

HALAL-RELATED FOOD CRIMES: CONCEPT AND MITIGATION STRATEGIES

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Abstract	<p><i>Food crime is a serious issues that is recently emerged in the halal food supply chain. The halal food sector, which is growing globally, is facing various forms of food crimes and necessitates a comprehensive solution. Addressing halal-related food crimes are crucial as it can contribute to negative impact halal industry both within Malaysia and global market. Nevertheless, few researches has been done to elaborate on halal-related food crimes. Therefore, this paper aimed to provide conceptual elaboration for halal-related food crime. To achieve the objectives of the study, this study utilizes qualitative methods in data collection through extensive library research. Next, the obtained data were analyzed using content analysis method. Furthermore, this study also provides future recommendations and mitigation strategies towards halal-related food crimes. The study found that halal-related food crimes are involving the act of intentional contamination within halal food supply chain that can jeopardize both halal and toyyiban aspect. As for mitigation strategies, several approaches can be highlighted such as developing robust halal assurance system, enforcing the law, solution through government-to-government (G2G) diplomacy, halal supply chain-oriented and halal vigilance.</i></p> <p>Keywords: <i>Adulteration, Crime, Intentional, Contamination, Halal.</i></p>
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INTRODUCTION

Halal integrity is the most important element in the halal food supply chain. At every stage, starting from the raw material stage until the finished product reaches the consumer, halalan toyyiban aspect shall be preserved for its entirety. Preservation of halal integrity at every stage of the food supply chain is therefore critical (Tieman, 2011), because without proper risk management planning, the processes are exposed to the risks of contamination whether it is intentional or unintentionally occurred. In other words, all processes shall be observed for halal implementation, and without a proper defense mechanism against the preservation of halal integrity, halal food supply chain like other form of the supply chain will be vulnerable to the risk of contamination, especially food crimes (Fassam et al., 2015).

Food crime refers to an activity organized by individuals or groups who knowingly set out to deceive, and or injure, those purchasing and consuming food (Manning & Soon, 2016). There are various motives underlying food crimes that varies from aim of gaining profit through food adulteration, the aim for individual interests such as food tampering and sabotage, and even involving certain agendas such as causing panic in society such as food terrorism (Manning, 2019; Interpol, 2016). Among the popular forms of food crime committed in the food industry are those that are economically motivated, or in other words exploiting food for the purpose of multiplied profits (Spink & Moyer, 2011; Spink,

2018). Therefore, food crime, whether it is economic motivated or ideologically driven are considered as unethical due to its illicit method, illegal; since it against the law and potentially affects consumers such as public health if it involved usage of undeclared contraband or harmful ingredients.

Recently, spikes of food crime incidents reported, confirming that it has infiltrated the halal food supply chain, and it is a worrying development (Ramli & Abd Razak, 2021). Starting from the meat cartel incident in the year 2020, where a massive amount reported 1,000 tonnes of frozen meat products labelled with forged halal logos have been confiscated by the authority in Malaysia (Mohamad Faizal, 2021). It quickly become the center of attention both local and international (Daniele, 2021), since Malaysia's halal certification having a good reputation worldwide (Buang & Mahmud, 2019). The cases of intentional halal contamination feuds ensues with a recent issue of violation of halal slaughtering protocol involving an oversea slaughterhouse in Lobethal, South Australia (JAKIM, 2022). By 2022, the case is still actively investigated by JAKIM and Australian authorities, alledging that the slaughterhouse practicing unethical methods in handling animal during slaughtering process, in violation of halal protocol. These incidences showed that halal integrity is indeed vulnerable to the risk of non-compliance (Supian, 2019) especially when it involves supply chain networking across geographical boundaries (Ali, 2013).

Based on the previous study, it is found that few literatures elaborates on halal-related food crimes. Since the advent of meat cartel issue in 2020, it is unequivocal that food crime has now been considered an emerging threat in the halal ecosystem as well as the halal supply chain. In previous research, such as Ariffin et al. (2021) elaborated that food crime occurs due to factor such as; the nature of world businesses or criminal organizations that exploit food for profit (Md Ariffin et al., 2021). However, not much research has been undertaken in conceptualizing halal-related food crimes, therefore this paper is intended to provide such basis. Futhermore, this paper also provide future recommendations to tackle halal-related food crimes in order to defend halal ecosystem from any threats.

METHODOLOGY

To achieve the objectives of the study, this study was conducted using qualitative methods in data collection through extensive library research. Databases such as Scopus, Researchgate, ScienceDirect and Google Scholar are utilized in search of data for this study. The search for the studies was performed without restrictions by using the terms "food crime", "halal food crime" and "food fraud". The titles of all articles were screened, and abstracts of potentially relevant articles were retrieved. If an article did not meet the inclusion criteria, it was discarded at this stage. The full-text articles with potentially relevant data or information were then retrieved and analysed for eligibility. The obtained data were analyzed using content analysis method pertaining to food crime and halal-related food crime.

RESULTS

About concerning to the halal food industry sector, among the increasingly serious issues is the issue of food crime. The food industry, in fact, is not spared to become the targets of criminals who turn the food sector into a commodity; that is, for the purpose of their economic interests. This is evidenced by the existence of a food criminal network that operates in the halal food industry to achieve multiplied profits through illicit ways and modus operandi to avoid the laws imposed by the government and authorities.

Defining Halal-related Food Crime

The word 'food crime' consists of two words namely; 'food' and 'crime'. Food is defined as things that people or animals eat (Oxford, n.d.), whereas the word 'crime' is defined as activities that involve breaking the law (Oxford, n.d.). The word 'food crime' is relatively

new which surfaced in 21st century. The earliest account on the usage of the word 'food crime' was by Croall (2007), where it is defined as "*crimes that directly involve processing, production and sale of food.*" The concept of food crime has been developed ever since, where later definitions brought up however, clear definition of halal-related food crime or halal food crime as coined by Ariffin et al (2021) within literature is scarce. In this study, the definition for these terms is proposed to address food crime activities pertaining to halal food or halal food supply chain. Halal-related food crime is therefore, defined as: "*an act of intentional contamination including fraudulent of halal food where the halalan toyyiban status is compromised or halal integrity is no longer preserved within the product or the supply chain.*"

Basically, food crime is associated with intentional contamination; a deliberate act to alter food illegally. This also applies to the concept of halal-related food crimes, in which halal food products are tainted intentionally whether to gain for an economic purpose known as 'economic motivated adulteration' or food fraud (Spink & Moyer, 2011; Spink, 2018) or ideological driven (BSI, 2014). There are many spectrums of food crime emerged to date. It can be divided into several forms according to its implementation, type of target and objectives to be achieved. Another term that is associated with food crime is referred as 'intentional adulteration' or 'intentional contamination' (Manning, 2019). These nomenclature are important to differentiate between food safety, which on the other hand, associated with unintentional contamination and occurs due to negligence and hygiene malpractice. Food crimes in the food industry can be categorized into two spectra namely: (i) behaviorally or ideologically motivated and (ii) economically motivated. Based on the type of target and its motives, there are several types of food crime types that occur in food industry. Manning (2016) divides the types of food crime into 10 types, namely: (1) adulteration, (2) counterfeiting or food fraud, (3) diversion, (4) over-run, (5) simulation, (6) tampering, (7) theft, (8) malicious poisoning/terrorism/sabotage, (9) representation that misleading indicators and (10) overlarge packaging.

According to the British Standards Institution (BSI) food crimes are categorized six (6) types of threats involving intentional contamination in the food supply chain: (1) economically motivated adulteration, (2) malicious contamination, (3) extortion, (4) espionage, (5) counterfeiting and (6) cyber crime. A comparison between the two, Manning (2019) further refines each taxonomy of food crime threats while BSI is broader in its interpretation of food crime threats.

Among the popular food crimes are such as counterfeiting of food products or food fraud. Counterfeiting of food products involves the production and marketing of counterfeit products that do not use natural ingredients, but use low-quality or cheap ingredients. This type of crime is usually committed by economically motivated criminals or in other words, they prioritize profit alone, hence the perpetrators do not care about food safety, as long as the goods pass the monitoring of the authorities and as long as not caught, as long as their operations move (Evershed & Temple, 2016).

Nevertheless, there have been recent incidents that have shown that the halal food products industry ecosystem is beginning to show threats that could threaten its stability. The illegal meat cartel incident reported in 2020 in Johor State involving a large number of frozen meat products whose halal logo was forged was a blow to various parties. This case are fit to be considered as food fraud which is types of food crime, and since it has to do with halal issue – therefore a halal-related food crime incident. It has become a challenge to the credibility of the Malaysian halal ecosystem, especially the Malaysian halal certification system which is considered the pioneer in halal certification at the international level.

The meat cartel incidents are considered as food crime cases within halal supply chain. This is because, the modus operandi used by the perpetrators found that the sales operations of the parties involved have been going on for a long time and a considerable amount involves products imported from various countries including Latin America and Europe. Indeed, this incident raises various questions, and certainly the question of the

competency of authority agencies became the main focus by the public. Clearly, this incident shows that the emergence of food crime directly involves the ecosystem of the halal food products industry.

DISCUSSIONS

Mitigation Strategies

Since halal food crimes involves illicit methods to exploit food product, effective mitigation strategies shall be brought to light. First mitigation strategy is to develop a robust Halal Assurance System. The key importance here, is the capability of the halal assurance system to detect and eliminate both contaminants and its precursors. The function of the Halal Assurance System is to ensure that halal integrity is always maintained throughout the process in the food supply chain. Halal Control Point (HCP) are identified through the system involving the determination of any processes that having a risk of non-compliance. HCP identified required control measures in place as they are vulnerable to the risk of contamination. Other aspect is that, the system shall be developed and implemented with integrity. In other words, the system relies on both honesty and understanding of the operator, and the parties involved in controlling the risk. In Islam the quality of 'ihsan' (empathy) must be implemented. Ihsan is defined as: "*the acts of worship by a believer with the belief that Allah is present and watching that act of worship.*" (Kadhim et al, 2017). It is necessary to instill the attitude of ihsan in oneself, that is, to feel that all actions are monitored by Allah swt and not to be so attached in gaining profit causing wills to commit unethical acts.

Second mitigation strategy is to enforce the law. To eradicate halal-related food crime, the most effective way is to enforce the law and bring the culprit to justice. In Malaysia, the laws that govern halal food matters are Trade Description Act 2011 and Food Act 1983. Furthermore, the decision by the authorities to suspend import permits for those found guilty, is appropriate circumstance, as well as the revocation of the status of certification bodies involved removed from the list of bodies recognized by JAKIM is seen as an important mechanism in ensuring no compromise on non-compliance in halal aspects, including elements of food crime. Cooperation between government agencies such as the Veterinary Services Department (DVS), Department of Islamic Development Malaysia (JAKIM), Malaysian Royal Customs, Malaysian Quarantine and Inspection Services Department (MAQIS) is quite important as a defensive component to secure halal food supply chain from any act of deliberate exploitation.

Thirdly, the issues of transnational halal food crime shall be solved through diplomatic ties or G2G (Government-to-Government). Examining the issue of the Australian slaughterhouse scandal, it can be concluded that incidents of halal contamination or non-compliance can be addressed more effectively when it involves two-way communication between two governments; in this case Malaysia and Australia. Through representatives from local authorities, namely the Australian Department of Agriculture, Water and Environment (DAWE) together with Malaysian Government agencies, a transparent and credible investigation can be carried out. This can also ensure that the trade-related policies of the two countries can be well maintained.

Fourth, the understanding of halal risk should now be seen as halal supply chain-oriented rather than a product-oriented approach. Issues related to halal integrity should no longer focus on products alone or – *product oriented*, instead should be seen with a larger scope that is based on the supply chain or – *supply chain oriented*. If halal risk management only focuses on products, cases of intentional contamination or food crime are extremely difficult to detect and address. This is because, by looking at the coverage of risks through the supply chain, non-traditional risks such as halal-related food crime will be overlooked.

Fifth, the emergence of halal vigilance. This aspect can be observed from the cases of halal-related food crime when channeling of information that presented evidence of non-compliance that occurred in the processing area. This can be known as halal vigilance,

where the staff or worker within organisation, or the consumer is on full alert with any wrongdoings or deliberate action to exploit halal food in against halalan toyyiban compliance. Halal vigilance it is something that can be commended because it is the first step of defense in ensuring the processing of a halal food is guaranteed. Regardless, it must be done following the right channel so that other implications such as ethics do not arise.

Robust Halal Built-In System Approach in Combating Halal Food Crime

The Halal assurance system or Halal Assurance Management System (HAS) is the mechanism in ensuring that the halalan toyyiban aspect is preserved in food production. The system is specifically designed to ensure halal critical points (HCP); that is, a point at which the risk of halal contamination is significantly identified and control measures are provided to prevent contamination. The HAS system was introduced and used since the enactment of the Malaysian Halal Certification Procedure Manual (MPPHM 2014) and has now been improved through the latest revision, Malaysian Halal Certification Procedure Manual (Domestic) 2020. In the latest manual, JAKIM introduced two forms, namely Internal Halal Control System (IHCS) and Halal Assurance Management System (HAS). Both of these forms have the same objective, the only difference being on the size of the industry, i.e. IHCS has fewer requirements than HAS. It is the first line of defence to reduce and then eradicate food contamination both intentionally and unintentionally that can affect the integrity of halal throughout all supply chain stages.

In order to combat halal-related food crime, the approach to establish HAS system should be further strengthened with a new approach which is referred to as '*Halal built-in, not tested for*' (Duopharma Biotech, 2016) or simply '*halal built-in*' (Ismail, 2016). This refers to a concept where a sustainable and robust halal assurance system is developed and built internally with strict and continuous monitoring. Ideally, this concept reinforce halal assurance system with no longer requires laboratory testing at the end of the supply chain, or post-production stage, provided that the system incorporates strict and thorough inspection where all the ingredients, handling, equipment and additives are not just acquired from halal sources, designated as first line of defence, but also free from illegal elements, fraud, or any form of intentional contamination as the second line of defence. These are the methods that are viable in order to mustering the halal food supply chain from the threats of food crime.

The concept of '*Halal built-in, not tested for*' or '*halal built-in*', was introduced initially in the discussion of halal pharmaceuticals (Salaam Gateway, 2016; Ismail, 2016). The pharmaceutical industry, which is the production of medicines, has very strict controls in terms of safety, hygiene and sanitation. Typically, the conditions for control in the drug manufacturing industry are stricter than for other products including food and beverage products. This concept posits that, monitoring and enforcement is implemented starting from the ingredients to the finished product in full control until it is no longer rely on laboratory testing to detect the presence of pork or other non-halal elements because the system is strong and intact. With this approach, it should be applied as well in food industry for robust mechanism for eliminating risk of halal-related food crime.

In summary, the concept of '*halal built-in*' is an approach that has the potential to be developed and further expanded its application in all industries especially food industry. Ensuring halal and toyyib aspect from the beginning will have a greater defence for halal integrity and lowering the risk of food crime incidence. There is no doubt that to realize it, it is a big challenge and requires solid planning and preparations that are external and internal. Both the competent authorities and the industry players need to work hand in hand so that the system is not only comprehensive, but also not burdensome until its goals are not achieved. Nevertheless, through the implementation of this concept, the strength of the industry as 'frontliners' is clear and plays a role in facing the risks and threats of food crime that can affect the integrity of halal.

CONCLUSION

Halal food sector has proved as significant potential for contribution to national income. Nevertheless, there are now emerging new threats that could threaten the viability of the halal ecosystem which is halal food crime. The threat of food crime is found to be a serious problem and systemic that can damage the halal ecosystem if no action taken to combat in both short and long term. The stability and sustainability of the halal ecosystem is crucial, therefore it must be preserved so that there are no incidents of halal-related food crimes that exploit halal food through deliberate contamination or fraudulent act. In short, the viable mitigation strategies for halal food crime are include enhancement of halal assurance system, enforcing the existing laws, government-to-government (G2G) approach, and halal vigilance. Robust approach of '*halal built-in, not tested for*' also found to be perfect solution for dismantling halal-related food crime.

ACKNOWLEDGEMENT

This research has been made possible with the funding from Ministry of Higher Education Malaysia (MOHE) under research grant FRGS FP007-2018A, "The Development of Food Defense Model to Address Criminal Threat & Food Terrorism in Halalan Tayyiban Food Chain in Malaysia".

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