

Conceptual Paper on Halal and Haram: Systems Level Approach

Rehan Muzamil Butt¹, Dr. Betania Kartika Muflih², Dr. Muhammad Tahir Jan³, Masood Hassan⁴ and Dr. Muhammad Abid Ali⁵

¹PhD Scholar, IoBM, Karachi, rehan.muzamil@iobm.edu.pk

²Assistant Professor, International Institute for Halal Research and Training, IIUM, Malaysia. betania@iium.edu.my

³Associate Professor, Department of Business Administration, Kulliyah of Economics and Management Sciences, International Islamic University, Malaysia, tahirjan@iium.edu.my

⁴PhD Scholar, Institute IoBM, Karachi, masoodhassan1@hotmail.com

⁵Sr. Assistant Professor, Bahria University, Islamabad, muhammadabid.buic@bahria.edu.pk

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ABSTRACT

Purpose:

Islamic, as well as modern literature, on the issue of halal/haram (permissible and prohibited), primarily circulates around the product's ingredient aspect, categorizing a particular object specifically into one of the mentioned dichotomist heads. On contrary to the usual individualistic consumer/product centric approach, this paper discusses several macros, systems level models, which follow the top-bottom approach.

Methodology:

A discourse, through conceptual framework analysis, the research ponders upon the concept of halal / haram, to understand the nature and antecedents to the concepts as narrated in the revealed texts of Quran and Hadith.

Findings:

It is proposed that although the terms of halal and haram are elaborated extensively in literature, there are several gaps in the understanding of the concept at the systems level. Therefore, this paper presents a comprehensive understanding through conceptual framework of halal/haram using the conceptual analysis method, which grounds into Islamic literature to trace the phenomenon's major concepts and dimensions at various systems levels, such as society and environment.

Conclusion:

The research would enrich the understanding of how the Creator has created filters to provide the believers the best to consume and balances the cosmic systems through commandments to individuals, compliances to which supplement and support the Islamic lifestyle and Islamic social structure and a sustained global development.

1. Introduction

Islamic Shariah governs the halal and haram concepts of Muslims as prescribed in the Holy Quran. Lately, with growth in the consumption of halal consumer products globally. The annual value of the global halal food market was approximately US\$ 715.0 Bn. in 2018 and projected to reach US\$ 2,043.2 Bn. in 2027 (Coherent Market Insights, 2019), there has been a renewed interest in the scope of halal and haram beyond slaughtering of meat or food production. (Aidi-Zulkarnain, & Ooi, 2014). Huge emerging market is forecasted in the halal cosmetics, pharmaceutical, tourism, financial and non-financial services; collectively we can say in the market catering to the Islamic Lifestyle (Shahbandeh, 2019).

These emerging fields have attracted interest from diverse stakeholders with overlapping as well as contradicting interests. These include Muslim, as well as non-Muslim economists, scholars, sociologists, environmentalists, food scientists, etc., which go beyond mere traditional halal haram dichotomist discussion. Therefore, a more holistic framework of the concepts of halal/haram needs to be conceptualized, as seen through these fields of studies. These parameters expand further than the product-centric classification of halal-haram. As researchers break the silos of studies within their own domains, and start to enter into more inter-disciplinary fields of research, there is a need to justify and satisfy a concept through the lenses of these domains to convince the industry and the policy makers of the world that the concepts are sound enough to withstand the grinding of these branches of knowledge.

Previous literature circles mainly around the dichotomist domains of halal/haram. The absence of further sub-sections has deprived development into products and services which not just comply to the minimum compliances, but to identify the preferable in the permitted category. This analysis of Islamic literature will hopefully assist if further understand the layers of preferable and not so preferable and provide opportunities for the providers to comply with these variations. Before introducing these sub-categories, let us first briefly discuss the matrix of halal/haram.

2. Literature Review

2.1. Halal/ Haram/Toyyib: Definition

The concept of halal is used to describe what is permissible for a Muslim. In the Islamic Sharia, on a broader sense, the term halal accounts for all lawful actions, including the act of eating and drinking in accordance with Islamic Sharia. Whereas haram, being the antonym means all acts or materials is declared unpermitted or unlawful for a Muslim in Islamic *Shariah*. Allah says in the Holy Quran:

“O mankind! Eat of what is on earth, Lawful (halalan) and good (toyyiban); and do not follow the footsteps of the evil one.....” Quran (2:168; 5:4; 7:157)

The concept of permissible carries two dimensions. Firstly, whatever has been specifically declared unlawful by Allah is haram, while everything else created is to serve mankind and is justified to be consumed as halal. Secondly, all what is good, wholesome or pure (*toyyib*), that is to say not harmful to human, is also necessary to be permissible for consumption. Anything harmful to the *Maqasid-e-Shariah*, i.e. life, faith, lineage, property, senses is haram (prohibited) (Al-Shatibi, 2012). The understanding of the rules

have been deducted from various Quranic verses (Quran 6:145, 6:119, 5:87). In another verse, Allah says:

“And make not your own hands contribute to (your) destruction”. Quran (2:195)

Further He says:

“.....and do not kill (harm) yourself; indeed, Allah is ever Merciful to you”. Quran (4:29)

Halal, when consumed in excessive quantity, causing illness or harm to human would not be considered a desirable state. This state is considered as *Mustahab*.

“O you who believe! do not forbid (yourselves) the good things which Allah has made lawful for you and do not exceed the limits; surely Allah does not love those who exceed the limits”. Quran (5:87) Shakir.

The *toyyib* aspect of halal has recently gained attention in the academic as well as the scientific world, with the development of halal global market. *Toyyib*, meaning healthy, wholesome, safety (Bujang, 2018). This means that the product should not just be halal, but also *toyyib* to be consumed by a believer. For example, halal slaughtered meat, if expired or with toxic contamination, will not be fit for consumption.

Summarizing, any state where harm overwhelms benefit, would render the act or consumption haram/not *toyyib*. Similarly, anything which has more benefits than harm would be declared halal/ *toyyib* (Al-Qaradawi, 1995).

3. Methodology

The conceptualization of halal/haram is formulated upon “conceptual analysis method” proposed by Jabareen (2009). The method has its origins in the grounded theory, aiming to “generate, identify, and trace a phenomenon’s major concepts, which together constitute its theoretical framework” (Jabareen, 2009). The distinct feature of this technique is that it recognizes the uniqueness of each concept based on characteristics, attributes, limitations and assumptions, within a particular conceptual framework. Conceptual framework methodology goes through the following steps: (i) firstly, the mapping of the multidisciplinary sources of data (ii) categorizing the data through iterative reviewing between literature and selected data; (iii) identification and naming of these concepts (iv) reviewing these new constructs through deconstructing and again categorizing these concepts; (v) then integrating these constructs; (vi) synthesizing and re-synthesizing the findings to make more sense of the concept and finally; (vii) the validation of the complete framework of the concepts.

Through extensive literature review process, concepts and relationships evolve, creating a conceptual framework within the Islamic, scientific, social, economic and psychological disciplines to understand the holistic concept of halal/haram. Therefore, data collection is not just restricted to Islamic literature, but references are also made to these fields of studies but only as a secondary source for counter-referencing. This is done to deconstruct, re-construct, synthesize and re-synthesize the concepts to a common denominator, without losing the essence of the concept within the diverse disciplines of Islam, political science, social science, socio-economics and public policy. However,

following the traditions of Islamic jurisprudence, care has been taken to reconcile only those concepts from other disciplines, which conform to the Islamic jurisprudence.

In fact, this paper is not just a collection of various definitions of halal/haram (permissible/impermissible) from different disciplines, rather, it provides an understanding of the ontology (definitions) and interlinkages of sub-categories on conceptual level that assist in the comprehensive understanding of halal/haram within the context of our multi-disciplinary world. Wilson (2014) comments that the grounded theory methodology is a lot similar to the methods of interpretation followed by the Islamic scholars in the domain of Islamic jurisprudence.

Traditionally, the debate of halal/haram circled within the framework of Islamic literature. However, during the last few decades, the subject became globalized and interdisciplinary, intergovernmental, interreligious due to global trade, not just among Islamic states, but went beyond the geographic and ideological Islamic boundaries, requiring not just clarity of the concept of halal/haram to the Muslim manufacturer and consumers, but also explain the compliance to non-Muslims selling products to the Muslim population within their boundaries as well as exporting to the Islamic states. This globalization further intensified the need to define the concept of halal/haram within the micro, macro and global context. These dimensions will be addressed in this research. In fact, in some cases, the exploration of halal/haram in disciplines beyond Islam has expanded the market of halal products in non-Muslim consumers like Japan as well (Kuroda et al., 2017). These sections and sub-sections are explained below:

4. Results & Discussions

4.1. Sub-sections within Halal-Haram Matrix

The example in the introduction section denotes firstly that halal and haram are not universally applicable to all species or creations. Secondly, when we use the term beneficial in the context of halal/haram, it is a relative term meaning beneficial to mankind, when used in the general sense, but beneficial to the Muslim believer, when used in the specific sense. Where Quran addresses ‘O! Mankind’ (82:5; 82:18), it is for the whole of humanity, whereas when the term ‘O! one who believes’ (4:136; 3:120) is used, the instructions or omens are specific to Muslims. The following paragraphs will highlight further sub-sections to this halal/haram paradigm.

4.2. Halal/haram Paradox

It is the beauty of Islam that on one hand it encourages spending on oneself for necessities. Islam also encourages spending on others around oneself in the form of charity. On the other hand, asking for charity or begging is discouraged. There are layers on whom to spend on priority basis depending on closeness and urgency.

“The alms are only for the poor and the needy, and those who collect them, and those whose hearts are to be reconciled, and to free the captives and the debtors, and for the cause of Allah, and (for) the wayfarer; a duty imposed by Allah. Allah is Knower, Wise”.
Quran (9:60)

This encouragement in spending has further levels of preference in the form of compulsory and obligatory contributions, which is zakat, which is compulsory, while

over and above amount, that is *sadaqah* is obligatory (*mustahab*). On the other side, begging by a needy person is allowed, but not preferred (*mubah*), while it is impermissible (*haram*) to beg for a person who is wealthy. Similarly, spending on one's own family members, who are one's responsibility is considered among the best of *sadaqah*.

The Hadis of the Prophet Muhammad (peace be upon him) in Muslim (995) defines the preference of spending upon one's own family is better and preferred in the eyes of Allah, as compared to the amount spent on freeing a slave, or for charity in the name of Allah, although the latter are too halal and acts of goodness.

This paradox is seen in majority of Islamic revelations, thereby, establishing a matrix, with instructions (*hukum*) with its relative intensity on one axis, and the conditions with the flexibilities allowed in these orders on the other axis. In fact, these levels of halal/haram act as filters to deliver the most healthy, nutritious and safe consumables to the Muslim.

4.3. Halal/Haram Concept at Systems Level

Islamic laws follow both bottom-up as well as top-bottom approach. Different Islamic scholars have categorized these laws into intrinsic/extrinsic (Aisyah, 2016; Mahbubi, 2019), internal/external (Ab Talib, 2017; Aisyah, 2015) micro/macro or individual/collective (Fischer, 2016; Tieman, 2015; Aziz, 2015; Abd Rahim, (2017) rulings.

The beauty of Islamic teachings is that it is individualistic, as well as holistic in its nature (Qadir, 2019; Choudhury, 2019). Most instructions are given to individuals to follow, but have collective implications on the environment and the society. For example, the payment of zakat on individuals, collectively form an elaborative economic system, thereby the welfare of the deprived class is assured (Khasandy, 2019). How Islam balances these macro-level systems through individual permissible and impermissible instructions is the beauty of the Divine law.

4.4. Levels of Halal and Haram

4.4.1. Cosmic Level: Nature & Right to Consume

“Do you not see that Allah (swt) has made what is in the heaven and Earth subservient to you and made complete to you His favors outwardly and inwardly?” (Quran, 31:20)

Further to the above, Allah reminds humans that He did not create the heaven and the earth aimless or useless. Further, the right of humans to consume from the *Rizq / naimat* (blessing, favor, wealth) created to sustain and ease life on the face of the earth. Everything has been created with a purpose Quran (38:27; see also 21:16–18).

The above statement depicts the justification of the right to consume upon the *Al-haqq* of each creation endured / bestowed upon at the time of creation.

Sheikh Tantawi Jawhari (d. 1940) in his tafsir interpreted the verses 35:27-28 to explain the divine design/function in nature which balances all creations in their creation, existence and justification to the resources on nature. Summarizing:

“*Thus, nothing in nature is dysfunctional, idle or meaningless (fala mu’ttil fi al- wujud)*”. (Jawahari, 1940: 117)

All non-human creation, although are not subjected to halal-harm compliance, but do follow the divine inspiration, i.e. *haqq* (true nature) over the *rizq* provided by *The Al-Razzaq* and shared with human beings, to balance the delicate chain of being (Solihu, 2014). Here it needs to be understood that everything is deemed to be halal, unless it is specifically declared harm in the Quran or hadith. Shaykh al-Islam Ibn Taymiyah (Majmoo‘al-Fataawa (21/535).

4.4.2. Environmental Level

On the environmental sector, cutting trees for human consumption is permissible, but careless and reckless deforestation, in fact, cutting down of even one single tree is not permitted. The Prophet (PBUH) predicted great punishment for cutting of a single tree without justification.

“He who cuts a lote-tree (without justification), Allah will send him to Hellfire”. (Tirmidhī, M. I. (1900:5239). Further in a narration the companion of the Prophet (PBUH) Hazrat Abu Bakr (RA) is said to have advised Yazid as to not cut any fruit-bearing trees, or to kill any animal except for the purpose of eating (Mālik, 1989).

Similarly, the hadith regarding prohibition of excessive use of water (halal) even if it is flowing stream bears witness to the conservative laws in Islam (Jamāz & Ibn, 1990).

These examples provide a glimpse of the various conditions and situations which need thorough probing, firstly to these versions, next, to define and then synchronize these seemingly conflicting concepts of halal/haram in different social, economic, religious and ecological aspects and provide an elaborative conceptual framework which integrates these physical, as well as non-physical aspects of an individual and the society to facilitate policies, rules and regulations, highlighting acceptations, where permitted. A failure to understand these overlapping matrixes will rob the consumer and the producer of the diversity Nature has provided with, to cater the individual and collective needs, and thus, balancing the whole cosmic ecosystem. Allah says in Surat Mulk:

“Who created the seven heavens one above another; you see no incongruity in the creation of the Beneficent Allah; then look again, can you see any disorder?” Quran (67:3).

4.4.3. Ecosystem Level

Solihu (2014) elaborates that although this halal/ haram serves a grand purpose in regulating a natural ecosystem of the earth, however, this halal/ haram and the concept of *toyyib* or harmful/healthy which is applicable to human species is not valid for all unhuman species.

For example, something which might be unhealthy for human consumption may not be unhealthy for animal consumption, since nature has provided that particular species unique internal mechanism to digest that particular substance (*rizq*), thus fit for animal consumption. Similarly, something not fit for animal consumption might be good for plant growth, example, decaying matter, which the plant consumes for good growth. These intertwined symbiotic relationships in between the hierarchy of the various creations cannot be explained or simplistically be reduced to a dualistic halal-haram

matrix. Therefore, to understand the concept of benefit and harm within the larger cosmic canvas, it is necessary to go beyond the halal-haram concept.

Similarly, a spectrum of Qur'anic verses, as well as references of hadith provide strong evidences and multiple references to incidents, where clear haram produce has been allowed to be consumed, but with certain conditions. Declaring a list of halal and haram, without these limitations and acceptations has created an over-simplistic dichotomy, confusing the naïve researcher, producer and consumer as to when and where these individualistic or collective acceptations to the general rules come into force (Jafari, 2012). To understand the phenomena, let us take an example. Several ingredients which are declared haram for a Muslim as food, are permitted for consumption as medicine, if alternate is not available to save life (Quran, 6:145; Shah & Yusof, 2014). Similarly, a declared halal, if consumed in large quantities will be considered *israf* (wasteful), or a halal product like sugar to a diabetic patient, adversely damaging the health of that individual, will not be permitted (not *toyyib*) for consumption only for that individual.

For the needs of mankind to be fulfilled, including food, shelter, clothing, air, etc. the whole backend system providing these provisions (*rizq*) need to be flawless. This concept of provisions (*rizq*) is explained in the following.

4.4.4. Ecological Food Chain Level

The terms halal and haram are subsumed into a broader term of “*rizq*”, which translates into sustenance or provision. This includes all what is required to sustain life on earth. God provided these to humans to sustain life on earth but permitted some and forbid some to be consumed in a particular manner. (2:60; 20:8; 5:88 & 67:15). One of the names attributed to Allah is *Al-Razzaq*, the provider or sustainer. Another similar term used in Quran is *ma'ayish* meaning livelihood. Allah says that He has provided you not just to consume all by oneself, but there is a share in it for the others who may be dependent upon you and also a share for those not directly dependent upon you, but are needy and cannot provide for themselves such as *miskeen* and *faqeer* Quran (15:19–20).

What gives the humans (*insan*) right (*haq*) to pursue and consume the provisions (*rizq*) in permissible (*halal*) ways, which has been given by the Creator for being viceroy on earth and to consume the bounties equitably without wastefulness or miserly, as a test. The status of being the viceroy/ guardian/ custodian of the earth demands responsible pattern of consumption, which takes into consideration all living and non-living creation.

Where Allah mentions His blessings on mankind in the form of food, in the same place, He mentions the resources required to produce and deliver these blessings as well. The grains or fruits will not grow unless the whole water cycle is completed.

"And We send down from the sky rain chartered with blessing, and We produce therewith gardens and grain for harvests". (Quran 50:9)

Since what one produces is only possible through the overwhelming blessings of the creator and not just the labor of the individual, what one grows or produces, has a share to be distributed upon the instruction of the Provider of these natural resources.

4.4.5. State (Declaration) Level

The Islamic State has the authority to declare a permissible act impermissible, if it deems fit for the general welfare of the society, depending upon special conditions. For example,

the following ruling:

Yahya ibn Abi Kathir reported: Umar ibn al-Khattab (RA), said, “*Do not cut the hand of the thief who steals dates in the year of famine*”. (A‘zamī,1970:18371).

Scholars deduct that since during famine, a person may adopt to haram act of stealing for necessities, and thus relaxation to the punishment was foregone for the period of difficulty.

Similarly, as regards Hajj and Umrah, the holy pilgrimage, the quota restriction upon Muslims on citizens from various countries has not been challenged by any scholar of Islam. Very recently during the pandemic of Corona virus 2020, several Islamic scholars endorsed the ban on several halal and compulsory (*wajib*) activities, such as prayers in mosques, etc., by the governments for the protection of lives of the general public. Grand Imam Sheikh Ahmed Al-Tayeb and the Supreme Ulema Council of Al-Azhar University issued fatwa banning congregational & Friday prayers in mosques to prevent spread of corona virus. All Pakistan Ulema Council (PUC) also issued fatwa endorsing the government ban.

4.4.6. Society Level

Society, as defined by individuals, groups, sub-groups living together showing certain patterns of relationships (Lenski, 1974, Smith, 1977). Islam recognizes humans too as social beings, needing each other to live. Further, it recognizes this rights and duties among individuals living together, giving preference to individuals closer in relationship, location and ideologies. Islam also encourages to share and distribute bounties provided by the Creator with other fellowmen and other creatures on earth as He says that there is a share of the needy in whatever *rizq* I have given to you. Quran says:

"In their wealth there is a known right for those who ask for it and those who have need for it". Quran (70:24-25)

"And pay what is rightfully due to Him on the day of harvesting". Quran (6:142)

On the other hand, the social aspect of halal/haram are revealed with the following verses:

"A man is not a believer who fills his stomach while his neighbor is hungry". (Al-Albani, M. N. 2003:112)

The saying of the Prophet (PBUH) strongly forbids a believer (*momin*) not to consume even halal food, with full stomach, if his neighbor is hungry. In this case, even consuming halal produce becomes impermissible over and above the basic necessities for one individual, if there exist individuals in the society deprived of basic necessities. Society will only generate surplus goods for the underprivileged, if the elite restricts its consumption in a way to create surplus for the needy, raising the overall average standard of living and quality of life in society. However, for a Muslim, being the best among the nations or community (Quran, 3:110), there are higher standards of halal/haram throughout the supply chain, which is to be followed as comparison with the general society.

4.4.7. Community Level

Sociologists have differentiated between societies and communities on the basis of closeness of individuals living together, sharing similar thoughts, former constituting to

larger groups with greater variations, while latter, much smaller with more consistency in characteristics (Lenski,1966; Macionis, John, 2012), while a community is defined as a smaller section of society sharing more closely common beliefs, norms, culture. These relationships are stronger and long term (James, et. al., 2012). As stated above, Islam recognizes a humanitarian right, but also a much stronger community right, as recognized by the term *Ummah*. These differentiation in the rights of sharing the bounties, not limiting the consumption to oneself but to share with the humanity and *Ummah* can be deducted from the difference between *Zakat* and *Sadaqah*. The *Zakat*, being a compulsory charity upon only the Muslim community/*Ummah*, while *Sadaqah* being voluntary and may be shared indiscreetly with the non-Muslim members of society as well. Imaam al-Shaafa'i elaborated the Quranic verse of '*Al-Birr*' (Quran, 5:2) to explain this difference(Ahmad, 2008).These portions of belongings, not shared with these deserving individuals, is not permissible to be consumed by oneself.

4.4.8. Supply Chain Level

In fact, for a product to be permissible to be consumed for a Muslim, not just the finished product needs to be halal, but the starting from the raw material, the whole process of production and supplies needs to be verified as halal.

The following popular hadith of Prophet (PBUH) clearly defines the stages of the whole supply chain needs to free from haram process.

Abu Dawood (3674); Ibn Maajah (3380); Tirmidhī (1900:1295) narrated that Ibn 'Umar said: The Messenger of Allah (peace and blessings of Allah be upon him) said:

"Allah has cursed alcohol, the one who drinks it, the one who pours it, the one who sells it, the one who buys it, the one who squeezes (the grapes etc), the one for whom it is squeezed, the one who carries it and the one to whom it is carried". (Abū & Hasan, 1984).

Khan (2018) summarizes the halal supply chain HSCM after analyzing several definitions as:

"A process-oriented approach, to manage the flow of material, information and capital; through strategic coordination & collaboration of stakeholders, as to create value to improve the performance of the Supply Chain, in such a way that Halal & Toyyib is extended from farm to fork". (Khan, 2018)

The definition incorporates several characteristics essential for the whole chain to be declared halal (permissible), not just the finished good. These characteristics include halal, *toyyib*, stakeholder, flow coordination/ collaboration, performance / efficiency, value creation and farm to fork. Once the produce passes through the halal supply chain and reaches the individual consumer, instructions guide the individual with external and internal regulations as to what and how to consume.

Table 1. Halal/Haram Concept at Systems Level - Theoretical Premise

Concept	Theoretical Premise	Main Components
Cosmic Level	Everything created to serve mankind directly or indirectly	Justification to consume halal but as per prescribed manner
Environmental Level	Non-living also creation/ <i>rizk</i> provided for use but not abuse	Climatic sustainability
Ecosystem Level	Balancing and protection of all creation	Preservation of nature including plant and animals
Ecological Food Chain Level	Ecological balance through preservation of hierarchy of food chain	Preservation of all species
State Level	Discourage haram and harmful practices	Laws to regulate halal/haram on national and global scale
Society Level	Minimization of class difference	Provision of basic necessities of deprived class of society
Community Level	Responsibility of individuals near to oneself	Preference of individuals near to oneself
Supply Chain Level	Not just the end product, but the whole process	Halal traceability from farm to fork

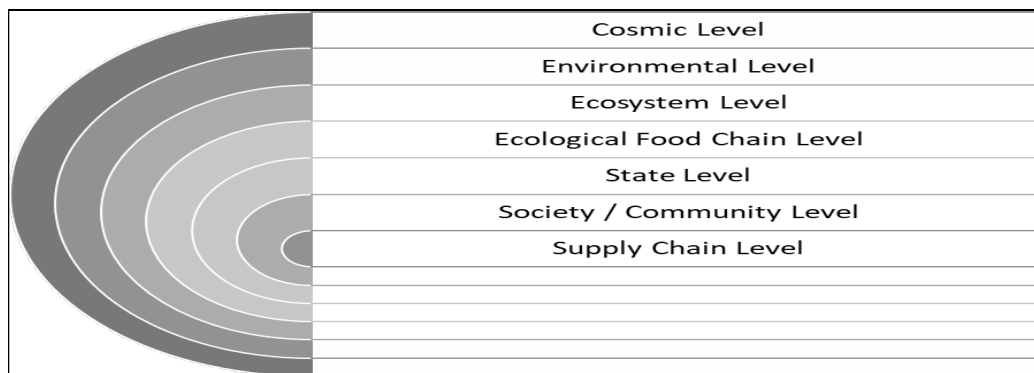


Figure.1. Halal/Haram Concept at Systems Level

5. Conclusions

The paper proposes a conceptual framework for halal/haram, which aims to enhance the understanding of the concepts, beyond the traditionally perceived dualistic, permissible/non-permissible boundaries, extracted from the Islamic literature. This conceptual framework provides a structure to understand the several dimensions of halal/haram paradigm which provides a model to incorporate the inherent dynamic behavior, nature has ordained among His creation, to make life more compatible to all other creations, (living and non-living) in this world.

The central theme of the paper proposes a theoretical premise, which strives to explain the halal/haram rulings as an integration of multiple aspects of human life, such as social, economic, psychological, ecological, etc. Since human mind cannot take into account (incorporate) all aspects which The Creator has taken into account, which may deem fit for the protection and benefit of mankind and has passed upon in divine revelations These concepts are integrated into the halal/haram (permissible/prohibited) acts and consumables to explain the holistic concept. Majority of which are summarized in Table 1. Each concept explains the halal/haram concept, within a particular level of the field of knowledge, as to how the Creator has designed the cosmic systems to facilitate the delivery of halal and *toyyib rizq* (provision) to all, which, as He Himself has taken the responsibility to provide on this earth (Quran, 11:6).

Numerous Islamic scholars have identified that Islamic teachings are based upon moderation in consumption, in contrast to the capitalistic economics (macro/meso/micro) of maximization. (Hossain, 2014; Kamali, 2016; Aydin, 2019). This means that there are preferable limits within the halal, covering all domains discussed in this paper. As to what is the role of the concept of moderation at the above domains of knowledge, can be the subject of future research.

The theoretical contribution of this halal/haram framework is the in-depth analysis to the concept of halal/haram at various layers on the macro level, which adds to the understanding for the body of knowledge. This research may be extended into micro level and further to internal levels of belief and practice within an individual to enrich the understanding of the subject of halal in the divine context.

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