

***Fiqh aqalliyah* as a legal alternative to Halal standardization in Japan as a non-majority Muslim country**

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Abstract

The increasing number of Muslim populations in the world has led to the development of the halal industry in both Muslim-majority countries and Muslim-minority countries. Japan is one of the non-Muslim majority countries that is actively developing the halal industry to meet the needs of Muslims both domestically and for export purposes. This research discusses the problems faced by Japan in meeting

the needs of halal products for Muslims in Japan. This study uses qualitative research methods through observation, in-depth interviews and FGD to explore the problems encountered in determining halal standards in Japan. This study found that Japan is experiencing problems related to halal standardization because the halal standards applied in Japan are halal standards from several Muslim-majority countries such as Indonesia, Malaysia and the United Arab Emirates. This research looks at the importance of an alternative legal approach in determining the halalness of products, using *fiqh aqalliyah*, which considers the community's geographical, social and cultural conditions, for determining halal standards in Muslim minority countries.

Meningkatnya jumlah populasi Muslim di dunia telah menyebabkan berkembangnya industri halal baik di negara mayoritas Muslim maupun negara minoritas Muslim. Jepang merupakan salah satu negara non mayoritas -Muslim yang aktif mengembangkan industri halal untuk memenuhi kebutuhan komunitas Muslim di dalam negeri maupun untuk tujuan ekspor. Penelitian ini membahas permasalahan yang dihadapi dalam memenuhi kebutuhan produk halal bagi komunitas Muslim di Jepang. Penelitian ini menggunakan metode penelitian kualitatif melalui observasi, wawancara mendalam dan FGD untuk menggali permasalahan yang dihadapi dalam penentuan standar halal di Jepang. Studi ini menemukan bahwa Jepang mengalami kendala terkait standarisasi halal karena standar halal yang diterapkan di Jepang merupakan standar halal dari beberapa negara mayoritas Muslim seperti Indonesia, Malaysia, dan Uni Emirat Arab. Penelitian ini melihat pentingnya pendekatan hukum alternatif dalam penetapan kehalalan produk, yaitu dengan pendekatan *fiqh minoritas (fiqh aqalliyat)* yang mempertimbangkan kondisi geografis, sosial, dan budaya masyarakat setempat, untuk penetapan standar halal di negara non mayoritas Muslim.

Keywords: Halal standardization; Japan; Non-majority Muslim country; *Fiqh aqalliyat*

Introduction

According to the Pew Research Center Forum's report on Religion and Public Life in 2011, the Muslim population will increase by 35% in the next twenty years. The growth rate of the world's Muslim population averages

1.5% per year, and it is estimated that the Muslim population will reach 26.4% of the total world population in 2030.¹ The increasing number of Muslim populations in the world requires the availability of facilities for Muslims, including the availability of halal products. The provision of halal products also requires a guarantee of product halalness. Halal standardization is a standard norm or rule used to guarantee the *halalness* of products. The need for halal products and guarantees of product *halalness* is needed by Muslim communities both living in Muslim-majority countries and non-Muslim-majority countries.²

In Muslim-majority countries, product halal guarantee is regulated through official policies and regulations issued by the government. As in Indonesia, the guarantee of product halal certainty is proven by a halal certificate issued by a government agency, namely BPJPH. Unlike Muslim majority countries, in Muslim minority countries, there are no state institutions that regulate halal standardization. Non-majority Muslim countries require halal standards to ensure the halalness of products consumed by both the Muslim community living there and Muslim tourists who come to their country. Muslim communities or tourists visiting non-Muslim minority countries often face problems in obtaining and ensuring the halal products they consume.

The issue of halal standards to ensure halal products in non-Muslim-majority countries is important to study with practical implications so that Muslim communities in non-majority Muslim countries get a sense of security and ease in obtaining guaranteed halal products.³ This research

¹Pew Research Center, "The Future of the Global Muslim Population, Projections for 2010-2030," *Population Space and Place*, Vol. 13, no. 1 (2011), 1-221.

²Jan Mei Soon, Mahmood Chandia, et.all., "Halal Integrity in the Food Supply Chain", *British Food Journal*, Vol. 119, No. 1 (2017), 39-51; Jia Xiong & Kei Wei Chia, "Beyond Halal: Exploring Muslim and non-Muslim Tourists' Halal Food Experiences", *Journal of Islamic Marketing*, Vol. 15, No. 4 (2024), 1136-1154.

³Mustafa Afifi Ab. Halim, and Mohd. Mahyeddin Mohd. Salleh, "The Possibility of

looks at the problem of halal standardization with a case study in Japan. Japan was chosen as the object of research because Japan is a Muslim minority country that is actively developing the halal industry both for domestic consumption, for residents who live there and for Muslim tourists who come to Japan, as well as for foreign trade. Currently, halal standardization in Japan follows the standards issued by Muslim majority countries, such as Indonesia, Malaysia or OIC member countries. In reality, halal standards set by Muslim-majority countries are often different from one another. This creates complex problems in Japan. In addition to problems related to which standards should be followed, manufacturers of halal products in Japan also face difficulties in achieving halal standards set by Muslim-majority countries. Dynamics in setting halal standards in Muslim-majority countries, such as changing fatwas related to alcohol/ethanol content, often cause problems as well.

This research explores the problems faced by Japan as a non-majority Muslim country related to halal standards that apply in Japan. Based on the problems that arise in the application of halal standards in Muslim-majority countries for non-Muslim-majority countries, this study looks at the importance of an alternative legal approach in determining the halalness of products, using *fiqh aqalliyah*, which takes into consideration the geographical, social and cultural conditions of the community, for determining halal standard in Muslim minority countries.

Halal and Halal standardization

Halal in the sense of Islamic law is something that is allowed to be taken advantage of. In the *ushul fiqh* rules, everything is lawful to take advantage of unless or until proven otherwise based on the Quran and Hadith. The

Uniformity on Halal Standards in Organization of Islamic Countries (OIC) Country”, *World Applied Sciences Journal*, Vol. 17 (2012), 6-10.

verse that states that everything is halal to be utilized is QS. 2: 29, QS. 31:20 and QS. 45: 13. These verses explain that everything created by Allah SWT on earth is for human use. In a saheeh hadith narrated by Ibn Abbas, it is explained:

ما أحل الله في كتابه فهو حلال، وما حرم فهو حرام. وما سكت عنه فهو عفو. فاقبلوا من الله عافيته (صحيح سنن أبي داود ١٣٥٥٩).^٤

What Allah has made lawful in the Quran is lawful, what is forbidden is forbidden, and what is not mentioned is forgiven. So accept forgiveness from Allah. (Sahih Sunan Abi Dawud 13559)

In terms of food and drink that is prohibited for Muslims as stated in the Quran QS. 5:90 is the consumption of khamr, which is an intoxicating drink containing alcohol. Khamr is unclean. Therefore all alcoholic beverages, whether fermented or distilled, that are intoxicating are prohibited for Muslims. However, there are types of alcohol that are allowed to be consumed, namely industrial alcohol or Ethanol, but on condition that it does not cause harm. However, the concentration of industrial alcohol in products that can be consumed is limited.⁵

The things prohibited in Islam related to animals consumed by humans are listed in QS. 6:121 which states that pork is forbidden for Muslims. Furthermore, the hadith (Sahih Muslim 821-875) states that wild boar, carnivorous animals or fanged beasts, birds with claws, and animals that live on land and in water are forbidden for Muslims. The animals that can be eaten are domesticated animals with cloven hooves such as goats, cows, camels, buffaloes and others; poultry such as chickens, ducks, turkeys,

⁴M. Nashir al-Din Al-Albany, *Shahih Sunan Abi Dawud*, Kuwait: Muassasah Gharas Li al-Nasyr wa al-Tauzi', 2002.

⁵Fatwa of the Indonesian Ulema Council No. 10/2018 on Food and Beverages containing Alcohol/Ethanol. <https://halalmui.org/wp-content/uploads/2023/06/Fatwa-MUI-No.-10-Tahun-2018-tentang-Makanan-dan-Minum-an-Mengandung-Alkohol.pdf>.

pigeons and sparrows; all types of fish that live in salt and fresh water. For hooved animals and poultry, there is a special requirement that they be slaughtered in a manner that is in accordance with Islamic law.

In social life, halal and haram laws are regulated based on Fiqh rules. The study of Ushul Fiqh explains that considerations for making Fiqh laws can change following changes in times, places, social conditions and customs. The scholars explained this with a rule of law “*al-hukm yataghayyar bi al-taghayyur alazminah wa al-amkinah wa al-aḥwāl wa al-‘ādat*” (legal considerations change following changes in time, place, conditions and traditions).⁶ Laws that have been agreed upon by local scholars based on considerations of changes in times, places, conditions and customs become fatwas that must be followed by the community where the law was born. The same applies to Fiqh rules on halal and haram. Thus, halal standards are the provisions of halal law agreed upon or determined by halal institutions enforced in a particular society.

Halal product standardization is a procedure established to determine the halalness of a product. Determination of halal standards is needed to ensure halalness, especially for products whose raw materials and production processes are doubtful. As mentioned above that halal standards are provisions imposed on certain communities currently several halal standards apply in several Muslim-majority countries in the world, namely SJPH (Halal Product Guarantee System) issued by BPJPH Ministry of Religion of the Republic of Indonesia, MS (Malaysia Standard) issued by the Department of Islamic Development Malaysia / Jabatan Kemajuan Islam (JAKIM), GSO standard issued by the Gulf Cooperation Council (GCC) and SMIIC (Standards and Metrology Institute for Islamic

⁶Yusuf Qaradhwani, *Mujibatu Taghayyuri al-Fatwa fi ‘Ashrina*, Doha, Qatar: Ittihad al-Alami Li’ulama al-Muslimin, 2007.

Countries) issued by the Organization of Islamic Cooperation (OIC). These four halal standards issued by Muslim-majority countries represent different geographical areas, so there are some differences in the standards applied by the four halal standards above.

In the Halal Product Guarantee System established by BPJPH, determining the halalness of a product is a complex issue. It requires in-depth laboratory studies to examine and ensure the halalness of raw materials, manufacturing processes, media and even packaging. Therefore, halal standardization is needed. This halal standardization has a function to provide certainty, protection and peace of consumers, especially Muslims, from consuming a haram product. Producers also need halal product standardization to attract Muslim consumers. Halal standardization is also important to increase competitiveness and for export needs, especially for Muslim countries.

Halal, in the concept of Islamic law, is interpreted as everything that is Sharia permitted for consumption. Halal criteria for food and beverages are halal in substance, halal in the way it is obtained and halal in the way it is processed. Halal food and beverages must meet several requirements. First, it does not contain pork and its derivative products. Second, it does not contain alcohol and its derivatives. Third, all ingredients derived from animals must be slaughtered according to Islamic Sharia procedures. Fourth, it does not contain other ingredients that are forbidden and classified as unclean such as carrion, blood, ingredients derived from human organs, feces and others. Fifth, all storage, processing, sales, and transportation facilities for halal products are not mixed with non-halal products. If the production facility has been used for non-halal products, it must be cleaned in a manner regulated in Islamic Sharia before being used for halal products. Alternating use of halal and non-halal production facilities is not allowed.

Indonesia and Malaysia as countries with large Muslim populations carry out halal standardization to ensure that Muslim consumers in their countries obtain halal food, because the society is plural consisting of Muslims and non-Muslims. Unlike the Kingdom of Saudi Arabia, whose entire population is Muslim, initially they saw no need for halal certification procedures, because they were of the view that food was naturally halal. But then the Kingdom of Saudi Arabia saw the need for halal certification related to imported products imported from other countries so that they get a guarantee of the halalness of these imported products.

Based on this, halal certification standards are complex, because geographical differences can cause differences in determining the halalness of a product. Halal standardization from one country to another may be different and even within one country may vary due to the existence of several halal standardization institutions in one country, for example in Japan. In Japan itself, until now there has been no national halal standardization consensus. This can cause uncertainty for producers and halal certification authorities which will be involved in halal certification of a product. Confusion about halal standardization can cause consumer confusion and reduce their trust in halal certification.

According to Ayang Utriza⁷ Halal standardization is religiously an effort to follow beliefs in accordance with Islamic law. Economically, it will create new opportunities for business, politically it is in line with the current popular trend of identity politics. While socially it relates to the need to cope with new realities without eliminating one's right to determine the norms of their society. As for legally related to the framing of traditional norms into positive norms or laws. Halal standardization is part of the

⁷Ayang Utriza Yakin, Louis-Léon Christians, Baudouin Dupret, "Rethinking Halal: Critical Perspective on Halal Markets and Certification", in *Rethinking Halal: Genealogy, Current Trends, and New Interpretations*. Series: *Muslim Minority*, Vol. 37 (2021), 1–22. 10.1163/9789004459236_002. halshs-03483569

legalization process of Fiqh law. This legalization process makes fiqh a positive law that is hierarchical, comprehensive, codified, integrated and centered on the state. So that the halal haram rules in Jurisprudence become state laws that are applied in general. Whereas Jurisprudence is essentially specific in nature that applies according to the geographical context and traditions of the community.

The fact that halal standardization in Muslim minority countries follows halal standardization in Muslim majority countries can be said to be part of the process of legalizing Islamic law. Thus, Fiqh on halal-haram becomes a standard that is generally applied, both in Muslim majority and minority countries. This general application of halal standards creates problems in Muslim minority countries. In connection with this problem, the scholars conveyed a solution by paying attention to the conditions of the Muslim minority community in the midst of a majority non-Muslim society, namely a rule of Islamic law called Fiqh Aqalliyah.

Japan as a Muslim minority country

According to Yoko Yamashita⁸, Islam in Japan is tolerated as a foreign culture. Japan's acquaintance with the Muslim world dates back to the beginning of the Meiji era, in 1877, as part of the Western science that was widely studied since the Meiji reformation. Direct interaction between the Japanese and Muslims occurred when the Ottoman government sent an envoy on a ship called Ertugrul in 1890, aiming to open diplomatic relations and introduce Islam in Japan. For the first time, in 1909, there were two Japanese people who embraced Islam. Subsequently, several Japanese embraced Islam after visiting Turkey or traveling to India for trade. Muslim communities first emerged in Japan after the Bolshevik revolution in the 1920s when

⁸Yoko Yamashita, "Islam and Muslims in Non-Religious Japan: Caught in between Prejudice against Islam and Performative Tolerance," *International Journal of Asian Studies*, Vol. 19, no. 1 (2022), 81-97.

many Muslims from Central Asia and Russia sought refuge in Japan and lived in towns around Japan's main ports. The interaction of the Muslim community with local people led some Japanese people to convert to Islam. The relationship between Muslim intellectuals and Japan was first established when Japanese nationalists were mobilizing Pan-Asian ideas intending to expand Japanese hegemony in Asia. Japan needed partners from the group of Muslim countries that formed Pan-Islam (Pan-Arabism) and formed a joint alliance to confront Western hegemony. In 1935, the first mosque in Japan was established in Kobe, and in 1938, a mosque was established in Tokyo. Although historically the Japanese nation's acquaintance with the Muslim world dates back to the early Meiji period, Islam and Muslim culture are still relatively unknown to Japanese society. Attention to Islam and the Muslim world among the Japanese people has recently been triggered by events related to crimes against humanity committed by movements in the name of religion, such as the terrorism movement in the name of Islam.

With the influx of Muslim immigrants to Japan, Japanese society has begun recognising Muslim customs. The largest Muslim community in Japan comes from Indonesia, followed by Pakistan, Bangladesh, China and Malaysia. Indonesians have been coming to Japan in large numbers since the mid-1990s. Some of them came as trainees of the Foreign Trainee System and as apprentices of the Technical Intern Training Program. Others came as nurses and care workers since the Japan-Indonesia Economic Partnership Agreement (JIEPA). By the early 1990s, the number of Muslim immigrants in Japan, including those who overstayed their visas, was estimated to have reached more than 100,000.

Based on Tanada Hirofumi's⁹ Research Paper from the Institute for Multi-ethnic and Multi-generational Tokyo, the total Muslim population

⁹Tanada Hirofumi, *世界と日本のムスリム人口 2019/2020年* (Estimate of Muslim Population in the World and Japan, 2019/2020), *Research paper: Muslim in Japan*, No. 19, Institute for Multi-ethnic and Multi-generational Societies Tokyo, Japan, January 2021.

in Japan by the end of 2019 is estimated at 230,000 people. This is an increase from the 2010 estimate of 100,000. Although it is not very rapid, year by year there is an increase in the Muslim population in Japan. The total Muslim population in Japan in 1969 was around 3,500, increasing to around 40,000 in 1995 and 70,000 in 2006. The Muslim population in Japan has doubled this decade, from 110,000 in 2010 to 230,000 in 2020. The Muslim population in Japan consists of local Japanese, foreigners with legal residency status, people with Japanese wives or husbands, and overstayers or illegal residents. The number of Japanese locals converting to Islam is also increasing. In 2020, out of a total Muslim population of 230,000, around 50,000 are native Japanese.

Although the number of Muslims in Japan is increasing year by year, Muslims in Japan are still considered as minority citizens. Islam in Japan tends to be viewed as a foreign “culture”. Islam is still something foreign to most Japanese people, and the concept of halal is certainly something foreign as well. According to Kamishima, an anthropologist in Japan, Japanese society is a unitary society that has always assimilated. Historically, Japanese culture developed itself by making foreign things its own, by assimilating. Assimilation occurs when different cultures interact intensively over a long period of time so that, eventually, the cultures blend. In the process of assimilation into Japanese culture, the identity of the foreign culture is often lost. Here, foreign influences are adjusted and absorbed, eventually becoming part of the local culture.¹⁰

Halal industry and tourism in Japan

State of Global Islamic Economy (2022) estimates that the value of spending on halal food, beverages, and lifestyle sectors will reach more than USD 2.8

¹⁰Shobichatul Aminah and Brisbania Ayu Saraswati Bhakti, “Multiculturalism in Japan Halal Tourism: Localizing the Concept of Halal”, *Journal of Tourism and Cultural Change*, Vol. 21, no. 3 (2023), 273–89.

trillion by the end of 2025. Specifically for food, Muslim spending in 2021 reached 1.27 trillion and will reach 1.67 trillion by 2025.¹¹ Assuming from the above data, it can be understood that the global halal product market promises huge economic benefits. This has attracted many countries to develop the halal industry, including Japan, even though Japan is a non-majority Muslim country. Japan first developed the halal industry in the 1980s, when it experienced a bubble economy, and in the 1990s, there was an increase in Muslim tourist visits to Japan.¹²

As the Muslim population in Japan has increased, the need to provide worship facilities and halal food for Muslims has also increased. To fulfil their needs since the 1990s, Muslim immigrant communities living in Japan started halal food and restaurant businesses and also began to build permanent places of worship.¹³ Muslim consumers' awareness of the halalness of products has led to the 'halal boom' phenomenon not only in Muslim-majority countries, but also in non-Muslim-majority countries. No wonder Japan, as a non-majority Muslim country, is also developing the halal industry; even the Japanese government introduced the Muslim Friendly Project to increase Muslim tourist visits in Japan.

Muslim Friendly Project was initiated by the Kyoto government in 2013 in order to provide facilities for Muslim travelers coming to Kyoto. The program provides accommodations that Muslim travelers need, such as restaurants that serve halal food and lodging places that provide various special facilities for Muslim travelers, such as amenities and places of

¹¹Dinar Standard and Salam Gateway, "State of the Global Islamic Economy Report: Unlocking Opportunity", *State of the Global Islamic Economy Report 2020/21, 2022*, 4-202,

¹²Neneng Konety, Savitri Aditany, Nurfarah Nidatya, "Japan's Rational Choice in Developing the Halal Industry", *Mimbar*, Vol. 37, No. 1 (2021), 187-198; Indun Roosiani, Erni Puspitasari, "Perkembangan Industri Halal dan Peranan Badan Sertifikasi Halal Jepang dalam Meningkatkan Industri Halal pada Masa Pemerintahan Shinzo Abe", *Media Bahasa, Sastra, dan Budaya Wahana*, Vol 27, No 2 (2021), 1-9.

¹³Yoko Yamashita, "Islam and Muslims in Non-Religious Japan...", 19, 81-97.

worship. Japan also provides convenience for Muslim travelers by providing applications and websites that can be used to find information related to Muslim-friendly facilities. By 2020, there will be approximately one million Muslim tourists visiting Japan.¹⁴ In order to increase the number of Muslim tourists, the Japanese government also applies a visa-free policy to several ASEAN countries, including Indonesia. This fact makes the need to provide halal products in Muslim-friendly facilities a necessity.

Japan's halal industry in addition to meeting the needs of the Muslim population living in Japan and Muslim tourists visiting Japan is also for the benefit of exports to Muslim-majority countries. Products from the Japanese halal industry that are exported abroad are mostly halal food products. The halal food sector is a very potential business, but Japan faces several obstacles, especially related to halal certification from export destination countries. The guarantee of halal products from Japan often cannot meet the halal standards of Muslim-majority countries that become export destinations.

Establishment of Halal standards from Muslim-majority countries in Japan

As explained above, the Muslim population in Japan is no more than 0.2% of the total population, which is 230,000 people in 2020. Of the total number of Muslims, the majority are migrants. The Muslim migrant community in Japan comes from various countries such as Indonesia, Malaysia, Pakistan, Bangladesh, and Middle Eastern countries. These migrant communities bring high halal standards from their countries to Japan. The halal standards are friendly to Muslim communities coming from Muslim-majority countries, but difficult for native Japanese

¹⁴Global Muslim Travel Index 2022. <https://www.crescentrating.com/reports/global-muslim-travel-index-2022.html>

Muslims. Moreover, in Japan there is no state institution that specifically issues regulations related to halal standards enforced in society. Because no official government agency regulates the guarantee of halal products in Japan, many non-governmental organizations have emerged as halal certification agencies.

When the Japanese government promoted the Muslim Tourism project in 2014, Japan's demand for halal certification increased. Halal certification then became an increasingly intensive business activity due to market needs. This opportunity led to the emergence of several halal certification bodies. To date, there are about 15 Halal Certification Bodies that issue halal certificates in Japan. The Halal Certification Bodies are managed by both Muslims and non-Muslims. These institutions have consultants from Halal Certification Bodies from Muslim-majority countries such as Indonesia, Malaysia, Pakistan or the United Arab Emirates who are supervisors in determining the halalness of products. The halal standards set as a condition for obtaining halal certification follow the halal certification agency from the Muslim majority country that is the reference. Therefore, the process of obtaining halal certification in Japan is complicated and expensive, so many entrepreneurs are reluctant to make their products halal-certified.¹⁵ An informant from MPJA (Muslim Professional Japan Association), which is one of the halal certification bodies in Japan, said that some entrepreneurs in Japan are reluctant to have their products labeled as halal even though they have gone through halal certification procedures because there is a concern that consumers think that the product is only specifically for Muslims, thus potentially narrowing the market.¹⁶

¹⁵Hiroko Kurosaki Yamaguchi, "The Potential and Challenge of Halal Food in Japan", *Journal of Asian Rural Studies*, Vol. 3, no 1 (2019).

¹⁶Indepth interview with official staff of MPJA (Muslim Professional Japan Association), a Halal Certification Body based in Tokyo, 1st Oktober 2022.

In Japan, halal products are needed to fulfil the needs of the Muslim community living in Japan, Muslim tourists visiting Japan, and for export purposes. As the number of Muslims in Japan is increasing, the fulfillment of halal products for the Muslim population is also increasing. The need for halal products in Japan is mostly met by small industries established as a result of cooperation between Japanese non-Muslim entrepreneurs and the Muslim diaspora in Japan.¹⁷ However, Muslim residents in Japan, especially from small towns, often face difficulties in finding halal food and other halal products. As for the entrepreneurs who provide halal products in Japan, they have to meet the high halal standards of a Muslim-majority country. With such high standards, the provision of halal products requires high production costs so that halal products in Japan become expensive. This makes halal products unaffordable for the Japanese Muslim population at large.

According to Ohgata Satomi¹⁸, a halal researcher from Kyushuu International University, Halal service in Japan has not been popular until now. There are not many convenience stores and supermarkets that sell halal products and halal bento. The reason is not because the market is small as Japan's Muslim population is only 0.2% of the total population. But the main reason is that entrepreneurs cannot build factories dedicated only to producing halal products. There is so much information about different halal standards that entrepreneurs do not know what to do to build a halal product industry. The strict standards set by halal certification bodies in Japan affiliated with Muslim-majority countries do not allow industry players to produce halal and non-halal products in the same factory even if they are produced in separate lines. So although entrepreneurs are interested in producing and selling halal products, efforts to meet the needs of halal products for the Muslim

¹⁷Hiroko Kurosaki Yamaguchi, "The Potential and Challenge of Halal Foods in Japan" ...

¹⁸Forum Group Discussion organized by UI Halal Center on 14 Maret 2023.

population in Japan still face many obstacles.

To provide halal menus, Japanese restaurants must follow halal standards implemented by halal certification agencies in Japan. The cost to obtain halal certification in Japan is between 300 thousand to 500 thousand Yen for product halal certification. If added with consulting services the total cost can reach one million Yen for small industries. For large companies, the costs required can be even greater. The cost is very burdensome for entrepreneurs because the cost of producing halal products becomes more expensive. Moreover, the halal certificate is only valid for one year. These expensive costs are ultimately borne by consumers who must pay a high price to be able to obtain halal products.

In an effort to overcome the difficulty of obtaining halal certificates, Fukuoka Mosque issues halal certificates based on the fatwa of local scholars. The Imam of Fukuoka Mosque guarantees the halalness of the products by supervising the selection of ingredients and the preparation of halal product process procedures. In 2019, Fukuoka mosque issued free halal certificate to Kiwamiya restaurant which sells yakiniku, motsunabe (hot pot menu with cow inners), Japanese black beef and halal hamburger steak. The restaurant sells halal and non-halal menus with separate equipment. However, the halal-certified products from the Fukuoka Mosque were questioned by a consultant from a halal certification agency in Japan that applies strict halal standards from a Muslim-majority country.

The adoption of halal standards from Muslim-majority countries in Japan has also led to differences of opinion regarding the use of alcohol in seasonings. Japan has a different social and cultural background from Muslim-majority countries. Japanese culinary traditions cannot be separated from alcohol-containing seasonings. In the Japanese culinary tradition, the basic ingredients used in Japanese food are rice, vegetables and seafood. Other ingredients that are typical of Japanese food are fermented ingredients

such as shoyu, miso, sake and mirin. Other spices used in Japanese cuisine include ginger, citron and wasabi. For broth, kombu or bonito fish (katsuobushi) is used.¹⁹ When viewed from the basic ingredients washoku (traditional Japanese food) is very close to halal criteria because it does not use meat. However, there are differences of opinion regarding seasonings from fermented ingredients such as shoyu, miso, sake and mirin, whether they meet the halal criteria or not because they contain alcohol.

A webinar organized by JAHRIA (Japan Halal Research and Information Association) in March 2021 discussed the use of alcohol in Japanese cuisine. In that forum, a debate arose about the use of mirin as a seasoning in traditional Japanese cuisine. Whether mirin is categorized as khamr or a condiment with a tolerable level of alcohol. In fiqh, khamr is a haram product because it is produced with the intention of being an intoxicating liquor. Therefore, any food or drink containing khamr is absolutely haram, regardless of the amount contained in the product. Industrial alcohol that is not intended to be intoxicating liquor, on the other hand, can be used to the extent permitted. Ohgata Satomi, one of the speakers at the webinar, argued that mirin is a seasoning that is not produced with the intention of being used as liquor or alcohol. The use of mirin as a seasoning is deeply rooted in Japanese culinary tradition. Therefore, in her view, mirin cannot be considered haram. On the other hand, there are other opinions that consider mirin as a non-halal product because it is equated with khamr.

Fiqh Aqalliyah as a legal alternative for determining Halal standard

The application of strict halal standards from Muslim majority countries to non-Muslim majority countries has the potential to complicate efforts to provide halal products in Muslim minority countries. Apart from the

¹⁹Shobichatul Aminah, Brisbania Ayu Saraswati Bhakti, "Multiculturalism in Japan Halal Tourism: Localizing the Concept of Halal," *Journal of Tourism and Cultural Change*, Vol. 21, no. 3 (2023).

concept of halal being a foreign concept, different traditions and customs make halal standards which are easy to fulfill in Muslim majority countries, difficult to fulfill in Japan. Halal product manufacturers have to pay more costs to obtain halal certification.²⁰ Moreover, if halal certification bodies in Japan have to follow halal standards from various different Muslim majority countries, this will have implications for differences of opinion in determining the halalness of products due to differences in fatwas. These difficulties also affect consumer behavior in purchasing halal products.²¹

In the case of halal certification in Japan, there are several products that are disputed, for example, Mirin. One side argues that Mirin is a non-halal product, while the other side claims that Mirin is halal. Mirin is considered a non-halal product because Mirin, which comes from rice, is fermented using alcohol. On the other hand, Mirin is considered a halal product because from the beginning Mirin was not produced as an intoxicant (*khamr*) but as a cooking flavoring ingredient that also functions as a fishy odor eliminator and can make the taste more pervasive and make the color of vegetables or fish sparkle. Therefore, the use of Mirin as a cooking ingredient is permissible.²²

The high cost of halal certification which has implications for the selling

²⁰Ömer Saraç, Vahit O guz Kiper and Orhan Batman, "The Conflict of Halal and Hedonism, Investigating Halal-sensitive Tourists' Hedonic Tendency", *Journal of Islamic Marketing*, Vol. 14, No. 9 (2023), 2361-2382.

²¹Waqar Ahmed, Arsalan Najmi, et.al., "Consumer Behaviour Towards Willingness to Pay for Halal Products", *British Food Journal*, Vol. 121 No. 2 (2019), 492-504; Muhammad Ashraf Fauzi, "Consumer Purchase of Halal Certified Product: A Quantitative Systematic Literature Review", *Journal of Islamic Marketing*, Vol. 14, No. 6 (2023), 1397-1416; Naeem Akhtar, Sun Jin, et.al., "Conflicting Halal Attributes at Halal Restaurants and Consumers' Responses: The Moderating Role of Religiosity", *Journal of Hospitality and Tourism Management*, Vol. 45 (2020), 499-510.

²²Satomi Ohgata, "Halal Standards in the Age of Globalization: The Current Situation in Muslim Minority Countries and the Responsibilities of Muslim Majority Countries", *Proceedings of the 3rd International Conference on Halal Development (ICHaD 2022)*, 143-155; Ercan Karahalil, "Principle of Halal-compliant fermentations: Microbial Alternatives for the Halal Food Industry", *Trend in Food Science & Technology*, Vol. 98 (2020), 1-9.

price of halal products and controversy over the halalness of products makes it difficult for Muslim communities in Japan, to carry out religious orders regarding the obligation to consume halal food. This is contrary to the Islamic teachings that Islam is easy and does not make things difficult. Determining the halalness of products based on standards that apply in Muslim-majority countries makes it difficult for the religious life of minority Muslim communities. For this reason, the application of *fiqh aqalliyat* or minority jurisprudence is important.

Fikih Aqalliyah is a model of *fiqh* that pays attention to the relationship between sharia law and the dimensions that exist in the society where the law is applied.²³ Aqalliyah Jurisprudence is the result of reinterpretation of the postulates or laws with the aim of the benefit of the people. The initiator of this *fiqh* is Taha Jabir al-Alwani²⁴ and Yusuf Qaradhawi²⁵. Minority jurisprudence emerged in response to the accumulated anxieties of Muslim minority communities in Western countries when they faced obstacles or difficulties in carrying out their religious activities. This jurisprudence aims to provide guidance and guidance regarding things that are prohibited and allowed for Muslim minorities living in the West to carry out their obligations as Muslims. According to Qaradhawi, a minority community is a community that lives in a country with a majority that is different in religion, or ethnicity, nation or language. In this context, the Muslim community in Japan is categorized as a minority because it only accounts for 0.2% of the total population of Japan.

Qaradhawi explained that the condition of the weak can be one of the considerations for leniency and ease in determining the law. The ruling for

²³Nurhayati, Nurhayati, "Fikih Minoritas: Suatu Kajian Teoretis", *Ahkam: Jurnal Ilmu Syariah*, Vol. 13, No. 2 (2013).

²⁴Taha Jabir Al-Alwani, *Towards a Fiqh for Minorities: Some Basic Reflection*, Virginia: IIIT, 2003.

²⁵Yusuf Qaradhawi, *Fi Fiqh Aqalliyat al-Muslimah*, Cairo: Dar al-Syuruq, 2001.

the weak is different from the ruling that applies to those who are strong. For example, the ruling that applies to sick people is different from the ruling that applies to healthy people. The ruling that applies to a traveler is not the same as the ruling that applies to a resident and so on. In this context, Muslims who live in non-Muslim societies are seen as people who are in a weak condition compared to Muslims who live in the majority of Muslim societies. Therefore, they need more leniency and ease compared to the conditions of other Muslim communities. So, it is appropriate that the laws related to halal-haram that determine halal standards for Muslim minority communities are different from the laws that apply to Muslim majority communities²⁶.

Yusuf Qaradhawi also explains the limitations of Aqalliyah Jurisprudence and what are the considerations in making legal choices related to things that are prohibited and allowed in Islam. There are five things that can be done in considering the determination of minority fiqh rules for Muslim minority communities who want to implement Islamic sharia. The first is to review the opinions of previous scholars related to the problem at hand by considering current conditions. Second, connecting the universal view of Islam with the reality faced by Muslim communities in non-Muslim majority countries. Third, it is important to balance the understanding of specific religious texts with an understanding of the global goals of Islam. Fourth, legal fatwas can differ due to differences in place, time, circumstances, customs, and other reasons. Fifth, applying the principle of balance as an individual being who maintains his personality as a Muslim, as well as a social being who blends in with society²⁷.

Related to Qaradhawi's opinion above, it can be understood that legal fatwas can differ due to differences in place, time, circumstances and

²⁶Yusuf Qaradhawi, *Fi Fiqh Aqalliyat...*, 50.

²⁷Yusuf Qaradhawi, *Fi Fiqh Aqalliyat...*, 53.

customs. Imam Ibnu Qayyim al-Hambali and Imam al-Qurafi al-Maliki also have the same opinion. Islamic history also explains that Umar bin Abdul Aziz - when he was Governor of Medina - once decided the law with one witness. But when he was in Syria, he changed the ruling by stating that the witnesses must be two people, not just one. This was because the people of Syria had changed and were different from those of Medina in terms of honesty.

Another consideration that needs to be considered in making legal decisions is that it should be done in stages. This is in accordance with the sunnatullah in the creation of the universe²⁸. For example, the prohibition of drinking alcohol was done in stages. In the beginning, it was not permissible to drink khamr because the benefits outweighed the harms. Then came the prohibition of drinking alcohol during prayer times only. It was only later that it was absolutely forbidden. Deciding the law in stages like this was also done by Umar bin Abdul Aziz. When his son criticized him for being slow in deciding the law, Umar bin Abdul Aziz refuted him with the argument that the decision to prohibit drinking alcohol was made gradually. If the law was enacted all at once, it would burden the people and cause fitnah²⁹.

According to Qaradhawi³⁰, *fiqh Aqalliyah* aims to help Muslim minority communities to live by practicing Islamic teachings easily and not complicating them and carrying out the basics of Islamic teachings in terms of belief, muamalah, and Islamic morals. In addition, *fiqh Aqalliyah* also helps Muslim communities who live in Muslim minority areas can easily blend in with the majority non-Muslim community so that they can carry out their function as *da'i* wherever they are in accordance with the

²⁸Yusuf Qaradhawi, *Fi Fiqh Aqalliyat...*, 52.

²⁹Al-Saytibi in Yusuf Qaradhawi, *Fi Fiqh Aqalliyat...*, 54.

³⁰Yusuf Qaradhawi, *Fi Fiqh Aqalliyat...*, 34-35.

religious mandate as said by Allah QS, Yusuf verse 108: *“Invite them to My way (My religion) with testimony from Me and from My followers”*.

In the case of a dispute over mirin’s halalness, according to Imam Abu Hanifah³¹, products that are not produced as khamr are allowed. Even according to Imam Abu Hanifah, Khamr that turns into cooking ingredients (vinegar) due to fermentation becomes halal, even though it changes due to human intervention. However, the determination of halal law for these products must be followed by an effort to get out of the debate, *“al-khuruġ min al-khilaf,”* by creating ingredients that are far from the debate and agreed upon halalness.

In addition, in terms of its society, Japan is a society with a minority Muslim population. Thus, it can be categorized as a socially weak Muslim society. This condition can be paralleled with the phase of the Prophet’s da’wah when he was in Makkah where Allah swt has not revealed the verses of the Quran related to the law of social activity, but what was revealed was the verses of Aqidah to strengthen faith. It was only after the Prophet Muhammad moved to Medina that the verses of the law of social activity (muamalah) were revealed, such as the law prohibiting usury transactions, gambling and others, including drinking alcohol.

Taking the law by referring to the rules of Fiqh Aqalliyat will be different from halal food products that will be exported to majority Muslim countries. In this case, halal certification is carried out in accordance with the standard requests of export destination countries.

Conclusion

Japan, as a non-majority Muslim country, strives to provide Muslim-friendly facilities. In Japanese culture, the term halal is a foreign concept. Halal standardization in Japan raises different problems with Muslim-

³¹Al-Majmu’ Imam Nawawi in Yusuf Qaradhawi, *Fi Fiqh Aqalliyat...*,136.

majority countries. One of the obstacles Japan faces is related to the provision of halal food and beverages. Japan does not have an official authority or halal certification agency that is managed by the government. Halal certification institutions established in Japan to meet the needs of halal products domestically and for foreign trade are managed by the private sector affiliated with Muslim-majority countries such as Indonesia, Malaysia, Pakistan and the United Arab Emirates.

In the case of halal standardization in Japan, there are two provisions that can be used as an alternative to taking halal law, namely: seeing that Japan is a country that is a field of da'wah so that the laws applied should be gradual; and that legal provisions can change due to differences in place. Meanwhile, Japan can be categorized as a weak Muslim society in social terms. Therefore, the application of aqalliyat fiqh is important in determining the halalness of products in Japan.

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