoring, inter-agency coordination, and public understanding of what the halal logo truly represents.
The central problem addressed in this article is the manipulation of Islamic branding and halal certification in Malaysia, a phenomenon that threatens religious integrity, consumer protection, and the nation's standing as a global halal leader. Some of the dimensions of fraudulent or misleading practices reported consisting of; Forged or Expired Logos – Producers counterfeit the official JAKIM halal logo or continue to use an expired certificate to give the false impression of compliance; Misleading Islamic Symbols and Phrases – Arabic calligraphy, mosque imagery, Quranic verses, and terms such as "Muslim-Friendly" or "No Pork, No Lard" are used, advertised and deployed in manipulating the Muslim consumers on the their halal status even though the products in terms of raw material and production do not comply with the legal or religious requirements; Exploitation of Muslim-Sounding Brand Names – where irresponsible companies adopt names associated with respected Muslim entrepreneurs or insert Jawi script to create an aura of authenticity to stimulate purchases amongst the Muslim consumers.

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This qualitative research integrates statutory analysis, case study examination, and secondary data review to explore the manipulation of Islamic branding in Malaysia. It involves a systematic analysis of legislation and regulations, and administrative guidelines related to halal certification and consumer protection. It is also a comparative legal perspective, where the halal governance models practised by Indonesia and Brunei are used to contextualize Malaysia's regulatory framework and identify best practices. This approach provides a comprehensive understanding of the legal, institutional, and socio-economic dimensions of halal branding manipulation as evidence-based recommendations for the reformation of halal standards and regulations in Malaysia.

These halal manipulations and misleading of Islamic branding actions exploit consumer trust and the economic premium of halal goods. It has further imposed significant costs: erosion of public especially the Muslim consumer trusts and confidence towards the products with prohibited ingredients, exhibit potential health, and lead reputational damage to Malaysia's halal exports (Abdullah, M., Rahman, N. A., & Ismail, M., 2022; Karim, R., & Aziz, F., 2024; Ismail, S., & Hassan, N., 2024; Puat, N. S., & Kartika, M. A.,2024). Some of the challenges and issues of the Halal food industry are to guarantee full compliance with the MS1500:2009 halal standard on cleanliness, hygiene, and food safety aspects during the manufacturing and preparation of halal food and ensure they are halal at the time of consumption; implement a traceability system at each stage of the halal food manufacturing process, from acquiring the raw material to distributing and selling till the product reaches customer and fulfil obligation in fulfilling customers' faith; maintain halal status throughout the supply chain where halal food items should be physically separated from non-halal goods and components at all times as it increases the potential for cross-contamination during the mixing, adulteration, mislabelling, and killing in violation of Sharia law, all of which are serious in the halal food market (Shaharuddin, Norman, & Hamid, 2025).

In this paper, these reported cases in Malaysia are analysed in connection to the key legal instruments include the Trade Descriptions Act 2011 (Act 730), Trade Descriptions (Amendment) Act 2021, Trade Descriptions Order (Halal Certification and Marking) 2011, Food Act 1983, the Animal Rules 1962, Food Regulations 1985, Animals Act 1953 (Revised 2006), Consumer Protection Act 1999 and Food Regulations 1985 and, the Malaysian Standard MS1500 and other non-statutory rules and regulations. These statutes are analysed in terms of their scope, enforcement provisions, and institutional mandates.

Secondary data sources include academic literature, government reports, media coverage, and industry publications. Scholarly works by Abdullah et al. (2022), Puat & Kartika (2024), and others provide critical insights into enforcement challenges, micro-enterprise barriers, and consumer behaviour.

Malaysian media have documented a succession of incidents illustrating the persistence and evolution of the problem:

1. 2020 & 2021 – The "Meat Cartel" Scandal

Berita Harian and other outlets reported that an organised syndicate had been importing non-halal frozen meat, repackaging it with counterfeit halal logos, and distributing it nationwide. JAKIM and enforcement agencies conducted raids, seized shipments, and initiated prosecutions under the Trade Descriptions Act. Still, public concern over the integrity of halal-certified meat has escalated, creating chaotic conditions in halal disputes.

Volume: 11 Issues: 85 Special Issue [August, 2026] pp. 847 - 871
Journal of Islamic, Social, Economics and Development (JISED)
eISSN: 0128-1755
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The Revelation in December 2020 of a meat cartel that had been operating for decades, importing non-halal meat from countries like China, Brazil, and Ukraine, where meats were illegally marketed, repackaged, and relabelled in Malaysia with fake halal logos in a warehouse in Johor. The scandal caused public outrage and shattered consumers' trust, as the cartel's activities had operated illegally for approximately 40 years. There was an involvement of government officials who were implicated for accepting bribes kept silent towards the illegal operation. The warehouse was raided, leading to the seizure of RM30 million worth of frozen meat. Investigations resulted in the charging of company directors under the Trade Descriptions Act 2011 for falsifying halal logos. Its impact exposed significant weaknesses in the enforcement and oversight of halal imports, prompting consumer groups to demand greater transparency and accountability from certification bodies.

2. 2023 – Non-Bumiputera Dominance in Halal Certification

JAKIM disclosed that nearly 59 percent of valid halal certificates were held by non-Bumiputera (largely non-Muslim) companies. While perfectly lawful and in many respects positive, this statistic, reported by The Star, New Straits Times, Sinar Daily, and other media, has sparked debate about the adequacy of monitoring and the need to ensure strict compliance among non-Muslim manufacturers or producers eager to tap the lucrative of Muslim market by misleading through the usage of terms, the so-called "Halal" and Islamic branding manipulation to penetrate the market to maximize the companies earning.

3. 2024 – Misleading Branding Terms and Regulatory Debate

In October 2024, the Selangor Islamic Religious Department (JAIS) warned businesses that labels such as "Muslim-Friendly" or "No Pork, No Lard" constitute deception when used without a valid certification. The Malaysian Islamic Development Department (Jakim) has nullified a total of 3,068 Malaysian halal certifications (SPHM) due to various non-compliance issues with halal certification requirements and standards (NST Oct 12, 2024).

The nullifications due to serious violations of Shariah or technical standards at certified premises, as outlined in Clause 32 of the Malaysian Halal Certification Manual 2020. It is a continuous monitoring by Jakim and other relevant authorities in tackling halal logo misuse and fraud.

4. Cooking Oil – AFP Fact Check

The misinformation on May 15, 2025, via a viral social-media claim, alleged that a popular cooking oil brand lacked halal status. Based on the AFP Fact Check, it was proven that the claim was false. It was claimed that the Malaysian cooking oil brand is non-halal. It was a screenshot of a bag of Kanggaru cooking oil. But the manufacturer said it did not print the logo because it was pending government approval, which has since been granted and is valid until 2027. This has demonstrated that misinformation can damage a brand's reputation as severely as genuine fraud.

5. Cadbury Chocolate DNA Contamination Issues

The earlier controversies include the Cadbury chocolate DNA scare (NST, Oct 31 2014), the Malaysian Muslim Consumers Association and Malaysian Muslim Wholesalers and Retailers Association have called for a boycott of all Cadbury products.
The two associations contended that Cadbury, as a company trusted by many for decades, had not only violated the Food Act, but also public trust after traces of porcine DNA were found in two of its products, adding that the company should have had prior knowledge since it had test

mechanisms and facilities. In addition, the Starbucks emulsifier rumour, the Auntie Anne's "Pretzel Dog" dispute, and the long-running Johor meat-import syndicate caused chaos in Malaysia. Thus, these fraudulent halal non-stop issues need to be addressed collectively (Abdullah, M., Rahman, N. A., & Ismail, M., 2022).

6. The "Ham Sandwich" Scandal (2025)

The manipulation of food labelling case about the fake halal certification, on the unauthorized use of a halal logo concerning sandwiches sold at a convenience store. The incident occurred in early 2025, when a student posted the issue on social media, and it went viral after questioning the halal logo stated on a "ham and cheese" sandwich sold at a KK Super Mart convenience store located on a university campus. An investigation held by the Department of Islamic Development Malaysia (JAKIM) further claimed that the company did not possess a valid halal certification. The use of fake halal logo violates trade laws. It has sparked chaos and strong reaction from Malay nationalist politicians who accused the chain of "belittling Islam." The term "ham" is traditionally associated with pork, and while the sandwich's meat was not mentioned and the usage of the halal logo was a serious offense. The scandal created suspicion in the halal certification system where public demanded for heavier fines for the misuse of halal logos. Fines for this offense under the Trade Descriptions Act can reach up to RM200,000 for companies. Lab tests have confirmed that no pork DNA was found in sandwiches at the centre of a halal logo controversy, but the company and its director still face 14 charges over alleged unauthorised certification. The company and its director each face six charges under Paragraph 8(b) of the Trade Descriptions (Certification and Marking of Halal) Order 2011 for allegedly offering products with an unauthorised halal logo. They are also charged under Section 102(1)(c) of the Trademarks Act 2019 for using Malaysia's registered halal logo without approval from the trademark owner (Jakim) on 366 sandwich packages. Both Shake and Bake Cafe and its managing director, Ewe Sarn Yeun, are currently on trial for alleged improper use of the halal logo. Unauthorised use of the halal logo is an offence under the Trade Descriptions Act 2011 and carries strict penalties. The incident sparked an immediate and strong reaction from Malay nationalist politicians, who accused the chain of "belittling Islam." The social media post went viral, sparking public outrage and prompting Universiti Malaya to take swift action by temporarily closing two KK Mart outlets on campus. This decisive step underscored the gravity of halal labeling issues in Malaysia, where strict adherence to halal standards is critical for consumer trust. Fines for this offense under the Trade Descriptions Act can reach up to RM200,000 for companies (NST, 16 Jan 2025; Malay Mail, 16 Feb 2025; Halaltimes.com; Week-Asia).

7. Slaughterhouses Controversies

The other relevant case was reported on March 13, 2025, in the NST pertaining to chicken slaughterhouses found in filthy conditions, poultry piled on the floor, and premises found to be dirty and foul-smelling. It was a collaborative raid between the Domestic Trade and Consumer Affairs Ministry, the Halal Management Division of the Department of Islamic Development Malaysia (Jakim), and the Immigration Department in Kampung Cheras Baru. The operation had seized 3,200 kg of chicken, valued at RM27,938, after receiving information regarding suspicious sales of substandard chicken at various food courts around Kuala Lumpur. In another operation carried out by the Selangor Ministry of Domestic Trade and Cost of Living (KPDN) together with the Selangor Islamic Religious Department (JAIS) last night (Oct, 29), various non-compliance with halal procedures and health aspects were also found at the location. The raid was carried out after receiving public complaints against the slaughter premises. It was found that the slaughtering process was carried out outside the premises and

Volume: 11 Issues: 85 Special Issue [August, 2026] pp. 847 - 871
Journal of Islamic, Social, Economics and Development (JISED)
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this is a repeated mistake committed by this company, major non-compliance, the absence of halal inspectors for the slaughtering process, and violations of Good Manufacturing Practices (Hygiene), (Berita RTM, Oct 29, 2024).

These HALAL manipulations are a wake-up call for the entire halal industry in Malaysia. The key lessons learned from these incidents justify the importance of Halal Compliance of Product Certification, which is beyond individual ingredients to encompass the entire product and its production processes. There is a critical need for stricter enforcement: Regulatory bodies like JAKIM must intensify their management and monitoring efforts to prevent the misuse of halal logos and certifications. The drastic increase in consumer awareness and vigilance towards halal certification contributes to the crucial need to utilize tools like JAKIM's Halal Malaysia app to verify the authenticity of halal certifications.

Further revelations of structural weaknesses in manipulation are difficult to curb in the Micro-Enterprise settings. As documented in the study by Puat & Kartika (2024), many micro- and small-scale Muslim businesses struggle to afford or navigate the halal-certification process. Their absence from the certified sector leaves market space for less scrupulous actors and complicates supply-chain oversight. Furthermore, the complex Global Supply Chains in which Malaysia imports significant quantities of meat and processed ingredients highlight how multi-tiered international sourcing makes verification difficult and provides opportunities for fraudulent substitution. In the aspects of fragmented enforcement powers, although the Trade Descriptions Act 2011 grants authority to prosecute false trade descriptions, JAKIM itself lacks independent prosecutorial powers and must rely on the Ministry of Domestic Trade and Cost of Living for legal action. This division can delay or dilute enforcement.

A supporting study by Puat & Kartika (2024) indicated constraints related to financial and procedural obstacles that discourage small and micro-scale Muslim businesses from applying for halal certification due to the high cost, in respect of the application fees, needs for infrastructure upgrading, and compliance audits could restrain micro-enterprises with slim margin operation. The complexity of technical requirements in the implementation of the Internal Halal Control System (IHCS) requires expertise, whereby entrepreneurs have only a general and limited understanding of halal certification. These barriers lead to a significant segment of the domestic market being uncertified and the exploitation of Islamic branding, without oversight. The researchers recommended offering subsidised fees, simplifying the Halal procedures for micro-enterprises, and providing extensive training on IHCS principles. These findings identify gaps at the lower end of the supply chain of the entire halal ecosystem.

The Article Aims

This study aims to examine the halal branding manipulation in Malaysia, including the use of fake Halal logos, misleading Islamic symbols, and deceptive marketing language. It is also to critically analyze the present statutory and regulatory framework governing halal certification and branding, which emphasizes on Trade Descriptions Act 2011, Trade Descriptions (Amendment) Act 2021, Food Act 1983, Consumer Protection Act 1999, Animal Rules 1962, and Malaysian Standard MS1500:2019, and other non-statutory rules and regulations.

It examines the enforcement mechanisms and institutional coordination among key regulatory bodies such as JAKIM, the Ministry of Domestic Trade and Cost of Living (KPDN), and State Islamic Religious Departments (JAIN/MAIN). Finally, it proposes legal and policy

Volume: 11 Issues: 85 Special Issue [August, 2026] pp. 847 - 871
Journal of Islamic, Social, Economics and Development (JISED)
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recommendations, technological, and policy reforms to further strengthen halal governance and halal trade practices.

Research Method
This is a qualitative study with an integration of statutory analysis, case study examination, and secondary data review to examine the manipulation of Islamic branding in Malaysia. It involves a systematic analysis of primary legislation, subsidiary regulations, and administrative guidelines relevant to halal certification and consumer protection.

The key legal instruments examined are the Trade Descriptions Act 2011, Trade Descriptions Order (Halal Certification and Marking) 2011, Food Act 1983, Animal Rules 1962, Consumer Protection Act 1999, and Malaysian Standard MS1500:2019. These statutes are analysed in terms of their scope, enforcement provisions, and institutional mandates in association with the Halal perspectives, where related clauses and sub-clauses and sections and sub-sections are highlighted with respect to the selected cases. Secondary data sources such as academic literature, government reports, media coverage, and industry publications would provide critical insights into enforcement challenges, barriers, and consumer behaviour and perceptions.

The methodology also incorporates a comparative legal perspective on the governance models from Indonesia and Brunei to contextualize Malaysia's regulatory framework and Halal management and practices. This approach enables a comprehensive understanding of the legal, institutional, and socio-economic dimensions of halal branding manipulation and provides evidence-based recommendations for the reformation of the current practices and applications of the legal and regulatory foundations and enforcements.

Discussion
The manipulation of Islamic branding within Malaysia's halal industry continues to raise serious ethical, legal, and consumer trust concerns. Despite the existence of a comprehensive halal certification framework under the Trade Descriptions Act 2011 (Act 730) and the Malaysian Standard MS1500:2019, cases of fraudulent halal labeling, misuse of Islamic symbols, and deceptive marketing persist. Non-Muslim producers, motivated by profit and the growing halal consumer market, often misuse Islamic elements such as Arabic calligraphy, mosque imagery, and the halal logo to create an impression of authenticity, misleading Muslim consumers into believing their products comply with halal standards.

One of the most significant cases was the 2021 "meat cartel" scandal, as reported by Berita Harian and the New Straits Times. A company was accused of importing non-halal frozen meat, repackaging it with counterfeit halal logos, and distributing it nationwide. Investigations revealed corruption, falsified documentation, and abuse of import permits. The scandal exposed gaps in coordination between customs authorities, the Ministry of Domestic Trade (KPDN), and the Department of Islamic Development Malaysia (JAKIM). Public outrage followed, as the incident undermined consumer trust and damaged Malaysia's global halal reputation. It also highlighted weaknesses in enforcement, as penalties under the Trade Descriptions Act 2011 were not sufficient to deter such large-scale fraud.

In another notable case, The Star (Jan 25, 2025) reported that Ewe Sarn Yeun, a non-Muslim pastry firm director, was charged for using a halal logo without valid certification. This case demonstrated how halal-related symbols can be exploited for commercial advantage. While the offender was prosecuted, the relatively minor penalties compared to the profits earned through

Volume: 11 Issues: 85 Special Issue [August, 2026] pp. 847 - 871
Journal of Islamic, Social, Economics and Development (JISED)
eISSN: 0128-1755
Journal website: academicinspired.com/jised
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deceptive branding indicate that stronger deterrent measures are necessary. Turnover-based penalties and stricter prosecution powers for JAKIM could prevent similar incidents.

On the branding and labelling controversies, in August 2025, the Selangor Islamic Religious Department (JAIS) announced that phrases such as "Muslim-Friendly," "No Pork, No Lard," or similar Islamic-sounding descriptors constitute a false trade description when used without a valid halal certification. Numerous food outlets promoted these terms without obtaining halal certification, misleading Muslim consumers. Authorities such as the Selangor Islamic Religious Department (JAIS) clarified that these phrases are deceptive because they do not ensure full compliance with halal requirements (FreeMalaysiaToday, Aug 20, 2025). Non-Muslim businesses are not required to obtain halal certification; however, deliberately using religiously suggestive terms remains a violation under the Trade Descriptions Act 2011. This case reinforces the need for clearer legal definitions and stronger monitoring of branding practices that may mislead consumers.

The issue of halal manipulation is not unique to Malaysia. Indonesia and Brunei offer valuable comparative insights. Indonesia's Halal Product Assurance Law 2014 requires mandatory halal certification for consumable products, regulated by the Badan Penyelenggara Jaminan Produk Halal (BPJPH), a centralized authority that oversees inspections and certification. This model enhances traceability and reduces fraud. Likewise, Brunei's Halal Certificate and Halal Label Order 2005 places the entire certification process under one integrated system supervised by the Ministry of Religious Affairs, ensuring transparency and accountability at every production stage. Malaysia, in contrast, faces administrative fragmentation between JAKIM and KPDN, which can delay investigations and weaken enforcement. A unified halal enforcement council could streamline communication and strengthen consistency across state and federal jurisdictions.

From a socio-economic perspective, the halal industry contributes significantly to Malaysia's economy, attracting Muslim and non-Muslim consumers who perceive halal products as clean, safe, and ethically produced. Thus, manipulation of Islamic branding not only threatens religious integrity but also undermines market credibility and export competitiveness. Ethical violations and misrepresentation may discourage foreign investors and erode Malaysia's reputation as a global halal leader.

Corporate accountability remains a crucial aspect of this discussion. Many non-Muslim producers treat halal certification as a marketing strategy rather than a moral responsibility. This perception leads to negligence and, at times, deliberate misconduct. Continuous education and awareness programs for non-Muslim business owners are necessary to promote understanding of halal principles and encourage compliance. Collaborative efforts between JAKIM, KPDN, and industry stakeholders are also essential to ensure consistent enforcement and to support companies in meeting certification standards.

Technological innovation plays an increasingly important role in preventing halal fraud. Implementing blockchain-enabled traceability and digital halal verification systems can help track the authenticity of products from source to consumer. Such technologies can provide consumers with immediate access to certification information, reducing dependency on physical logos that may be forged. Integrating these systems into JAKIM's halal certification database would enhance transparency and efficiency, positioning Malaysia as a global leader in halal governance.

Volume: 11 Issues: 85 Special Issue [August, 2026] pp. 847 - 871
Journal of Islamic, Social, Economics and Development (JISED)
eISSN: 0128-1755
Journal website: academicinspired.com/jised
DOI: 10.55573/JISED.118559

Lessons from Indonesia and Brunei demonstrate that centralized oversight, higher penalties, and continuous monitoring are key to maintaining consumer confidence. Strengthening JAKIM's authority, increasing penalties to reflect corporate turnover, and expanding digital traceability would ensure long-term protection of halal integrity. Ultimately, preserving the Halalan-Tayyiban values of purity, safety, and honesty is vital not only for Muslim consumers but also for sustaining Malaysia's identity as a trusted global halal hub.

The Department of Islamic Development Malaysia (Jakim) has indicated that almost 72 per cent or 165,026 out of a total of 229,204 products with halal certifications are owned by non-Muslim companies, while only 37,466 are Bumiputera products based on data from 2021 to April 10, 2023. The latest data reveals that only 41 per cent of Muslim Bumiputera entrepreneurs showed interest in obtaining the certificate. As per JAKIM's own statistics, by 2023, almost 60 per cent of certificate holders were non-Bumiputera companies. This view of halal certification as a strategic necessity reinforces the market value of the logo and thus increases the temptation to misuse it
(SinarDaily, 12 June 2023).

Malaysian Muslim consumers rely on visual cues such as official logos, Arabic script, and mosque imagery to represent halal authenticity. Research by Yener, D. (2022) found that many Muslim shoppers chose packaging that contains Islamic symbols. The fact that consumers prefer halal products. The certification of halal products and product types affects consumer behaviour.

Although Malaysia's regulatory framework is internationally respected, several structural issues limit its deterrent effect in association with the fragmented Legal Provisions. The Manipulation of Halal Logo offences are scattered across the Trade Descriptions Act 2011 (Act 730), the Food Act 1983, the Food Regulations 1985, and the Consumer Protection Act 1999. This dispersion creates a complicated prosecution and creates jurisdictional overlaps. Due to these drawbacks, stronger statutory definitions of "halal misrepresentation" should be critically defined and concluded, the execution of turnover-based fines for corporate offenders, and a consolidated halal statute or a dedicated chapter within the TDA 2011 to unify enforcement are crucial. As for the fixed penalties, the current maximum fines, though substantial for micro-enterprises, may be negligible for large corporations or multinational brands. Scholars have argued for turnover-based penalties so that the financial risk scales with company size, specifically for Macro-Enterprises. Certification gaps among Micro-Enterprises, based on a study by Puat & Kartika (2024) often considered costly and complex, leaving a sizeable informal sector outside the official halal system. These gaps should be addressed as they create openings for misleading branding and complicate supply-chain verification.

Halal manipulation threatens more than consumer trust; it can harm Malaysia's national economy and international reputation. Malaysia markets itself as a global halal hub. Scandals such as the meat-cartel case or even widespread rumours can lead foreign buyers to question the integrity of Malaysian certification, potentially reducing demand for Malaysian halal exports.

These realities demand a regulatory response that goes beyond incremental enforcement. The following section, therefore, sets out specific legal and policy recommendations designed to strengthen the Trade Descriptions Act 2011 & Trade Descriptions (Amendment) Act 2021,

Volume: 11 Issues: 85 Special Issue [August, 2026] pp. 847 - 871
Journal of Islamic, Social, Economics and Development (JISED)
eISSN: 0128-1755
Journal website: academicinspired.com/jised
DOI: 10.55573/JISED.118559

which amended the existing Trade Descriptions Act 2011 (Act 730), which empowers JAKIM, and protects the integrity of Malaysia's halal economy.

Critical Synthesis on Conflicting and Unresolved Issues in Halal Branding Governance

Although Malaysia is widely recognised as a global leader in halal governance, the persistence of halal brand misrepresentation continues to reveal structural and conceptual gaps that remain insufficiently addressed in existing scholarship and regulatory debates. Much of the current literature adopts a descriptive or doctrinal approach, focusing on statutory provisions, certification procedures, or isolated enforcement cases. However, such approaches often fail to synthesise how legal design, institutional capacity, commercial incentives, and consumer perception interact within the context of misleading Islamic branding practices. This lack of integration has resulted in fragmented analyses of its occurrence within the halal market, rather than examining how such violations persist despite the presence of a robust legal framework.

A critical gap lies in the disconnect between legal sufficiency and enforcement effectiveness. The Trade Descriptions Act 2011 (Act 730) and Malaysian Standard MS1500:2019 provide comprehensive definitions and regulatory mechanisms for halal compliance. On paper, these instruments appear adequate to prevent misrepresentation. Yet, repeated scandals—most notably the nationwide meat cartel case and recurring misuse of halal logos—demonstrate that statutory existence alone does not translate into effective deterrence.

Another unresolved tension concerns the ambiguous institutional authority of JAKIM. While JAKIM functions as Malaysia's principal halal certification body, its enforcement powers remain constrained, requiring reliance on other agencies such as the Ministry of Domestic Trade (KPDN) for prosecution. Scholarly discussions frequently acknowledge JAKIM's central role in certification but do not critically examine how this institutional limitation undermines regulatory coherence. The absence of a unified enforcement mandate creates procedural delays, weakens accountability, and diffuses responsibility across multiple agencies. This fragmentation raises unresolved questions as to whether halal governance should remain administratively decentralised or be consolidated under a single enforcement authority, as practised in jurisdictions such as Indonesia and Brunei. Non-Muslim businesses may legally operate within the halal market; however, the deliberate use of Islamic imagery, Arabic terminology, or religious symbolism without proper certification exploits consumer trust. Current scholarship often treats this issue as a matter of marketing or consumer protection per se, rather than as a critical problem of religious commodification. Consequently, it does not fully resolve whether Islamic symbols should be legally classified as protected religious identifiers or treated as neutral branding tools subject only to general consumer laws.

In addition, the digitalisation of information and misinformation further complicates the issue. Social media platforms enable the rapid dissemination of halal-related claims, both accurate and false, often beyond the reach of traditional regulatory oversight. Existing legal frameworks primarily apply to physical goods and conventional advertising, leaving significant gaps in responsibility, verification, and enforcement within digital spaces. Academic engagement with halal governance has yet to fully incorporate the implications of online misinformation, algorithmic amplification, and reputational harm caused by unverified claims.

Another unresolved issue concerns the proportionality of penalties. Sanctions under the Trade Descriptions Act 2011 are largely fixed and do not take into account corporate turnover or the

Volume: 11 Issues: 85 Special Issue [August, 2026] pp. 847 - 871
Journal of Islamic, Social, Economics and Development (JISED)
eISSN: 0128-1755
Journal website: academicinspired.com/jised
DOI: 10.55573/JISED.118559

scale of operations. From a regulatory perspective, this creates a moral hazard, as penalties may be treated as operational costs rather than as effective deterrents. Without the introduction of turnover-based fines or enhanced punitive measures, the legal framework remains practically limited in its deterrent capacity.

Comparative experiences from Indonesia and Brunei further illuminate these unresolved tensions. Indonesia's mandatory halal certification regime under the Halal Product Assurance Law 2014 centralises authority and enhances traceability, while Brunei's integrated halal governance model places enforcement firmly under religious authorities. These systems reduce ambiguity in enforcement roles and minimise opportunities for symbolic exploitation.
These gaps are not merely regulatory insufficiencies but reflect a broader structural misalignment between law, institutions, markets, and meaning.

Accordingly, this study contributes to the literature by advancing a holistic socio-legal synthesis that connects statutory design, enforcement capacity, commercial incentives, symbolic communication, and digital risk. By identifying unresolved issues and underlying assumptions within existing frameworks, it moves beyond descriptive analysis towards an integrated explanation of systemic failure.

A Comparative Analysis of Malaysian Legal Instruments Governing Halal Integrity

This study operationalises comparative analysis through a functional and thematic approach, focusing on how different regulatory designs influence the effectiveness of halal governance and the prevention of Islamic brand misrepresentation. Rather than comparing jurisdictions in their entirety, the analysis is structured around three specific dimensions: legal framework design, institutional enforcement authority, and regulatory outcomes.

First, at the level of legal framework design, Malaysia, Indonesia, and Brunei each possess formal statutory instruments governing halal certification. However, the scope and mandatory nature of these instruments differ significantly. Malaysia's Trade Descriptions Act 2011 and Malaysian Standard MS1500 establish halal standards but do not mandate universal certification. In contrast, Indonesia's Halal Product Assurance Law 2014 imposes mandatory halal certification for consumable goods, while Brunei's Halal Certificate and Halal Label Order 2005 integrate halal requirements directly into national religious governance. This comparison highlights how voluntariness versus compulsion influences levels of compliance behaviour and enforcement effectiveness.

Second, the comparison examines institutional authority and enforcement structures. In Malaysia, halal certification and enforcement responsibilities are distributed across multiple government agencies, with JAKIM responsible primarily for certification and heavily reliant on other authorities for prosecution. This arrangement contributes to procedural delays and weakens regulatory coherence. Conversely, Indonesia centralises halal governance under the Badan Penyelenggara Jaminan Produk Halal (BPJPH), while Brunei consolidates both certification and enforcement under the Ministry of Religious Affairs. Such centralised institutional arrangements reduce ambiguity, strengthen accountability, and limit opportunities for the symbolic exploitation of Islamic branding.

Third, the analysis evaluates regulatory outcomes, particularly in terms of deterrence and consumer trust. Malaysia's fixed penalty structure under the Trade Descriptions Act 2011 has

Volume: 11 Issues: 85 Special Issue [August, 2026] pp. 847 - 871
Journal of Islamic, Social, Economics and Development (JISED)
eISSN: 0128-1755
Journal website: academicinspired.com/jised
DOI: 10.55573/JISED.118559

been criticised for failing to deter large-scale corporate violations, as penalties do not reflect turnover or commercial gains. In contrast, Indonesia and Brunei adopt enforcement models that combine legal sanctions with reputational and administrative consequences, thereby creating stronger compliance incentives. This comparison demonstrates that regulatory effectiveness depends not only on the existence of legal provisions, but also on the extent to which enforcement mechanisms align with market incentives. By conducting the comparative analysis across these dimensions, the study moves beyond illustrative references and demonstrates how structural differences in halal governance produce divergent regulatory outcomes. It identifies key functional elements—such as centralised enforcement authority and mandatory certification—that may strengthen Malaysia's halal governance framework. This systematic approach enhances analytical precision and enables more meaningful comparative insights to inform legal reform and policy development. A critical comparison of these instruments demonstrates that although each law addresses specific dimensions of halal integrity, none is independently sufficient to curb the persistent misuse of Islamic branding. However, when strategically aligned, their combined strengths offer a viable pathway to overcoming existing regulatory gaps.

1. Trade Descriptions Act 2011 (Act 730)
The Trade Descriptions Act 2011 is the principal statute governing false, misleading, or deceptive trade practices in Malaysia, including the misuse of halal representations. Its primary weakness lies in its generalist nature. While the Act criminalises false trade descriptions, it does not exclusively focus on halal-related misrepresentation, nor does it explicitly regulate the symbolic use of Islamic imagery, terminology, or religious cues in branding. Furthermore, the Act's fixed penalty structure has been criticised for lacking proportionality, particularly when applied to large-scale corporate offenders who derive substantial profits from deceptive halal branding.

2. Trade Descriptions Order (Halal Certification and Marking) 2011
The Trade Descriptions (Halal Certification and Marking) Order 2011 specifically regulates the use of halal certification and logos. Its key weakness is its limited scope, as it primarily governs certified entities and officially recognised halal marks. This creates regulatory blind spots where businesses exploit religious symbolism or ambiguous terms such as "Muslim-friendly" or "No Pork, No Lard" without technically breaching the Order.

3. Food Act 1983
The Food Act 1983 focuses on food safety, hygiene, and public health rather than religious compliance. Its principal weakness in the halal context is that it does not explicitly address halal status, Islamic slaughter requirements, or religious misrepresentation. Consequently, enforcement under this Act may ensure food safety but fails to prevent halal deception.

4. Animals Rules 1962
The Animals Rules 1962 regulate animal handling, transport, and slaughter. A key weakness is their outdated structure, as the Rules were enacted prior to the modern halal industry and do not comprehensively incorporate contemporary halal slaughter standards. Additionally, enforcement tends to focus on animal welfare rather than religious compliance.

Nevertheless, the Rules provide an essential baseline for lawful slaughter practices, which can be aligned with halal requirements under MS1500 and JAKIM guidelines. Their strength lies

Volume: 11 Issues: 85 Special Issue [August, 2026] pp. 847 - 871
Journal of Islamic, Social, Economics and Development (JISED)
eISSN: 0128-1755
Journal website: academicinspired.com/jised
DOI: 10.55573/JISED.118559

in regulating pre-slaughter conditions, which are critical to ensuring halal validity when integrated with Islamic slaughter principles.

5. Consumer Protection Act 1999
The Consumer Protection Act 1999 addresses unfair practices, false representations, and consumer rights. Its weakness in halal governance lies in its consumer-centric framing, which treats halal misrepresentation primarily as an economic harm rather than a religious or ethical violation. This framing may understate the seriousness of Islamic brand manipulation.

6. Malaysian Standard MS1500:2019
The Malaysian Standard MS1500:2019 provides detailed technical guidelines on halal food preparation, processing, storage, and transportation. Its primary weakness is its non-legally binding nature, as it functions as a standard rather than enforceable legislation. Compliance is generally voluntary unless incorporated into certification requirements.

Individually, these legal instruments reveal gaps that allow halal brand manipulation to persist. Collectively, however, they offer a complementary regulatory architecture capable of addressing the multifaceted nature of halal misrepresentation. Act 730 and the Consumer Protection Act 1999 address deceptive branding and consumer harm; the Halal Certification Order and MS1500 establish religious and technical legitimacy; the Food Act 1983 and Animals Rules 1962 regulate safety and slaughter integrity.

The key challenge lies not in the absence of law, but in regulatory integration and enforcement coordination. Strengthening inter-agency collaboration, empowering JAKIM with enhanced enforcement authority, and adopting proportionate, turnover-based penalties would allow these instruments to function synergistically rather than in isolation. Through such integration, Malaysia can move from fragmented halal regulation toward a cohesive governance model that effectively curbs Islamic branding manipulation, protects Muslim consumers, and preserves the integrity of halal certification.

Recommendations
Drawing on statutory analysis, scholarly literature, and the series of cases described above, this section proposes a suite of reforms aimed at preserving the integrity of Malaysia's halal certification and branding.

1. Strengthen the Trade Descriptions Act 2011
Dedicated Halal Chapter or Stand-Alone Halal Act. There is a critical need to consolidate all halal-related provisions into a self-contained part of the TDA 2011 or enact a specific Halal Act. The current dispersion of offences across the TDA 2011, Food Act 1983, and Consumer Protection Act 1999 hampers enforcement.

The JAKIM Manual Procedure for Malaysia Halal Certification (Third Revision) 2014 contains a comprehensive Syariah Law and Halal Fatwa that could be converted into an enactment. JAKIM Malaysia has published 3 revised documents related to Halal certification: Malaysia Halal Certification Procedure Manual (Domestic) 2020, Malaysia Halal Management System 2020, and Malaysia Standard 2019, which will be implemented on 1st January 2021.

An "enactment" by a State Legislative Assembly, and its authority is restricted to that specific state, similar to how each state's sultan has jurisdiction over state-level Islamic religious affairs.

Volume: 11 Issues: 85 Special Issue [August, 2026] pp. 847 - 871
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Therefore, to convert JAKIM's manual procedures into state-level legislation, they would need to be enacted by each state's legislative assembly under the state's religious authority. The conversion is to give JAKIM's procedures legal force at the state level; they would need to be formally adopted and made into law by each state. This process is known as enacting them into an enactment by the State Legislative Assembly.

An enactment based on the JAKIM Manual Procedure can be more stringent than the current act, potentially including higher penalties, as the manual serves as a detailed guideline, and an enactment would solidify these procedures into law, allowing for greater enforceability and a broader range of punishments for non-compliance. The existing framework already supports such action; for instance, prosecution can occur under civil law with more severe penalties, and the Trade Descriptions Act 2011 places the burden of proof on the accused in certain cases.
The conversion of the Manual to an Enactment to make it more details and comprehensive, specifically on the legal terms and Syariah Manual's procedures, and establish it as the primary legal framework for Halal certification. It could strengthen penalties. The enactment can specify penalties beyond what the manual currently allows, which is typically the withdrawal of the Halal certificate. New penalties could include:

- Higher fines for violations.
- Imprisonment for severe or repeated offenses.
- Suspension or permanent revocation of business licenses.
- Prohibition from engaging in the Halal industry.

The proposed enactment would provide a legal mandate: The manual is a procedure; an enactment is a law that obliges compliance and allows for legal prosecution. A civil law enactment would allow for penalties to apply to both Muslim and non-Muslim communities. Therefore, converting the JAKIM Manual Procedure into an enactment with high penalties is a feasible step to strengthen Halal certification enforcement in Malaysia.

In summary, the JAKIM's procedures serve as a national standard; for them to have the binding legal authority of a law within a specific state, they must be legislated into an enactment by that state's legislative body, operating under the sultan's jurisdiction.

The used of so call "Islamic Brandings" should be more stringent by placing procedures that "Islamic Brandings" are only granted for those producers/manufacturers that are fully exercise of shariah law compliance as based on the brandings used, it has create confusions amongst the Muslim consumers or else specify on the product packaging the ownership of the company so as it leads the consumers to be more precautions when purchasing the products or services. It should be in place, especially for the non-Muslim producers to understand the syariah law and halal certification fatwa if they plan to use the Islamic branding. Thus, it could allow them to really comply with the Halal standards and act according to the Islamic standards.

The halal manipulation due to the non-understanding of the halalan-tayyiban principle and legality of the wholesomeness, cleanliness, and ethical sourcing should be inculcated amongst the non-Muslim producers. Misuse of the halal brands and logo ultimately shows disrespect towards Islamic law and can offend Muslim consumers. The violation of Islamic branding constitutes an unethical breach against the dignity of the Muslim community. This is crucial as it tampered with the religious principle and shows disrespect towards the Islamic religion and the Muslim communities. Stringent actions or penalties should be enforced for those using "Islamic Branding".

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Furthermore, the execution of penalties should be re-examined to consider based on Turnover-Based Penalties. It is advisable to replace or supplement fixed fines with penalties proportional to a company's annual turnover. This ensures deterrence for macro enterprises and multinationals for whom the current maximum fines may be negligible.

JAKIM needs to provide a statutory definition of "Halal Misrepresentation". The Malaysian Government, particularly JAKIM, must provide a clear, inclusive definition that captures forged logos, use of expired certificates, and the deployment of Islamic symbols or suggestive phrases intended to imply halal status without certification.

The Independent Prosecutorial Authority is crucial. It also requires amending the Act to allow JAKIM to bring prosecutions directly, rather than relying on the Ministry of Domestic Trade and Cost of Living. JAKIM Officers should be granted expanded Investigatory Powers to search-and-seizure powers comparable to those held by customs and food-safety officials.

The Digital Traceability and Consumer Verification is fundamental. The QR-Code or Blockchain Registry would provide a mandate that every halal certificate display a unique QR code linked to a real-time JAKIM database. Consumers could instantly verify a product's certification status, reducing reliance on easily forged static logos. In addition, JAKIM should also highlight food manufacturers or operators that are in the process of screening and getting approval to inform the consumers. As for the Public App Integration, it is appropriate to develop a free, multilingual smartphone application to enable quick verification and to report suspected violations.

It is compulsory to enforce the certified HALAL firms or organisations, particularly large importers and processors, to audit their foreign suppliers regularly, with documentary proof accessible to regulators. Mutual recognition and blacklisting actions are critical. It should have in place the criteria or specific requirements to be based upon when negotiating bilateral agreements with trusted foreign halal authorities, and publish a blacklist of non-compliant overseas suppliers to prevent illicit imports.

It is highly recommended that JAKIM offer Subsidised Certification Fees. The implementation of a sliding-scale fee structure or government grants to offset costs for micro-enterprises is necessary. Furthermore, it needs further diagnosis of all the rules and regulations to simplify the Internal Halal Control System (IHCS). Assistance in terms of providing templates, training, and digital tools to help small businesses maintain the necessary documentation and hygiene standards.

Public Awareness and Education should be in place by having the Consumer and Manufacturer/Producer Education Campaigns on HALAL perspectives. An aggressive dissemination of information for public awareness enhancement by launching regular campaigns explaining that "pork-free" or "Muslim-friendly" labelling does not equal halal certification and demonstrating how to use the digital verification system. The Malaysian Government and its agencies associated with Halal Certification providers and enforcers should cater to a wide industry outreach. It could be executed by creating a partnership with business associations to promote best practices and clarify legal obligations.
As for the regional harmonisation involving other countries, the ASEAN and the Organisation of Islamic Cooperation are to harmonise standards and share data on violators or lawbreakers amongst the food manufacturers or operations, thereby protecting Malaysia's export reputation.

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Conclusion

The integrity of Malaysia's halal certification and branding system stands as a cornerstone of both religious compliance and national economic identity. However, as this paper demonstrates, the persistent misuse of Islamic branding by non-Muslim producers has exposed legal and regulatory vulnerabilities that threaten consumer trust and the reputation of Malaysia's globally respected halal governance.

From the meat cartel scandal to the misuse of halal logos by non-certified producers, these cases underscore the commercial motivations driving unethical practices in the halal market. Despite the robustness of the Trade Descriptions Act 2011 (Act 730) and the Malaysian Standard MS1500:2019, and other statutory and non-statutory enforcement remains hindered by fragmented jurisdictional authority, limited penalties, and gaps in digital oversight. The manipulation of Islamic symbols and Arabic calligraphy, while subtle, also reveals a moral and cultural dimension of the problem, where commercial profit is pursued at the expense of religious dignity and consumer rights.

This study has shown that addressing the Halal manipulation requires a holistic and multi-layered approach. Legislative reform, particularly the introduction of turnover-based penalties and the recognition of JAKIM as an enforcement authority are critical step toward stronger deterrence. Technological modernization through blockchain-enabled halal traceability, coupled with the creation of a centralized enforcement council, would further enhance inter-agency efficiency and transparency.

Equally important is the empowerment of consumers through education and accessible verification tools, fostering an environment of shared accountability in safeguarding halal authenticity. In an era of globalization, where the halal industry extends far beyond religious boundaries, Malaysia's continued leadership depends on its ability to combine legal precision, administrative integrity, and ethical commitment.

Future Research Directions

Future studies should explore comparative analyses between Malaysia's halal enforcement framework and international models—such as those in Brunei, Indonesia, and the United Arab Emirates—to identify adaptable best practices. Further empirical research could also examine the role of technology, particularly artificial intelligence and blockchain, in detecting halal fraud and ensuring real-time transparency across complex global supply chains. Additionally, interdisciplinary collaborations between law, business, and religious studies scholars will be essential in shaping sustainable policy innovations that uphold the halalan-tayyiban principles central to Islamic commerce.

This review highlights areas where further study would strengthen both scholarship and policy, specifically on the macro-enterprise compliance studies. Systematic empirical research on how large Malaysian corporations implement internal halal control systems and manage multi-tier supply chains should be shared with other industries at the micro level. The recommended digital verification efficacy is to be executed by establishing the pilot projects using blockchain or other traceability technologies, and needs to be evaluated for cost, scalability, and consumer adoption with the involvement of the Malaysian Government and related agencies.

Consumer behaviour in the age of misinformation requires academicians to conduct more research to produce a detailed analysis of how social-media rumours influence purchasing decisions and how rapid fact-checking can mitigate damage. Thus, the necessary rules and regulations should be added to curb the chaotic business environment. From time to time, a comparative work examining how ASEAN neighbours structure penalties and mutual recognition agreements could guide Malaysia's own reforms in order to enhance and upgrade the enforcement and regulations.

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