

**SOCIAL CONSTRUCTION OF HALALAN
THAYYIBAN AND HALAL FOOD LAW AMONG
FAITH-BASED COMMUNITIES, BANTEN
INDONESIA**

IKOMATUSSUNIAH

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***SOCIAL CONSTRUCTION OF HALALAN
THAYYIBAN AND HALAL FOOD LAW AMONG
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INDONESIA***

by

IKOMATUSSUNIAH

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LIST OF ABBREVIATIONS

BPS	<i>Badan Statistik Indonesia</i> (Indonesia's Central Bureau of Statistic)
BPOM	<i>Badan Pengawas Obat dan Makanan</i> (The National of Drug and Food Control)
WTO	World Trade Organization
MCIE	Modern Cikande Industrial Estate
FGD	Focus Group Discussion
JPH	<i>Jaminan Produk Halal</i> (Halal Products Assurance)
PPH	<i>Proses Produk Halal</i> (Halal Products Process)
BPJPH	<i>Badan Penyelenggara Jaminan Produk Halal</i> (Organizer of Halal Products Assurance Agency)
MUI	<i>Majelis Ulama Indonesia</i> (Indonesian Council of Ulama)
LPPOM-MUI	<i>Lembaga Pengkajian Pangan Obat-obatan dan Kosmetika-Majelis Ulama Indonesia</i> (Assessment Institute for Foods, Drugs and Cosmetics-Indonesian Council of Ulama)
LPH	<i>Lembaga Pemeriksa Halal</i> (Halal Audit Agency)
QDA	Qualitative Data Analysis
HT	<i>Halalan thayyiban</i>
HT ^I	<i>Halalan - Non-Thayyiban</i>
H ^I T	<i>Non-Halalan - Thayyiban</i>
H ^I T ^I	<i>Neither Halalan nor Thayyiban</i>
HTFL	<i>Halalan thayyiban food Laws</i>
PTSP	<i>Pelayanan Terpadu Satu Pintu</i> (One-stop Services)
PWNU	<i>Pimpinan Wilayah Nahdlatul Ulama</i> (Regional Chairman of Nahdlatul Ulama)

PWM	<i>Pimpinan Wilayah Muhammadiyah</i> (Regional Chairman of Muhammadiyah)
UMKM	<i>Usaha Mikro Kecil dan Menengah</i> (Micro, Small and Medium Enterprises/MSMEs)
Untirta	Universitas Sultan Ageng Tirtayasa (University of Sultan Ageng Tirtayasa)
RTC	<i>Pasar Induk Rau</i> (Rau Trade Center)
FKUB	<i>Forum Kerukunan Umat Beragama</i> (Banten's Religious Harmony Forum)

**PEMBINAAN SOSIAL HALALAN THAYYIBAN DAN UNDANG-UNDANG
MAKANAN HALAL DALAM KALANGAN MASYARAKAT BERASASKAN
AIKIDAH, BANTEN INDONESIA**

ABSTRAK

Kajian ini memfokuskan kepada pembinaan sosial mengenai *halalan thayyiban* dan undang-undang makanan halal dalam kalangan masyarakat beragama di daerah Banten, Indonesia. Makanan halal telah difahami secara meluas oleh masyarakat umum sebagai makanan yang tidak mengandungi daging babi, *khamr* (alkohol atau bentuk lain yang memabukan) dan protein haiwan yang disembelih menggunakan kaedah Islam. Walaupun *halalan thayyiban* adalah konsep yang tidak dapat dipisahkan, masih ramai yang tidak memahaminya. Realitinya, penyelidikan dan teori undang-undang makanan *halalan thayyiban* sangat terhad atau hampir tidak ada. Oleh itu, kajian ini bertujuan mengisi jurang secara teori dan empirikal undang-undang makanan *halalan thayyiban* dalam literatur. Daerah Banten di Indonesia dipilih sebagai kawasan kajian kerana dianggap sebagai hab industri halal terbesar di Indonesia. Kajian ini menggunakan strategi penyelidikan abduktif yang menggunakan analisis tematik dari Analisis Data Kualitatif (QDA) dengan data diperoleh dari temubual mendalam bersama sejumlah informan dari komuniti berlainan agama yang di Banten sehingga menemui titik tepu, yang mana dapat dicapai setelah menemubual secara mendalam 36 orang informan. Empat persoalan kajian telah dibentuk untuk mencapai objektif utama kajian ini, iaitu menyelidiki makna, persepsi, tingkah laku, dan cabaran undang-undang makanan *halalan thayyiban* dalam kalangan masyarakat beragama di Banten. Hasil kajian ini mendapati bahawa walaupun konsep halal

mempunyai perspektif yang berbeza di antara masyarakat beragama dengan ajaran agama yang berbeza, konsep *thayyib* mempunyai pemahaman yang sama di antara semua walaupun berlainan agama. Di samping itu, kajian ini juga telah mengenal pasti sepuluh (10) persepsi, lapan tingkah laku, dua belas (12) amalan dan empat cabaran dalam membeli makanan *halalan thayyiban* di Banten, yang mana, kesemuanya telah berjaya memenuhi jurang ilmu mengenai undang-undang makanan *halalan thayyiban* sekurang-kurangnya dari perspektif pelaku sosial di peringkat kerajaan tempatan. Secara keseluruhan, kajian ini juga telah memberi beberapa sumbangan yang signifikan dalam kajian undang-undang makanan Islam secara umum, iaitu: (1) logik pra-institusi undang-undang makanan *halalan thayyiban* pada tahap teori konseptual, (2) persepsi dan cabaran terhadap literatur *halalan thayyiban*, (3) konseptualisasi 12 undang-undang makanan *halalan thayyiban* terhadap literatur *halalan thayyiban*, dan (4) teori mengenai pengetahuan lokal berkenaan undang-undang makanan *halalan thayyiban* di peringkat kerajaan tempatan. Sehubungan dengan itu, berdasarkan hasil kajian ini dicadangkan agar pelaksanaan undang-undang makanan *halalan thayyiban* dapat dikuatkuasakan di peringkat kerajaan tempatan seluruh negara.

***SOCIAL CONSTRUCTION OF HALALAN THAYYIBAN AND HALAL FOOD
LAW AMONG FAITH-BASED COMMUNITIES IN BANTEN, INDONESIA***

ABSTRACT

This study focuses on the social constructs of *halalan thayyiban* and halal food laws among the faith-based communities in the province of Banten, Indonesia. Halal food has been widely understood by the general public to be food that does not contain pork, *khamr* (alcohol or other form of intoxicants) and animal protein slaughtered using the Islamic method. While *halalan thayyiban* is an inseparable concept, not many understand about it. In fact, research and theories of *halalan thayyiban* food law are very limited, if not non-existent. Hence, this study aims to fill in the theoretical and empirical gaps of *halalan thayyiban* food law in the literature. The province of Banten in Indonesia is chosen as the study area because it is regarded as the largest halal valley industry in Indonesia. The study used abductive research strategy that utilised thematic analysis of Qualitative Data Analysis (QDA) on the data obtained from in-depth interviews with a number of informants from different faith-based communities in Banten up until saturation point of results was achieved, in which in this study it was achieved after 36 informants had been interviewed. Four research questions were developed in order to achieve the main objectives of this study, which are to investigate the meanings, perceptions, behaviours, and challenges of the *halalan thayyiban* food law among the faith-based communities in Banten. The results of this study determined that while the concept of halal had different perspectives among faith-based communities with different religious teachings, the concept of *thayyib* had similar understanding among all despite difference of religion. Besides that, this study had

also identified ten perceptions, eight behaviours, twelve conceptions and four challenges in purchasing *halalan thayyiban* food in Banten, which had all successfully filled the knowledge gap of *halalan thayyiban* food law at least from the perspectives of social actors in a local government level. Overall, this study had also developed several findings that are significant in the study of Islamic food law in general, which are: (1) pre-institutional logic of *halalan thayyiban* food law on a conceptual theoretical level, (2) perceptions and challenges on *halalan thayyiban* literature, (3) conceptualisation of 12 *halalan thayyiban* food law on *halalan thayyiban* literature, and (4) a theory on the local knowledge of *halalan thayyiban* food law in the local government level. In addition, it is proposed that the implementation of *halalan thayyiban* food law based on the results of this study should be implemented in the local government level across the nation.

CHAPTER 1

INTRODUCTION

1.1 Introduction

This chapter presents the general introduction that comprises the study background, problem statements, research questions and objectives of the study. In addition, the significance of the study, its scope and limitations are also discussed here. Finally, the operational definition terms used in this study as well as the synopsis of each chapter are explained by the end of this chapter.

1.2 Background of the Study

Issues on halal and haram are essential for Muslims as these issues are related to their *iman* (faith). The notion of *halalan thayyiban* (طَيِّبًا حَلَالًا) food is part of Islamic teachings in reference to daily sustenance. Moreover, food safety is indispensable in which it is deemed significant to comply with dietary needs, free from adverse substances and acceptable in Islamic culture (Hospes & Hadipriyatno, 2010), particularly in recognising all processes involved in the production, determination of halal and toxicity status, removal of repulsive ingredients, *najis* (ritually unclean) and toxic components (Alzeer et al., 2018). Muslims are required to be scrupulous to avoid prohibited and distrustful sources as mentioned in a Hadith recorded by Imam Ahmad, that Abu Hurayrah said that Allah's Messenger said:

(O people! Allah is Tayyib (Pure and Good) and only accepts that which is Tayyib. Allah has indeed commanded the believers with what He has commanded the Messengers, for He said: (O(you) Messengers! Eat of the Tayyibat and do righteous deeds. Verily, I am well-acquainted with what you do) (23:51), and: (O you who believe! Eat of the lawful things that We have provided you with) He then mentioned a man, (who is engaged in a long journey, whose hair is untidy and who is covered in dust, he raises his hands to the sky, and says, `O Lord! O Lord! 'Yet, his food is from the unlawful, his drink is from the unlawful, his clothes are from the unlawful,

and he was nourished by the unlawful, so how can it (his supplication) be accepted"). It was also recorded by Muslim and At -Tirmidhi (Kathir, 2018: 419-420)

In addition, Al-Qardawi (1997:23) explained that,

In relation to such matters, Islam considers it an act of piety for the Muslim to avoid doing what is doubtful in order to stay clear of doing something haram. This is similar to what was discussed earlier concerning the blocking of the avenues which lead to what is haram. Such a cautious approach, moreover, trains the Muslim to be farsighted in planning and increases his knowledge of affairs and people. The root of this principle is the saying of the Prophet (s.a.w.s.): The halal is clear and the haram is clear. Between the two there are doubtful matters concerning which people do not know whether they are halal or haram. One who avoids them in order to safeguard his religion and his honor is safe, while if someone engages in a part of them he may be doing something haram, like one who grazes his animals near the *hima* (the grounds reserved for animals belonging to the King which are out of bounds for others' animals); it is thus quite likely that some of his animals will stray into it. Truly, every king has a *hima*, and the *hima* of Allah is what He has prohibited. (Compiled by al-Bukhari Muslim, and others; the narration is taken from al Tirmidhi)

Furthermore, consuming halal food is obligatory for Muslims based on stringent food laws cited in various verses (*ayat*) in the Holy Qur'an (Norizah Mohamad & Backhouse, 2014). Muslims are consented to consume food that is acknowledged as halal, whereas those considered as haram should be avoided (Arif & Sidek, 2015). The halal concept emphasises safety, hygiene, and wholesomeness (Rezai, Mohamed, & Nasir Shamsudin, 2012).

Numerous injunctions in the Holy Qur'an have mentioned the laws regarding *halalan thayyiban* (طَيِّبًا حَلَالًا) food for the usefulness of human beings, for instance: al-Baqarah (2:168), an-Nisa (4: 160), al-Maidah (5:4,5,88,96), al-A`raf (7:157), an-Nahl (16:114,115), , and al-Hajj (22:30) (Kathir, 2018). In-detail the verses and related hadiths are described as follows.

QS. al-Baqarah (2:168), “O mankind! Eat of that which is lawful and good on the earth, and follow not the footsteps of Shaytan (Satan). Verily, he is to you an open enemy.” Furthermore, Kathir (2018:415) stated that,

After Allah stated that there is no deity worthy of worship except Him and that He Alone created the creation, He stated that He is the Sustainer for all His creation, and He mentioned a favor that He granted them; He has allowed them to eat any of the pure lawful things on the earth that do not cause harm to the body or the mind. He also forbade them from following the footsteps of Shaytan, meaning his ways and methods with which he misguides his followers, like prohibiting the Bahirah (a she-camel whose milk was spared for the idols and nobody was allowed to milk it), or Sa'ibah (a she-camel let loose for free pasture for the idols and nothing was allowed to be carried on it), or a Wasilah (a she-camel set free for idols because it has given birth to a she-camel at its first delivery and then again gives birth to a she-camel at its second delivery), and all of the other things that Shaytan made attractive to them during the time of Jahiliyyah. Muslim recorded `Iyad bin Himar saying that Allah's Messenger said that Allah the Exalted says, “Every type of wealth I have endowed My servants is allowed for them. . . ' (until), ` I have created My servants Hunafa' (pure or upright), but the devils came to them and led them astray from their (true) religion and prohibited them from what I allowed for them.”

QS. an-Nisa (4: 160), “For the wrongdoing of the Jews, We made unlawful for them certain good foods which had been lawful for them and for their hindering many from Allah's way;” Then, Kathir (2018:1221) described,

Allah states that because of the injustice and transgression of the Jews, demonstrated by committing major sins, He prohibited some of the lawful, pure things which were previously allowed for them. This prohibition could be only that of decree, meaning that Allah allowed the Jews to falsely interpret their Book and change and alter the information about what was allowed for them. They thus, out of exaggeration and extremism in the religion, prohibited some things for themselves. It could also mean that in the *Tawrah*, Allah prohibited things that were allowed for them before.

al-Maidah (5:4) stated,

“They ask you what is lawful for them. Say: "Lawful unto you are *At -Tayyibat* (the good things). And those *Jawarih* (beasts and birds of prey) which you have trained as hounds, training and teaching them (to catch) in the manner as directed to you by Allah; so eat of what they catch for you, but pronounce the Name of Allah over it, and have Taqwa of Allah. Verily, Allah is swift in reckoning”.

In clarifying the lawful, it is explained that,

(They ask you what is lawful for them. Say, "Lawful unto you are *At -Tayyibat* . . . ") In Surat Al-A`raf Allah describes Muhammad allowing the good things and prohibiting the filthy things. Muqatil said, "*At -Tayyibat* includes everything Muslims are allowed and the various types of legally earned provision. " Az-Zuhri was once asked about drinking urine for medicinal purposes and he said that it is not a type of *Tayyibat*. " Ibn Abi Hatim also narrated this statement. Using *Jawarih* to Hunt Game is Permissible Allah said, “(And those *Jawarih* (beasts and birds of prey) which you have trained as hounds. . .) That is, lawful for you are the animals slaughtered in Allah's Name, and the good things for sustenance. The game you catch with the *Jawarih* are also lawful for you. This refers to trained dogs and falcons, as is the opinion of the majority of the Companions, their followers, and the Imams” (Kathir, 2018:1267).

al-Maidah (5:5), “Made lawful to you this day are *At -Tayyibat* . The food of the People of the Scripture is lawful to you, and your food is lawful to them.” In addition, the following explanation in hadith described.

(The food of the People of the Scripture is lawful to you. .) meaning, their slaughtered animals, as Ibn ` Abbas, Abu Umamah, Mujahid, Sa` id bin Jubayr, ` Ikrimah, ` Ata', Al-Hasan, Makhul, Ibrahim An-Nakha`i, As-Suddi and Muqatil bin Hayyan stated. This ruling, that the slaughtered animals of the People of the Book are permissible for Muslims, is agreed on by the scholars, because the People of the Book believe that slaughtering for other than Allah is prohibited. They mention Allah's

Name upon slaughtering their animals, even though they have deviant beliefs about Allah that do not benefit His majesty (Kathir, 2018:1271).

al-Maidah (5: 88), "And eat of the things which Allah has provided for you, lawful and good, and have Taqwa of Allah in Whom you believe." Furthermore, a related hadith described by the Prophet.

(I fast and break my fast, pray and sleep, and marry women. Whoever follows my Sunnah is of me, and whoever abandons my Sunnah is not of me.)" Ibn Abi Hatim also collected this Hadith. Ibn Marduyah recorded that Al-`Awfi said that Ibn `Abbas narrated a similar Hadith. It is recorded in the Two Sahihis that `A'ishah said that some of the Companions asked the wives of the Prophet about the acts of worship that he performed in private. One of them said, "I will not eat meat," another said, "I will not marry women," while the third said, "I will not sleep on the bed." When the Prophet heard this statement, he said, "What is the matter with some people who said such and such I fast and break the fast, sleep and wake to stand to pray, eat meat, and marry women. He who is not pleased with my Sunnah is not of me." Allah's statement, (and transgress not.) means, do not exaggerate and make it hard for yourselves by prohibiting the permissible things. Do not transgress the limits by excessively indulging in the permissible matters; only use of it what satisfies your need; and do not fall into extravagance. Allah said in other Ayat, (And eat and drink but waste not by extravagance.) 7:31 (Kathir, 2018:1402).

QS. al-Maidah (5:96), "Lawful to you is water game and its use for food -- for the benefit of yourselves and those who travel, but forbidden is (the pursuit of) land game as long as you are in a state of Ihram. And have Taqwa of Allah to Whom you shall be gathered back." Sa`id bin Al-Musayyib, Sa`id bin Jubayr and others commented on Allah's statement.

(Lawful to you is (the pursuit of) water game. . .) that it means, what one eats fresh from it, while (And its use for food) what is eaten dry and salted. Ibn `Abbas said that 'water game' refers to what is taken from water while still alive, while (and its use for food) refers to what the water throws ashore dead. Similar statements were reported from Abu Bakr As-Siddiq, Zayd bin Thabit, `Abdullah bin `Amr, Abu Ayyub Al-Ansari, (for the benefit of yourselves and those who travel,) as food and provision for you (Kathir, 2018:1421-1422).

QS. al-A`raf (7:157) described,

Those who follow the Messenger, the Prophet who can neither read nor write whom they find writ ten of with them in the Tawrah and the Injil, -- he commands them to do good; and forbids them from evil; he makes lawful for them the good things, and forbids them from the evil things, he releases them from their heavy burdens and from the fetters that were upon them. So those who believe in him, honor him, help him, and follow the light which has been sent down with him, it is they who will be successful.

Furthermore, further explanation regarding the issue of foods has been stated.

(He makes lawful for them the good things, and forbids them from the evil things,) meaning, he makes the Bahirah, Sa'ibah, Wasilah and Ham, etc., lawful. They were prohibitions that they invented which were only hard for themselves. He also forbids them from evil things, such as the flesh of the pig, Riba, and foods that were treated as lawful although Allah the Exalted had forbidden them. `Ali bin Abi Talhah reported this from Ibn `Abbas (Kathir, 2018:1849).

QS. An-Nahl (16:114,115) stated,

(114. So eat of the lawful and good food which Allah has provided for you. And be grateful for Allah's favor, if it is He Whom you worship.) (115. He has only forbidden dead flesh, blood, the flesh of swine, and any animal which is slaughtered as a sacrifice for other than Allah. But if one is forced by necessity, without willful disobedience, nor transgressing, then, Allah is Pardoning, Most Merciful.)

Furthermore, further explanation exists on example of foods that forbidden because it might harm people.

Allah orders His believing servants to eat the good and lawful things that He has provided, and to give thanks to Him for that, for He is the Giver and Originator of all favors, Who alone deserves to be worshipped, having no partners or associate. Then Allah mentions what He has forbidden things which harm them in both religious and worldly affairs, i. e., dead meat, blood and the flesh of pigs. (and any animal which is slaughtered as a sacrifice for other than Allah.) meaning, it was slaughtered with the mention of a name other than that of Allah (Kathir, 2018:2756-2757).

QS. al-Hajj (22:30), “That and whoever honors the sacred things of Allah, then that is better for him with his Lord. The cattle are lawful to you, except those (that will be) mentioned to you. So shun the *Rijs* of the idols, and shun false speech.” The explanation that cattle are lawful as below.

The cattle are lawful to you, except those (that will be) mentioned to you. means, “We have made permissible for you all the *An`am* (cattle etc.), and Allah has not instituted things like *Bahirah* or a *Sa`ibah* or a *Wasilah* or a *Ham*. (except those mentioned to you.) the prohibition of *Al-Maytah*, blood, the flesh of swine, and that on which Allah's Name has not been mentioned while slaughtering (that which has been slaughtered as a sacrifice for others than Allah, or has been slaughtered for idols) and that which has been killed by strangling, or by a violent blow, or by a headlong fall, or by the goring of horns -- and that which has been (partly) eaten by a wild animal -- unless you are able to slaughter it (before its death) - and that which is sacrificed (slaughtered) on *An-Nusub*. This was the view of Ibn Jarir, who recorded it from Qatadah (Kathir, 2018:3304-3305).

Halalan thayyiban (طَيِّبًا حَلَالًا) food does not comprise things that are outlawed by the Holy Qur’an, such as pigs, dogs, cold-blooded and fanged animals, animals that live in two realms, blood, and alcohol. This tenet, however, changes within the community in discrete situations. “However, if we think thereabouts about Muslims consumers, there are three mainstream characteristics that come to mind, including slaughtering, pork, and alcohol” (Samar, 2012). For instance, alcohol, which is referred in al Baqarah (2:219);

They ask you (O Muhammad) concerning alcoholic drink and gambling. Say: In them is a great sin, and (some) benefits for men, but the sin of them is greater than their benefit. They ask you about *Khamr* and gambling. Say: "In them, there is a great sin. And they ask you what they ought to spend. Say: "That which is (spare) beyond your needs." Thus, Allah makes clear to you His *Ayat* in order that you may give thought” (Kathir, 2018: 540).

In essence, the public insight of halal involves foods and beverages that do not contain pork or alcohol (Alzeer et al., 2018), as well as animal proteins (such as chicken, cow, and buffalo) that are slaughtered by following *sharia* (الشريعة) laws and reciting *Bismillaahi Allaahu Akbar*. It is stated in al-An`am (6:121) that “eat not of

that on which Allah's Name has not been pronounced, for surely it is disobedience” (Kathir, 2018).

1.3 Problem Statement

Studies on *halalan thayyiban* (طَيِّبًا حَلَالًا) food laws, mainly based on the paradigm or perspective of a society, are only found in a small number (Salman & Siddiqui, 2011). Poor knowledge and understanding of what it means to be halal and haram presents an impediment to food purchasing (Alhazmi, 2013). Even the Muslim community who can identify *halalan thayyiban* (طَيِّبًا حَلَالًا) food well does not always guarantee that they will be consuming *halalan thayyiban* (طَيِّبًا حَلَالًا) food (Alhazmi, 2013).

The prevailing concept of *halalan thayyiban* (طَيِّبًا حَلَالًا) food laws in Islamic teachings comes from the Holy Qur'an, while the state food law on halal in Indonesia lies in Act No. 33/2014 on Halal Products Assurance. In theory, halal is described by a scholar as,

What is permitted, with no restrictions whatsoever, and actions that the law giver, Allah s.w.t allow," then the opposite of halal is haram (forbidden): "The law-giver wholly forbids that; anyone involved in it is responsible for the judgment of Allah s.w.t in the hereafter as well as a legitimate punishment in this world (Al-Qaradawi, 2007).

Iqbal (2015) stated that “*thayyib* is understood to encompass all aspects of the physical, environmental, social, economic, and ethical footprints of a particular food”. Theory on *halalan thayyiban* (طَيِّبًا حَلَالًا) and halal food laws on social constructs has yet to be developed by scholars. Since the issue arises as a theoretical gap, Banten province as the location of study can fill the empirical gap.

The *halalan thayyiban* (طَيِّبًا حَلَالًا) food law calls for incorporation into modern policy framework in terms of control and regulation of the halal food supply chain, production and distributions to be under the established legal system. Laws and regulations reflect public policy (Schultz, 1981:57). In food policies, it does not only relate to the public or the food and the industry but also the government (Schultz, 1981:53). Hence, laws on food should be compiled and ratified to regulate human behaviour, which is governed by a regulating power, as a means to control the community (Schultz, 2012). Halal food products and services are fast gaining worldwide acceptance and recognition as a new yardstick for safety and quality assurance (Marzuki & Yahya, 2020). Halal products and services are also gaining increasing acceptability among non-Muslim and the global market value trade in halal food and non-food products is estimated at US\$2.1 trillion annually (A. A. Mohamad, Baharuddin, & Ruskam, 2015). This market has created interest among producing countries, both Muslim and non-Muslim. The increase of social mobility of Muslims around the world has shifted the paradigms of *halalan thayyiban* (طَيِّبًا حَلَالًا) to global attention where halal has become a lifestyle for the global community, leading to halal assurance recognised by the World Trade Organisation (WTO) (Rahmat Hidayat Efendi, 2018). Halal (حلال, halāl, halaal) in Islam means “permissible” based on the Arabic term. *Halalan thayyiban* (طَيِّبًا حَلَالًا) represents food safety for Muslims, while the non-Muslims perceive it as equals to the quality of food. The concept of halal in Islamic countries usually refers to what is allowed in Islamic Law. In non-Islamic countries, the concept of halal food often means food that is fit to be eaten by a Muslim (Ashadi, 2015). *Halalan thayyiban* (طَيِّبًا حَلَالًا) on halal food laws are regulated to avoid food that does not conform to the dietary rules and practices of Muslims. However, in some and arguably most cases of halal products, *thayyib* is excluded.

Banten selected as the location of topic due to some reasons described as follows:

- a. Listed as the centre of international world trade.

Located at the western tip of Java Island, Banten is positioned as the gateway to the islands of Java and Sumatra and is directly adjacent to the DKI Jakarta area as the State Capital. This geostrategic position certainly causes Banten to become the main link for the Sumatra-Java trade route, even as part of the Asian and international trade circulation as a potential location for economic agglomeration and settlements. The northern border is bordered by the Java Sea, in the west by the Sunda Strait, and in the south by the Indian Ocean, so that this area has potential marine resources (Provinsi Banten, 2022a). There are external and internal factors that support shipping routes, namely: the external world spirit that encourages the discovery of new shipping lanes that automatically open new areas, including Banten which became one of a number of chains formed. Internal factors in the form of natural resources in the form of spices, where these natural resources support Banten as an international trading port (Solehat, 2019:1-2). In addition, in its golden age (16-17 centuries), Banten was said to be on par with Amsterdam, the Netherlands (Solehat, 2019:56). Banten as a spice route was existed since the time of the Sunda Kingdom, even before the Islamic Sultanate. This can be seen from the various relics that appeared at the *Banten Girang* Site as a kingdom before the Sultanate of Banten (Kurnialam, 2020).

- b. Banten province is identified as the sultanate's part that is very much cosmopolitan in nature.

People of this community are heterogeneous in religion and cultural circumstances. It was one of the Islamic kingdoms in the archipelago in the 16th-17th

centuries had the most rooted Islamic foundations on the island of Java and attracted the attention of researchers and Banten's success in the trade sector was attracted the attention of researchers to conduct studies through an archaeological-economic approach (Pudjiastuti, 2007). It reflects in the life of the people of Banten and the relics of the sultanate. Islamic archaeological remains in the form of mosques, Islamic boarding schools, tombs, and ancient books can be accessed by the public.

c. The Largest Halal Valley in Indonesia.

Indonesia has a good reputation as an exporter of halal products. Associated halal industry in Banten province develops a modern halal valley industrial estate; the first and largest integrated halal industry cluster in Indonesia covering almost 500 hectares in the Modern Cikande Industrial Estate (MCIE), Serang Regency, Banten province. This cluster summarises integrated halal supply chain, standard factory buildings, industrial land, and logistics park. The integrated halal industry cluster in MCIE is supported by modern infrastructure and facilities and has been integrated for having access to a network of a global halal food products market (Fathurohman, 2018).

Banten is a province that was established based on Act Number 23/2000 administratively, divided into 4 regencies and 4 cities, namely: Serang Regency, Pandeglang Regency, Lebak Regency, Tangerang Regency, Serang City, South Tangerang City, Tangerang City and Cilegon City, with an area of 9160.70 Km². The geographical location of Banten Province is at the Astronomical boundary of 105°1'11² - 106°7'12² East Longitude and 5°7'50² - 7°1'1² South Latitude, with a population of 12,548,986 people (Provinsi Banten, 2022a). Most members of the community embrace Islam with a very high religious spirit, but adherents of other religions can

coexist peacefully (Provinsi Banten, 2022b). The Directorate General of Population and Civil Registration Office (*Direktorat Jenderal Dinas Kependudukan dan Pencatatan Sipil/Dukcapil*) of the Ministry of Home Affairs noted that the population of Banten was 11.79 million people in June 2021. Of these, as many as 11.12 million people (94.82%) or the majority of the population of the westernmost province in Java island is Muslim. Then Christianity became the second majority religion with the number of adherents as many as 308.94 thousand people or 2.62% of the population of Banten. Furthermore, 143.32 thousand people (1.22%) are Catholic, 141.64 thousand people (1.2%) Buddhist, 8.47 thousand people (0.07%) Hindu, 2.22 thousand people (0.02%) are Confucian, and those who adhere to the belief of 6.54 thousand people (0.06%) (Kusnandar, 2021).

This study examines the faith-based communities' perspectives and insights related to *halalan thayyiban* (طَيِّبًا حَلَالًا) and halal food laws in Banten to fill the existing gap of *halalan thayyiban* (طَيِّبًا حَلَالًا) and halal food laws conceptualisation and contestation in terms of social constructs.

The urgency of non-Muslim's perspectives on the concept of *halalan thayyiban* (طَيِّبًا حَلَالًا) and halal food is not all halal food manufacturers are Muslims, and lots of non-Muslim food entrepreneurs produce food products with Muslim consumers as one of the targets markets. Restaurants, regardless of the ownership by Muslims or non-Muslims, will be granted halal certificates upon complying essential requirements from regulatory authorities in terms of health, safety of their foods and the hygiene surrounding of the food production (Mohd Hashim Muda et al., 2020). Therefore, the food should meet halal food standards with food safety assurance. Furthermore, "halal assurance is complicated as there are different legal standards and no common

perception. One of the steps to analyse the perceptions is determining the perspectives of Muslim and non-Muslim” (Ikomatussuniah, bin Bustami, & Abdul Latip, 2021). In addition, Muslim consumers have the rights to obtain food products following *halalan thayyiban* (طَيِّبًا حَلَالًا) food standards based on *sharia* (الشريعة) compliance. Regulations on halal food laws do not have same meanings due to different interpretation of halal standards. Various standards that are different and without mutual acceptance is complicated condition in interpreting halal assurance. Globally influential standards are needed to gain consumer confidence in understanding the halal assurance accepted by the global market (Demirci, 2016), and the global market existed among faith-based communities. All human beings, both Muslim and Non-Muslim pay attention to the food consumed. Some of them have their own eating restrictions, and Muslims want to make sure that the food they eat is halal (Marzuki, 2012). Furthermore, food that halal (permissible to be eaten and not prohibited by the law of *Shara*) and thayyib (good, nutritious, and beneficial for health) are 2 conditions should fulfilled by Muslims in consuming foods (Fatmawati, 2019) .

The outcomes contribute to the theorisation of *halalan thayyiban* (طَيِّبًا حَلَالًا) food laws based on social constructs of the meanings, the perceptions, the behaviours, and the challenges. The meanings of the topic analysed to capture the faith-based community’s understanding, the perceptions and behaviour of the topic examined and asses to obtain information related the implementation of *halalan thayyiban* and halal food law in the faith-based community; and the challenges of the topic investigated to dig the obstacles and how to solve it.

The upshot of it will be recommended to the representatives and stakeholders to construct and implement *halalan thayyiban* (طَيِّبًا حَلَالًا) food laws as a unified

concept. Furthermore, the theories and practices used can be constructed in line to understand the definition of halal and the food people consume (Samar, 2012). This research was conducted with the title of “Social Construction of *Halalan Thayyiban* and Halal Food Law among Faith-based Communities, Banten Indonesia”.

1.4 Research Questions

1. What are the meanings attached by faith-based communities in Banten to the term *halalan thayyiban* food laws?
2. What are the perceptions desired practices of purchasing *halalan thayyiban* food products among faith-based communities?
3. What are the behaviours of faith-based communities in Banten province on purchasing products related to *halalan thayyiban* food?
4. What are the challenges they perceive and what meanings do they attach to those challenges?

1.5 Objectives of the Study

The objectives of the study are as follows,

1. To analyse the meanings attached by faith-based communities in Banten to the term *halalan thayyiban* food laws.
2. To examine the the perceptions desired practices of purchasing *halalan thayyiban* food products among faith-based communities.
3. To assess the behaviours of faith-based communities in Banten province on purchasing products related to *halalan thayyiban* food.
4. To investigate the challenges they perceive and what meanings do they attach to those challenges.

1.6 Significance of the Study

The significances of this study are as follow:

1. Increase the awareness for *halalan thayyiban* food to other non-Muslims and beyond the Muslims dominated communities.
2. Enhance the social construct concepts of *halalan thayyiban* food laws in Banten province of Indonesia.
3. Fill the theoretical and empirical gaps on *halalan thayyiban* food laws.
4. Aid policymakers in the furtherance of *halalan thayyiban* food laws.
5. Generate future research on other social dimensions of *halalan thayyiban*.

1.7 Scope and Limitations of Study

This study has the following scope and limitations:

- a. The topic of *halalan thayyiban* food laws based on social actors' constructs of faith-based communities in the literature is scarce in the aspect of social constructs. Thus, this study would fill the theoretical and empirical gaps of knowledge.

The previous study on *halalan thayyiban* and food laws on faith-based communities' perspectives on meanings, perceptions, behaviours, and challenges has not delivered on social constructs of faith-based communities. The studies appears are related to matter of Muslim's perspectives (Amalia, 2019; Kahpi, 2016; Wahyudin et al., 2018; Insani et al., 2019; Shaary et al., 2020; Anny Sartika Daulay et.al., 2020; Ayuniyyah, Hafidhuddin, & Hambari, 2017; Mahbob, 2020; N. S. Mohamad et al., 2018), halal governance and regulations (Hudaefi, 2019; Farid, 2019; Dimon, 2020; Deuraseh et al., 2020; Tajudeen, 2020), halal food industry (Tamimah, 2018; Pusparini, 2019;

Dakhoir, 2018; Aghwan, 2019; Elgharbawy et al., 2020; Gunawan et al., 2020; Sungit et al., 2020; Ramli et al., 2020), and *halalan thayyiban* food supply chain (Yahya, Samicho et al., 2016; Saad et al., 2020).

- b. Banten province was selected as the study area of this study since it is the first local government in Indonesia that has a halal industry valley with about 500 hectares of land mass area.

Industry Minister, Agus Gumiwang Kartasasmita stated that the Cikande Modern Halal Industrial Area (KIH) namely Halal Modern Valley, in Banten will be the first and largest integrated halal industry cluster in Indonesia (Septyaningsih, 2021; Cahyoputra, 2021; Antara, 2021).

- c. This study was purely qualitative using an abductive research strategy to answer four research questions by conducting in-depth interviews.

The abductive research strategy was implemented to answer the research questions of the topic at social constructions to reveal the answers. With using abductive, the research questions were answered based on the respondents' insight, experiences, and thoughts based on their everyday activities. Eventually, the pureness of knowledge found based on bottom up process.

There were four research strategies explained in this chapter based on Norman Blaikie, which are inductive, deductive, retroductive, and abductive. The first three are the research strategies commonly used in natural sciences, and the last one, abductive, is commonly used in social sciences. As this study is on *halalan thayyiban* (طَيِّبًا حَلَالًا) and halal food laws based on the social constructs of Banten's faith-based communities, Indonesia, the researcher applied the abductive research strategy with Qualitative Data Analysis.

Furthermore, since the study is based on social constructs, an in-depth interview was selected as the best method for this study in gathering data from social actors by obtaining their thoughts based on their feelings, beliefs, experiences, and opinions.

- d. This study was limited to social actors' insights of faith-based communities of Banten province on *halalan thayyiban* and halal food laws although contextual discussions on the public discourse in media were written by scholars from various points of view.

The selected respondents' insights from faith-based communities representatives are gained to capture the whole idea on the topic of *halalan thayyiban* and halal food law from broad perspectives of Muslims and non-Muslims due to the topic becomes Islamic reveal knowledge among Muslims and non-Muslims.

- e. This study experienced time constraints.

Three years of study was targeted from Islamic Development Bank. Eventually, the first and the final years were done with accomplishing the proposal and writing the full thesis, and the second year was done by doing field research, transcription, and analysis.

- f. Financial were limited.

Financial constraints emerged due to specific research grant allocation is not provided.

1.8 Operational Definition of Terms

This study is presented based on the following operational definitions of terms and concepts to avoid ambiguity and vagueness.

a. Social Construction

Social construction, which public perception of reality is constructed (Galvin, Quinn, & Cleary, 2022), built from the social actors that selected as respondents to describe their insights, experiences, thoughts based on their perspectives in daily life for analysing, examining, assessing, and investigating the topic of *halalan thayyiban* and halal food law among faith-based communities in Banten, Indonesia. Social actors described as any person who has motives and intentions in everyday lives (Blaikie, 2007:90). Thus, through their behaviour, this ‘insider’ view can be described based on mutual knowledge, symbolic meanings, intention and rules that provide their orientations.

Everyday activities are described by the respondents related the topic to answer the research questions on meanings, perceptions, behaviours, and challenges of the topic. The answers from them emerged as bottom-up insights to fill the gap of knowledge on *halalan thayyiban* and halal food law among faith-based communities in Banten, Indonesia.

b. *Halalan thayyiban* (طَيِّبًا حَلَالًا)

Halal is free from halal material, and thayyib is free from chemical or biological contamination (Adawiyah, Windayani, Islamiati, & Cahyanto, 2021). *Halalan thayyiban* (طَيِّبًا حَلَالًا) means anything permissible and good to be taken, in this topic is in the form of food and beverages without any restriction for mankind (Al-Qaradawi, 2007). *Halalan thayyiban* (طَيِّبًا حَلَالًا) has two key ontologies; permissible (halal) and good (thayyib). Theologically, they appear as two concepts in unison or as a combined concept in the Qur’anic teachings.

c. Halal food Law

Food laws are the collections of food's Acts on the production, distribution and consumption regulated by the government or private sector to help the society obtain safe food. In this case, halal food is a part of food laws (Meulen, 2012). Halal food law in Indonesia regulates on Act No. 33/2014 on halal product assurance that it is targeted to be fully implemented on 2024.

Halal food law is halal food based on Islamic principles that ruled based on Qur'an and hadith. Furthermore, Al-Qardawi (1997) wrote on food and drink as one of the sections of "The Halal and The Haram of The Private Life of Muslim" that described on various sub sections from "The Attitude of the Brahmins Toward Slaughtering Animals and Eating Meat" to "The Consumption of Harmful Things is Haram".

d. Faith-based communities

The social actors are selected from leaders representatives of the community, namely, leaders Nahdlatul Ulama, Muhammadiyah, LPPOM-MUI, MUI of Banten, Protestant, Catholic, Buddha, Hindu, and Konghucu.

This study focus on the faith-based communities to capture the various perspective regarding *halalan thayyiban* (طَيِّبًا حَلَالًا) and halal food law that nowadays the topic discussed by Non-Muslims as well, especially Non-Muslims food entrepreneurs that produce and sell their products for Muslim consumers.

e. Banten Indonesia

Banten is a province in Indonesia with an area of 9,662.92 Km² and a population of 9,953,414 people. The people of Banten are Sundanese and Baduy,

and the population adheres to Islam, Protestant, Catholic, Buddhist, Hindu, and Konghucu. Furthermore, there are eight administrative areas with four districts, four cities, 154 sub-districts, 262 villages and 1,273 villages (Provinsi Banten, 2022d).

Banten, *propinsi* (or *provinsi*; province), western Java, Indonesia, bounded to the north by the Java Sea, to the northeast by the special capital district of Jakarta, to the east by the province of West Java (Jawa Barat), to the south by the Indian Ocean, and to the west by the Sunda Strait, across which lies the province of Lampung, in southern Sumatra. The capital of Banten is Serang, in the northwestern part of the province. Area 3,731 square miles (9,663 square km). Pop. (2010 prelim.) 10,632,166. For a relatively small province, Banten has a quite varied topography (Gorlinski, 2012).

Based on the official website of Banten province (Provinsi Banten, 2022c), the topography of Banten Province ranges from an altitude of 0 - 1,000 m above sea level. In general, the topographic condition of Banten Province is a lowland from 0-200 m above sea level located in Cilegon City, Tangerang City, Pandeglang Regency, and most of Serang Regency. The Central Lebak area and a small part of Pandeglang Regency has a height ranging from 201 - 2,000 m above sea level and the East Lebak area has an altitude of 501 - 2,000 m above sea level located at the top of Mount Sanggabuana and Mount Halimun.

1.9 Organisation of Chapters

The result of this study is presented in eight chapters classified under three major themes- the general introduction, literature review and conceptual framework, as well as methodology in chapters 1, 2, and 3; meanings of *halalan thayyiban* food laws, perceptions of Bantenese's desired practices on purchasing *halalan thayyiban*

food, behaviours of faith-based communities on purchasing *halalan thayyiban* food, and challenges they perceive and meanings they attach to those challenges (Chapter 4, 5, 6, and 7); and conclusion towards the theory of *halalan thayyiban* and halal food law (Chapter 8).

Chapter 1 describes a general introduction consisting of the study's background, problem statements, research questions, objective of the study, significance of the study, scope and limitations of the study, operational definition of terms, and organisation of chapters. Chapter 2 studies the overview of previous studies on *halalan thayyiban* food, Indonesia's *halalan thayyiban* food discourses, food in private and public laws, *halalan thayyiban* food laws, Indonesia food laws and theoretical & empirical vacuum. Then, the conceptual framework involving sensitising concepts and summaries are explained as a guide in this study. Chapter 3 explains the study methodology comprising research methods, research process, possible probing concept(s), sources of data (social actors, in-depth interviews), time selection/timeline of the study, and research instruments.

In the subsequent four chapters (Chapter 4, 5, 6, and 7), the faith-based communities' insights on *halalan thayyiban and halal food laws* on social constructs are analysed to answer the research objectives. Finally, Chapter 8 deliberates the discussion of findings, summary of findings, limitation of study, implication of study, recommendations for future research, and concluding remarks.

CHAPTER 2

LITERATURE REVIEW AND CONCEPTUAL FRAMEWORK

2.1 Introduction

The following discussions in this chapter consist of *halalan thayyiban* (طَيِّبًا حَلَالًا) food, halal food law, theoretical and empirical vacuum, a conceptual framework of sensitising concepts, and summary of the chapter.

2.2 Halalan Thayyiban Food Laws

There are many instances where the Holy Qur'an states the term "Halal Thayyib" in connection with halal thayyib food, such as: "O mankind! Eat of that which is lawful and good on the earth and follow not the footsteps of *Shaytan* (Satan). Verily, he is to you an open enemy" (al-Baqarah (2:168)), "And eat of the things which Allah has provided for you, lawful and good, and have *Taqwa* of Allah in Whom you believe" (al-Maidah (5:88)), "So enjoy what you have gotten of booty in war, lawful and good, and have *Taqwa* of Allah. Certainly, Allah is Oft-Forgiving, Most Merciful" (al-Anfal (8:69)), and "So eat of the lawful and good which Allah has provided for you. And be grateful for Allah's favour, if it is, He Whom you worship" (an-Nahl (16:114)) (Kathir, 2018).

Halal and thayyib food are edibles recommended by Islam for mankind's sake. As explained in al-Maidah (5:87-88),

O you who believe! Make not unlawful the good things which Allah has made lawful to you and transgress not. Verily, Allah does not like the transgressors. And eat of the things which Allah has provided for you, lawful and good, and have *Taqwa* of Allah in Whom you believe (Kathir, 2018).

In addition, permissible food derived from marine animals is described in al-Maidah (5:96), “Lawful to you is water game and its use for food--for the benefit of yourselves and those who travel, but forbidden is (the pursuit of) land game as long as you are in a state of *Ihram*. And have *Taqwa* of Allah to Whom you shall be gathered back”(Kathir, 2018). Meanwhile, the types of animals that can be consumed are described in al-Hajj (22:30); “That and whoever honours the sacred things of Allah than it is better for him with his Lord. The cattle are lawful to you, except those (that will be) mentioned to you. So, shun the *Rijs* of the idols, and shun false speech”(Kathir, 2018). Moreover, it is explained in al-Baqarah (2:173) that,

He has forbidden you only the *Maitah* (dead animals), and blood, and the flesh of swine, and that which is slaughtered as a sacrifice for other than Allah. But if one is forced by necessity without willful disobedience nor transgressing due limits, then there is no sin on him. Truly, Allah is Oft-Forgiving, Most Merciful (Kathir, 2018).

Furthermore, it is described in al-Maidah (5:3),

Forbidden to you (for food) are: *al-Maytah* (the dead animals), blood, the flesh of swine, and that which has been slaughtered as a sacrifice for other than Allah, and that which has been killed by strangling, or by the goring of horns and that which has been (partly) eaten by wild animal unless you able to slaughter it (before its death) and that which is sacrificed (slaughtered) on *An-Nusub* (stone altars). (Forbidden) is to make decisions with *Al-Azlam* (arrows) (all) that is *Fisq* (disobedience and sin). This day, who disbelieved have given up all hope of your religion; so, fear them not, but fear Me. This day, I have perfected your religion for you, complete my favour upon you, and have chosen for you Islam as your religion. But as for him who is forced by severe hunger, with inclination to sin (such can eat these above-mentioned animals), then surely, Allah is Oft-Forgiving, Most Merciful (Kathir, 2018).

The Islamic food laws are regulated by the *halalan thayyiban* (طَيِّبًا حَلَالًا) food principle in a unified concept. Thayyib is translated as wholesome, pure and good. However, Noor F.K. Iqbal (2015) also stated that “thayyib is thus understood to encompass all aspects of the physical, environmental, social, economic, and ethical footprints of a particular food”. In this case, Islam has its own specific rules on foods

that are halal and thayyib, and which foods should not be consumed at all cost (haram).

Based on Al-Qardawi (1997),

Good things are those which moderate people acknowledge to be wholesome, and which are approved by human beings in general without relation to the habits of a particular group. Allah *Taala* says: they ask thee what is lawful to them (as food). Say: whatever is good is lawful to you.... (5:4) He also says: Today whatever is good is made lawful to you.... (5:5).

According to Tetty Havinga (2011), food has always been the subject of taboos and obligations of what they consider fit for consumption. The subjects are distinguished by depending on the place and time they live and their faith. According to Regenstein (2013), “Halal dietary laws deal with the following issues; all but the last are in the animal kingdom; (1) Prohibited animals, (2) Prohibition of blood, (3) Method of slaughtering/blessing, (4) Prohibition of carrion, (5) Prohibition of intoxicants”.

2.2.1 Overview of Previous Studies on *Halalan Thayyiban* Food

Some studies on *halalan thayyiban* (طَيِّبًا حَلَالًا) food captured the community’s (Muslims and non-Muslims) perception and described economic terms. With the increase of public awareness on health, halal food becomes a trend of business that captures Muslim consumers as a potential market share (Mathew et al., 2014). In 2015, the study of Malaysian non-Muslims’ perception of halal food touched only on the aspects of their behaviour and personal rules on halal with a proper understanding of its religious dimension. The result of another study revealed that there was a conflicting perception with regards to different social cultures, which differentiated the respondents in Kedah and Kelantan from those in Kuala Lumpur, Penang, and Johor, where Muslims are the minority. There is still inadequate research done on non-Muslims consumers’ perception of halal food; thus, the development of halal food