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Bridging the Halal Regulatory Gap: A Comparative Shariah Assessment of Sri Lanka's Food Legislation

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A B S T R A C T

Global Halal Standards (GHS) serve as a reference for countries worldwide to ensure that products comply with Islamic law (Shariah) while supporting international trade. In Sri Lanka, the presence of a multi-ethnic and multi-religious population necessitates halal regulations that protect consumers without disregarding social diversity. This study aims to analyze the adequacy of the Food Act No. 26 of 1980 and the Consumer Affairs Authority (CAA) Act No. 9 of 2003 in meeting Shariah-based halal requirements. It employs a qualitative, library-based research method by comparing Sri Lanka's regulations with halal governance models in Malaysia, Indonesia, the United Arab Emirates (UAE), and the European Union (EU). The analysis focuses on the legal definition of halal, Shariah-compliant slaughter, the purity of ingredients and processing procedures, the prevention of cross-contamination, and halal certification and labeling. The findings reveal four major regulatory gaps: the absence of a legally established definition of halal, the lack of an adequately regulated certification system, insufficient provisions for preventing cross-contamination, and the absence of mandatory halal labeling. This study recommends legislative amendments, the establishment of national halal standards, and the creation of a National Halal Accreditation Body involving accredited certification bodies and a technical advisory committee. These reforms are grounded in Maqasid al-Shariah and the principle of maslahah (public interest) to strengthen consumer protection, facilitate access to international markets, and preserve social harmony in Sri Lanka.

Keywords: halal labelling; halal certification; halal standards; food act

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Introduction

The fundamental tenet of Islam is established by the principles of 'halal' as outlined in the Qur'an and Sunnah. Beyond the dietary choices and animal slaughter, halal includes anything permissible in Shariah, including commercial and personal behaviour (Khan & Haleem, 2016). The food can be either halal (permissible) or haram (prohibited) on a dietary level. The complementary concept of Tayyib (clean, healthy, and ethically produced) also reinforces this for

health and spiritual well-being (Aini et al., 2020; Henderson, 2016; Saujan et al., 2025).

The international halal industry has expanded considerably in recent decades. This industry has been driven by the growth of the global Muslim population and increasing awareness of ethical consumption standards that intersect with halal standards, such as animal welfare and food safety (Baig & Ali, 2020; Bashir, 2022). Certification and regulation are central to building consumer trust in Halal claims and enabling access to controlled export markets (Djunaidi et al., 2021). The study by Nandala & Azrak claimed that consumer trust in halal claims depends greatly on the certification and regulations governing the mechanism, which in turn aid access to regulated export markets (Nandala & Azrak, 2024).

Sri Lanka offers a unique case for this current study. Since around 10% of Sri Lanka's multi-religious population are Muslims, there is a domestic demand for halal assurance (Department of Census and Statistics, 2024). The country also has export interests in halal-sensitive markets of the Middle East and Southeast Asia. Sri Lanka has faced extensive social controversy over halal labelling or certification. In 2013, nationalist campaigns that were led against the All Ceylon Jamiyyathul Ulama (ACJU) drew attention to the issue of the private certification process. Moreover, it raised questions about the legitimacy of such practices. Most importantly, their claims highlighted the absence of a government-regulated certification process (Sarjoon et al., 2016; Yusoff & Sarjoon, 2017). Meanwhile, the broad prohibitions and standards set out in Sri Lanka's current food safety and consumer protection regulations do not address the more specific Shariah requirements for halal food. Hussain emphasized that a regulatory gap poses problems for Muslim consumers, food businesses, and regulatory authorities worldwide (Hussain, 2013). This claim is more connected with Sri Lankan experiences.

The Food Act No. 26 of 1980, the Consumer Affairs Authority (CAA) Act No. 09 of 2003, and the Food (Labelling and Promotion) Regulations broadly prohibit unsafe food products, adulterated with other substances, or containing false information. These regulations frequently operate by means of negative barriers and common safety standards. However, halal compliance, as opposed to halal certification, brings certain positive obligations. The slaughtering of animal (sabiha), the utterance of the name of Allah at the time of slaughtering, usage of permitted (halal) and non-impurities (najis), and completely prohibition of adulteration with other product throughout the supply chain (Al-Haq-Halal, 2013; Khan & Haleem, 2016).

According to the food laws in Sri Lanka, it is mandatory that food production is safe, unadulterated, and hygienically produced. In addition, if the conditions of the Zabiha are not met, or if the ingredients that are not allowed in the manufacturing process are used, it may become haram according to Sharia law. Therefore, it has created a situation where international halal standards have become a requirement beyond mere national legal guidelines. This is due to the lack of formal verification techniques or certification, making it impossible for Sri Lankan manufacturers to enter international markets that make 'Halal' certification mandatory (Tao, 2024). At the same time, individual Muslim consumers are being forced to use unverified 'halal' products, and many Muslims are refraining from buying products that are not certified as halal. The climax of opposition was the halal controversy in 2013 (Arab News, 2013; Rezwan, 2013). This is an illustration of the fact that the lack of a legally recognized certification system can lead to social conflicts in a diverse society like Sri Lanka.

In this regard, this study was carried out in the context of Sri Lanka with two objectives. First, it examines the main shariah principles governing halal foods. Secondly, it evaluates the extent to which Sri Lanka's food laws and regulations relating to the mention of details on food packages are in compliance with halal guidelines. It identifies structural and legal deficiencies in Sri Lanka's current regulatory framework by comparing it with international 'halal' regulatory frameworks. It is also a starting point for a new initiative to integrate Islamic legal guidelines with Muslim practice and national laws by making recommendations for legal reforms.

Research Method

This study employs a qualitative, doctrinal (normative), and comparative legal research approach to assess the extent to which Sri Lanka’s national legal framework complies with the ethical requirements related to 'halal' under Islamic law. This is carried out as a library-based analytical study in accordance with the theoretical methods outlined in contemporary Islamic legal studies (Kızılkaya, 2021; Emon & Ahmed, 2025). This study provides an analysis of the shriah text on the Qur'an, Sunnah, traditional and contemporary fiqh literature; It also coordinates the theoretical analysis of the Food Act of Sri Lanka No. 26 of 1980 and the Consumer Affairs Authority Act No. 9 of 2003 and the related Labelling (Dieting) Regulations. The legislative documents, Quranic verses, hadith, and important legal documents from Malaysia, Indonesia, the UAE, and the European Union have been used as primary sources. Research articles, books, reports from relevant institutions, and news articles (especially those related to halal labeling in 2013) are considered secondary sources. 'Gap Analysis' is based on a specific

framework to identify inconsistencies between Islamic ethical requirements and Sri Lankan laws.

For comparative purposes, Malaysia, Indonesia, the United Arab Emirates and the European Union were deliberately chosen to represent different models of global halal governance. They are Government-Led Compulsory Certification, Government Supervised Accreditation, and Voluntary Market-Based Certification. Based on four essential variables, the study examined the legal structures in five Muslim countries. They are the legal definition of halal, regulatory authority over certification bodies, handling of cross-contamination, and the legal status of the halal trademark. A structured comparison team was formed to systematically analyze these variables with the Sri Lankan framework. At the same time, the proposed reforms were analyzed by Maqasid al-Shariah, based on comparative legal approaches in Islamic law (Alsolami, 2020; Hamzah, 2023). This study is theoretical and documentary-based; Therefore, it does not use primary empirical methods such as surveys or interviews. Therefore, the observations regarding the implementation and the veracity of the 2013 controversy have been derived from secondary sources. The purpose of this methodology, in line with institutional perspectives on Islamic law and society (Yakar, 2023), encompasses halal regulatory reform and experiential stakeholder evaluation as a future research field, leading to this study to develop a legal and theoretical basis for it.

Results and Discussion

Shariah Principles of Halal Integrity

Thorough analysis of regulatory deficiencies requires clarity on what Halal integrity requires under Shariah. The Arabic word for halal is “permissible” and the Qur'an and Sunnah are the two primary sources of Islamic law (Farah, 2020; Saidin et al., 2017). The methodology of fiqh, which is Islamic jurisprudence (Usul al-Fiqh), categorizes human day-to-day activities into five groups: wajib, mandub, mubah, makruh, and haram. From the viewpoint of Kamali (2005), at least three categories are included in the doctrine of halal.

The term halal corresponds to Tayyib, which means good and pure. It is intended to reflect the Qur'anic injunction to eat “that which is lawful and good (Halalan Tayyiban)” (Qur’ān 2:168; 2:172). The requirement for food to be ritually permissible and beneficial involves that it must be healthy, hygienic, without any contraindications, and produced ethically (Aziz & Ahmad, 2018; Murti, 2017).

Saidin (2017) noted that Islam allows the eating of cattle, sheep, goats, camels, and poultry if the slaughter is done following Shariah principles. Another category is prohibited animals. These include pigs, carnivorous beasts having fangs, birds of prey, domestic donkeys, most insects (except locusts), and any animal that has died otherwise than by prescribed slaughter. The statues of drow

materials, or products that are extracted from such prohibited animals, are also haram; for example, products made from lard, pork-derived gelatin, and enzyme preparations (Deuraseh, 2016; Rashid & Kamarudin, 2024).

The process of zabiha specifies certain principles under Islamic law; if these requirements are not fulfilled, the process of slaughtering is not considered halal. Those are: the slaughterer is to be Muslim (or, according to some scholars, a Jew or Christian abiding by scriptural precept), who invokes the name of Allah at the time of slaughter (tasmiyah: "Bismillah, Allahu Akbar"), and slits through a sharp instrument the trachea, oesophagus, carotid arteries, and jugular veins with a single cut and without severing the spinal cord (Awan & Fazal, 2018). Animals should be alive and healthy before slaughtering. Some other standards do accept this, e.g., the UAE. S 993:2022, for poultry, so long as the animal is alive at the incision point. The use of any method to kill the animal before the cut is made, for example, strangling this animal, bludgeoning it, or electrocuting it to the point it cannot recover, makes the meat haram (Deuraseh, 2016; Fayokemi, 2022).

Any non-Zabiha meat and pig meat, blood in any form, alcohol (khamr), or any derivatives of it are also haram. The origin of both the processing aids and the additives must be verified to ensure that the gelatin is not from a Zabiha source or pig, and that emulsifier E471, etc., are not from pig fat (Nandala & Azrak, 2024). There exists a dispute regarding the legal ruling in Islam with respect to the change of substance as permissible. In other words, the question is whether substances like gelatin that have undergone industrial processing are halal or haram. Similarly, alcohol that becomes vinegar. All these jurisprudential nuances should be verified through qualified Shariah scholars in the certification system.

According to Islamic law, halal food must be processed, handled, and stored using equipment free from any najis nature. Miswanto (2023) and Lumpur (2017) explain that the major sources of najis are pigs, blood, dead animals, urine, mauk, and sonom. Equipment that has contacted major najis, particularly pig, must undergo ritual cleansing (sertu). Sertu requires a specified number of washes, including a wash with earth or a modern equivalent that is recognised. The ritual cleansing requirements are different from normal sanitary standards, and normal food industry sanitary practices may not satisfy them.

Preventing cross-contamination in halal handling is equally vital. According to Sucipto (2021), the regulations require strict segregation of halal and non-halal (or syubhat, doubtful) materials at every stage of the supply chain, i.e., from the point of receipt of raw materials, to processing, packaging, storage and transportation. Certified operations identify HCCPs and properly manage contamination risks.

It is essential for packaging materials to be permissible (halal). Truthful labels must contextualise products and accurately reflect their Halal status. Halal isn't simply being free of haram ingredients; it is compliant with Zabiha, Tasmiyah, ritual purity, and supply chain integrity. These active obligations differentiate Halal certification from standard food safety schemes, which only tackle health risks and not ritual and cleansing requirements.

The Legal Framework for Food Safety & Consumer Protection

The Food Act No. 26 of 1980 and Consumer Affairs Authority Act No. 9 of 2003 are the two main regulatory instruments governing food in Sri Lanka. These instruments provide some meaningful protections against unsafe or deceptive food offerings, but not against the specific requirements of Shariah Halal compliance.

The previous Food and Drugs Act, modified and renamed the Food Act, was enacted as the principal food safety legislation of Sri Lanka (Hettiarachchi, 2022). Part I prevents the making, importing, selling, or distributing of any food that is unsafe for health, unfit for entry, adulterated, or prepared under an unsanitary environment. Section 3 of the Competition and Consumer Act outlaws false or misleading labelling, while Section 4 deals with the display of food. Section 6 requires manufacturers and distributors to provide warranties to vendors regarding the nature and quality of food. Section 7 requires every processing establishment to hold a valid food licence (Food Act No. 26 of 1980, 1980).

The Act establishes a Food Advisory Committee to advise the Minister regarding food policy and assigns enforcement powers to Food Authorities. These include, amongst others, the Director General of Health Services, municipal and local councils, the Excise Commissioner for excisable food, and the Principal Collector of Customs for imported food. On-site enforcement is carried out by authorised officers. Nevertheless, studies show that traders and consumers are not familiar with its provisions and that the enforcement capacity is not consistent regarding the labelling standards (Hettiarachchi, 2022; Kolamunna & Dissanayake, 2023).

The Authority deals with issues concerning essential goods and services, e.g., price control, unfair trade practices, etc. CAA Act provides for the establishment of the Consumer Affairs Authority and the Consumer Affairs Council. The Authority has the power to give orders of a binding nature relating to the labelling, packaging and standards, including the fixing of price and specification in accordance with the SLSI (Sri Lanka Standards Institution). Its enforcement powers include investigating consumer complaints as well as prohibiting misleading information regarding product marketing. Despite the wide range of consumer protection that these provisions provide, they will not define Halal nor establish a means of verifying Halal.

The current food label regulations were established in 2005. These are in the process of being replaced by the 2022 Food (Labelling and Advertising) Regulations. Their implementation is scheduled for 2025. Under these regulations, packaged food must mention the name of the product, the ingredient list in descending order of weight, the INS Numbers of any additives (if they exist), the net quantity, details of the manufacturer and the importer, the country of origin, and many more things. The 2022 Regulations mandate labelling in Sinhala, Tamil and English (Arnold et al., 2020; Hettiarachchi, 2022). Although these regulations are generally comprehensive, they do not contain any provisions specific to Halal claims, certification marks, or standards against which a Halal claim should be verified. An allegation contained in a label which constitutes a Halal representation is, therefore, regulated only by the general anti-deception provisions of the Food Act and CAA Act. That is to say, these provisions presume the existence of some standard through which to assess whether or not the inscription is deceptive.

The national standards of Sri Lanka are mainly developed by the Sri Lanka Standards Institution (SLSI), some of which are of mandatory regulatory status (Rathnathilake et al., 2017). Neither a Halal food standard (SLS) nor certification guidelines on Halal compliance have been published by SLSI. This space is occupied by private certification bodies such as the Halal Accreditation Council (HAC) and the ACJU, and some organisations implement the international GSO 2055 standard (Saujan et al., 2025). These bodies work without any statutory authority, government oversight, mandatory competence requirements, or legally protected Halal marks, giving rise to inconsistencies and possible consumer deception.

Gaps Between Sri Lankan Law and Shariah Halal Requirements

A comparison of the Shariah requirements in Section 3 against the legal framework in Section 4 reveals four core structural gaps.

Neither the Food Act nor the CAA Act provides for “Halal” in statutory terms. The law is inadequate to capture the ritual obligations imposed by the Shariah through the general prohibitions against food that is “unfit”, “unclean” or “adulterated”. The lack of legal definition means there is no enforceable standard against which Halal claims can be tested. A product label that bears the word “Halal” is only subject to the general anti-deception framework. However, without a defined referent for “Halal,” there cannot be proven deception. Conventional food safety compliance does not replace Shariah Halal compliance: a hygienically slaughtered animal does not fulfil Zabiha if the Tasmiyah was omitted, or if the slaughterer was ineligible Islamically.

Sri Lanka does not have a government-regulated halal certification system. The ACJU and HAC have been functioning without the law and without compulsory standards. No legislation specifies the Shariah competency requirements for

certification bodies, the auditing procedures to be followed by them, the products that will be subject to certification, and the conditions under which a certified Halal mark may be used. The absence of a competent authority for certification green-lights spurious certification services; modifies the level of consumer confidence; and confuses food businesses seeking to make credible Halal claims. The controversy surrounding 2013 reveals that social risks could emerge from an unregulated private certification environment (Razick et al., 2016; Yusoff & Sarjoon, 2017).

The Food Act of Sri Lanka and the Food (Hygiene) Regulations prevent the public health issue of contamination by requiring the food to be produced in sanitary conditions. Yet, they do not require the physical separation of Halal and non-Halal materials mandated by the Shariah. A mixed-use food production site may meet all general hygiene standards, while transgressing Halal integrity due to contact between Halal and non-Halal products. There are no requirements in the Sri Lankan Food Law for ritual cleansing (sertu) of equipment that has contacted Najis. At present, no regulation stipulates the existence of dedicated Halal processing lines, cleaning verification, or Halal Critical Control Points.

The regulations related to food are comprehensive in general labelling, but there is no part that requires or regulates a Halal mark. The Halal claim does not enjoy a legally protected national mark, no standard has been defined for Halal claims, and there is no regulatory body that approves or monitors such claims. The gap allows consumers to fall prey to false or unverified Halal claims, and it deprives businesses that invest in real Halal compliance of any legal protection against unverified competitor claims.

Table 1: Juxtaposition of shariah halal requirements and Sri Lankan legal provisions

No	Shari'ah Requirement	Shari'ah Basis	Sri Lankan Legal Provision	Gap / Divergence
1	Definition of ḥalal/ḥaram	Qur'an 2:168, 2:172, 5:3; sunnah; fiqh	Food Act/CAA Act Regulations	No statutory definition of ḥalal. general terms such as "unfit" or "unclean" are insufficient.
2	Zabiha slaughter	Qur'an 6:118–121; hadith; fiqh on method, invocation,	Food Act (general safety provisions only)	No legal requirement for zabiha for ḥalal-claimed meat. conventional

		and slaughterer conditions		slaughter methods remain permitted.
3	Prohibition of pork, alcohol, and blood	Qur'an 2:173, 5:3, 5:90; hadith	Food act; excise ordinance (for alcohol)	Pork may be implicitly covered. blood prohibition absent. derivatives (gelatin, enzymes) unregulated for *ḥalal* sourcing.
4	Processing purity (taharah/najis-free)	Fiqh on ritual purity; hadith on cleaning impurities	Food act (prohibits insanitary conditions)	Hygiene focus is health-based, not ritual. specific ritual cleansing requirements for equipment are absent.
5	Cross-contamination prevention	Fiqh principles on purity; segregation requirements	Food act; food (hygiene) regulations	General hygiene rules do not mandate strict ḥalal/non-ḥalal segregation or dedicated production lines.
6	Ḥalal certification and labelling	Yaqin (certainty); prohibition of gharar (deception); consumer information rights	Food Act/CAA Act (general anti-deception); food labelling regulations	No state-regulated certification scheme. no legally defined or protected national ḥalal mark. anti-misleading provisions are inadequate without specific

				ḥalal standards.

The gaps in the law create major effects. As per the current law, Muslim consumers cannot be assured of the Halal status of products. Businesses are unable to comply with the systemic certification requirements of the importing countries to gain access to the international Halal market. As the authority is not equipped with a framework, the state gets blamed when social tensions arise around Halal certification in 2013.

Global Perspectives: Halal Regulatory Models

Malaysia has the most centralised state-led Halal governance framework in the world, which shows its ambition to be a global Halal hub (Sains et al., 2017). The Department of Islamic Development Malaysia (JAKIM) is in charge of the Halal certification and regulation process. The Islamic religious councils of the states (JAIN) implement the JAKIM provisions at the state level (Bahiyah Ahmad, 2019). The Trade Descriptions Act 2011, the Definition of Halal Order 2011, and the Certification and Marking of Halal Order 2011 define Halal, prohibit self-certification, and make JAKIM certification mandatory for any Halal claim on a product (Zakaria & Ismail, 2014, 2015).

Malaysia's halal food production standard (MS 1500:2019) incorporates the Shariah principles along with general food safety standards (Rizuan & Kadir, 2020). JAKIM has created an international certification network which recognizes more than eighty foreign Halal certification bodies in more than forty-five countries (Latif et al., 2014). The Malaysian model is known for its legal comprehensiveness, standardisation and global reach. Nevertheless, it is said to suffer from bureaucratic inefficiency and political susceptibility.

Indonesia, being the country with the largest Muslim population in the world, has introduced mandatory Halal certification under Law No. 33 of 2014 regarding Halal Product Assurance, which was subsequently amended by the Omnibus Law and implemented under Government Regulation No. 39 of 2021 and No. 42 of 2024 (Sofiana et al., 2024; You et al., 2024). The Indonesian Ministry of Religious Affairs establishes the system and enacts Government Regulation 33/2012. MUI (Indonesian Ulema Council) issued a halal fatwa following an audit by LPH (Halal Inspection Body) who have been accredited by BPJPH (Azam & Abdullah, 2021; Dewi, 2023).

The Indonesian system requires Halal certification on a wide variety of goods and services circulating in the country. The applicant submits to BPJPH, followed by an audit by an accredited LPH, issuance of MUI fatwa, and final certification from BPJPH. According to Siddiq et al, the recent amendment will reduce the period for certification to twenty-one days and also make the certification valid for an indefinite period unless the formulation or processing changes (Siddiq et al.,

2021). The system is robust because it is mandated and the religious certification is separated from commercial interests. However, delays in implementation and access by SMEs continue to be concerns.

The UAE adopts a state-controlled accreditation system within the GCC regulatory framework. The Ministry of Industry and Advanced Technology (MoIAT) is the main authority that approves Halal Nomenclature Markings (HNM). The legal framework consists of the technical regulations according to GSO 2055-1:2015 (general Halal food requirements), GSO 993:2015 (animal slaughter requirements), and UAE.S 993:2022 (UAE standard on pre-slaughter stunning, particularly for poultry) (Zubaidi et al., 2023; Akbar et al., 2023). The Gulf Cooperation Council Accreditation Centre (GAC) is responsible for accrediting Halal certification bodies (HCBs) as per GSO 2055-2:2021 (Al-Mahmood, 2020).

High-risk categories, particularly raw and processed meat, require certification. No certification body shall endorse its logo on product packaging, except for the official National Halal Mark authorised by MoIAT. By keeping product labelling separate from certifier identity, market credibility is preserved and confusion avoided. The dependence of the UAE model on international standards and third-party accreditation makes it most suitable for trade.

EU-wide Halal legislation is lacking in the European Union (EU). Regulation (EC) No. 178/2002 and Regulation (EC) No. 853/2004 stipulate general food safety requirements for all food items, but they do not contain any Halal provisions. In the EU, halal certification takes place on a voluntary, market-driven basis. It involves a wide variety of private certification bodies whose standards, recognition criteria, and oversight mechanisms differ greatly across member states. The model of the EU is flexible and has a speed of adaptation to the market. However, the proliferation of packaging and logos and standardisation failures, along with inconsistency of certifiers, dents consumer confidence. It also compromises Intra-EU trade. Difficulties are faced by Halal producers in relation to legal and ethical aspects due to the EU's unresolved controversy on whether or not pre-slaughter stunning must be obligatory, with exemptions for religious purposes.

A lot of lessons can be learned from the global survey. Where consumer protection and export market access are primary goals - Malaysia and Indonesia - state-led compulsory certification with standards that are legally defined is most effective. The accreditation-based model of the UAE, which allows the certification to be undertaken by private bodies working under government-mandated standards and third-party accreditation, is less resource-intensive and has been widely recognised across the globe. The EU model shows that a totally market-based approach brings inconsistencies and trust deficits that then require regulatory correction. Sri Lanka's reform agenda should take particular lessons from the UAE model of differentiating standard setting (a government function)

from Certification (a function of accredited private bodies). This is a neat arrangement and is suitable to the Sri Lankan institutional setting and the pluralist political setting of Sri Lanka.

Legislative and Administrative Reforms

Legislative Amendments

A statutory definition should be introduced so that 'Halal' will encompass basic Shariah legal requirements, that is, basically permissible animal origin, Zabiha method of slaughtering, absence of anything explicitly prohibited (Haram), and its derivatives in Halal, and its processing should be free from Najis. All regulatory and enforcement actions further down the road are based on a statutory definition. The Act ought to specify that the commercial designation of a product as being Halal when it does not meet the defined specification is a form of deception that falls under existing penalties. This includes, in particular, meat from animals not slaughtered by way of Zabiha; food containing pork, alcohol, blood or their derivatives; and food contaminated by Najis.

The Minister of Health, after consultation with a Food Advisory Committee enlarged or technically supplemented, should be empowered to promulgate National Halal Standards. The required standards must be adapted to the local conditions of Sri Lanka and also must be adapted to the applicable international standards, namely GSO 2055-1 and GSO 993. The Act should also empower the Minister to establish regulations that demand the separation of halal and non-halal processing lines, cleaning procedures, and equipment requirements in shared facilities.

Amendment to regulations on food (labelling and advertising). The labelling regulations must be amended to prescribe a national Halal mark subject to legal protection only for products certified under the accreditation system defined hereunder. Only products that have the correct certification should bear the national Halal mark. Entities that were certified to use a private Halal logo may continue to do so but may not apply the logo on product packaging so that it replaces or conflicts with the national mark. The use of the word "Halal" or equivalent representations on packaging must be prohibited unless such products are certified in accordance with the national system. These measures protect consumers against misleading claims and protect compliant enterprises from unfair competition.

Recommended Administrative Structure: National Halal Accreditation Body

There are two types of management models. Sri Lanka should have a dedicated regulatory body similar to JAKIM in Malaysia and BPJPH in Indonesia - a National Halal Authority of Sri Lanka. This model helps achieve full state management and regulatory uniformity but requires large public expenditures, specialised technical and Shariah expertise, and large institutional infrastructure.

Sri Lanka has limited resources, and functioning within a multi-religious polity makes Halal governance sensitive. Therefore, this model has greater implementation risk.

The suggested model would be a National Halal Accreditation Body (NHAB), which could be established as a particular division of either the Sri Lanka Accreditation Board (SLAB) or the SLSI, or as an independent statutory body. The criteria for accreditation of Halal Certification Bodies (HCBs) would be set by the NHAB based on the requirements of competency in Shariah and international standards (ISO/IEC 17065) and GSO 2055-2. Accredited against those criteria will be private bodies, which include the HAC at present and the qualifying new entrants. Registered Halal Certification Bodies (HCBs) or accredited HCBs would issue Halal certificates under the National Halal Authority of Bangladesh (NHAB). Vetted (certified) products and accredited bodies would be listed on a public registry and subject to periodic performance review. The proposal we make in this model mirrors our regulatory structure of the UAE/GAC. Further, it separates out government standards setting from private sector certification, employs existing private sector expertise, and minimises demand on public resources.

Supporting Structures

A Halal Technical Advisory Committee (HTAC) should be established regardless of the administration model adopted. The HTAC should have recognised Shariah scholars, food scientists and technologists, and veterinarians, as well as industry representatives from manufacturing and retail, and government officials from health, trade, SLSI, and Customs. The HTAC should advise on the development and interpretation of technical standards, issue positions on novel jurisprudential questions, and support the NHAB in certification dispute resolution, such as the permissibility of certain derivatives or processing technologies. This structure mirrors the advisory role of the MUI in Indonesia and is in accordance with the principle of institutional consultation (Shura) in Islam.

Grounding in Islamic Jurisprudence (Maqasid al-Shariah)

The proposed reforms are rooted in the higher goals of Islamic law (Maqasid al-Shariah), which provide them with a legal and juristic legitimacy. The Protection of Religion (Hifz al-Din) is served by providing Muslims with products whose Halal status is authoritatively verified. The Hifz al-Din requires one to fulfil this Islamic obligation. The Tayyib dimension of Halal standards further the Protection of Life (Hifz al-Nafs), which is compatible with the existing provision on public health of the Food Act. The Protection of Property (Hifz al-Mal) is served by preventing financial damage through fraudulent labels of Halal. By enabling consumers to make informed decisions free from deception (Gharar), protection of intellect (hifz al-aql) is enhanced. The effective protection of progeny (Hifz al-Nasl) entails providing people with sound and Halal foodstuff.

The proposed model is designed based on the principle of Maslahah (public interest) to benefit consumers, businesses, and the state. Sadd al-Dhara'ih rationale, according to which deceptive Halal claims should be banned through a certified labelling system. The Islamic institution of Hisbah, which involves supervising the market to promote righteousness and prevent harm, provides doctrinal justification for state intervention in Halal in that such intervention is not merely permissible, but obligatory (when religious and social interests require it) (Hussain, 2013).

Feasibility Considerations

Implementing the proposed reforms requires careful consideration of resource, institutional, and social constraints. The NHAB will use existing accreditation infrastructure (SLAB or SLSI) and current private-sector capacity rather than create public institutions in parallel, thus minimising the resource demand on the state. The investment sought for Halal standard development, establishment of HTAC, and design of the accreditation process is much lower than the required one for a full-fledged regulatory authority.

It is essential to build capacity. Employees of the Consumer Affairs Authority, customs officials, Halal certifying bodies, local authorities, and industry auditors must be trained in Halal standards and audit techniques. In addition to Halal-specific training, the existing gap in food law enforcement capacity must also be addressed. Integrity in governance necessitates a clear and independent NHAB possessing conflict of interest policies and free from commercial and religious-organisation influence.

An inclusive consultation process is required due to the social sensitivity of Halal regulation in the multi-religious context of Sri Lanka. The communication of the main objective, consumer protection and trade facilitation, to all religions is clear. When tackling reform of certifications, it is necessary to emphasize that this is not a religious imposition, but rather a technical measure with an impact on market access for all consumers. It must benefit all consumers and support economic development. Support for small and medium enterprises should be provided through simplified application procedures, delayed use of regulations, and technical assistance plans.

It is recommended to use a phased implementation timeline. The first phase is the amendment of the Food Act and labelling laws. The NHAB is established in phase two and is at the HTAC. Phase three consists of the development and issuance of the National halal Standards based on the international standard. The stakeholder training, public awareness campaign, and accreditation operations begin in phase four.

Conclusion

The present paper illustrates that Sri Lanka's food safety and consumer protection legislation is not sufficient to meet the specific needs of Shariah Halal compliance in four essential respects, namely, the absence of a statutory Halal definition, absence of a regulated certification system, inadequate cross-contamination prevention measures, and absence of Halal labelling requirements. These gaps allow Muslim consumers access to unverified Halal claims, create barriers to the entry of verified Halal products into the international market, and give rise to social tensions, as seen in 2013.

Comparison of the models of Malaysia, Indonesia, the United Arab Emirates, and the European Union demonstrates that each model has deficiencies. Effective Halal governance requires a state-based model that legally defines the term Halal, mandates or accredits certification, protects the national Halal mark, and enforces compliance. The model used by the UAE, which relies on accreditation, is the most suitable one for the institutional context of Sri Lanka. The model separates standard-setting by the government from certification by the private sector, but remains subject to public oversight.

The legislative amendments and administrative structure that have been proposed will fill each gap identified and will be consistent with Islamic jurisprudence, compatible with the legislative framework of Sri Lanka and feasible from an institutional and social perspective. Initiation of the process demands an expression of political will at an exclusionary sectoral level. The benefits which may arise (better consumer protection, development of markets and social cohesion in a pluralist society) warrant the effort. The reforms suggested here create a realistic and workable jurisprudential basis for Sri Lanka to develop a credible, inclusive, and internationally recognised Halal regulatory system.

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