

CONTEMPORARY IJTIHĀD AND TAQLĪD IN HALAL CERTIFICATION: AN UŞŪL AL-FIQH ANALYSIS

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Abstract

This research examines the halal certification system, particularly the halal logo, through the analytical framework of ijtihād (independent legal reasoning) and taqlīd (adherence to scholarly authority) within uşūl al-fiqh (Islamic legal theory). The study addresses fundamental questions: Does halal certification constitute valid ijtihād? What are the resulting implications for taqlīd? How do uşūl al-fiqh scholars conceptualize these concepts in relation to contemporary certification systems? Employing library-based research and inductive methodology, the researcher analyzed classical works in legal theory alongside contemporary halal certification studies, utilizing qualitative analytical techniques including interpretation, inference, classification, reasoning, comparison, and exemplification. The research demonstrates that halal certification represents a recognized form of collective institutional ijtihād operating through three distinct phases: establishing halal standards (istiḍlālī ijtihād), implementing these standards for product certification (tanzīlī ijtihād), and monitoring ongoing compliance (istiṣhābī ijtihād). This ijtihād constitutes an individual obligation (farḍ ‘aynī) upon the designated authority such as JAKIM, drawing upon comprehensive Islamic legal sources including the Qur’an, Sunnah, qiyās, istiḥsān, istiṣlāḥ, ‘urf, and istiṣhāb. Critically, characterizing halal certification as ijtihād produces significant consequences for taqlīd: the general Muslim population may legitimately follow the halal logo ruling without independent verification, while the prohibition against overturning equivalent ijtihād, recognition of legitimate scholarly disagreement, and acknowledgment of the probabilistic nature of such rulings all flow from this characterization..

Keywords: Halal logo, Contemporary Ijtiḥād, Taqlīd, Uşūl al-Fiqh, Malaysia

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INTRODUCTION

In the name of Allah, to whom all praise belongs, and may peace and blessings rest upon the final Prophet. Allah the Exalted declares: *‘This day I have perfected for you your religion and completed My favor upon you and have approved for you Islam as religion’* (al-Maidah: 3), signifying the completeness of Islamic revelation extending from that moment until the Day of Resurrection. This perfection necessitates that every matter within creation falls under divine jurisdiction and religious governance. Imam al-Shāfi‘ī (1940, 19) articulated this comprehensive scope, stating: *‘There is no*

incident that befalls anyone from the people of Allah's religion except that in the Book of Allah there is evidence for the path of guidance regarding it.'

To realize this comprehensiveness, existing phenomena divide into those connected to human action and those independent of it. Investigating rulings pertaining to action-related matters constitutes the domain of *uṣūl al-fiqh*, since *uṣūlī* scholars define ruling as “*the divine address relating to the actions of those legally accountable*” (al-Bayḍāwī, 2008, 53). This discipline provides the methodological tools and analytical frameworks for deriving rulings on contemporary issues, with *ijtihād* serving as the mechanism through which this derivation occurs. Consequently, *ijtihād* represents one of *uṣūl al-fiqh*'s central subjects, whose authentic application and validation depend upon the deliberations and principles established by *uṣūlī* scholars within this science.

Among the rulings derived through *ijtihād* is the determination of *ḥalāl* (permissibility)—establishing that something may lawfully be undertaken by Muslims. With the proliferation of food products and manufactured goods, most involving complex processing and production methods, Muslims face an urgent need to ascertain their permissibility status to avoid consuming what Allah has forbidden. This necessity has intensified both individual and institutional efforts to determine *ḥalāl* rulings as fulfillment of this communal religious obligation. Among the outcomes of such research initiatives is the placement of halal logos on products to facilitate public knowledge of permissibility status. Significantly, these logos emerge not from individual efforts but from institutions specializing in halal matters.

In contemporary practice, Muslims rely upon the halal logo to determine the permissibility status of food products, having developed familiarity with its significance. From the consumer perspective, the halal logo functions as an authoritative reference. The issuing authorities comprise governmental and non-governmental institutions that assume responsibility for religious rulings and fatwas within their jurisdictions, serving as recognized and trusted references in such matters. Within the Malaysian context, the halal logo has achieved widespread recognition among Muslims as a primary means of determining product permissibility. The Department of Islamic Development Malaysia (JAKIM) fulfills this role through issuing, managing, and supervising the halal logo. This logo has transcended its original purpose as a mere permissibility indicator, evolving into a symbol of quality and purity that attracts attention from both Muslim and non-Muslim consumers and manufacturers seeking its placement on their products.

Research Problem

This background gives rise to the central research problem: determining the validity of characterizing halal certification as *ijtihād*, and examining the resulting implications for *taqlīd* and other legal-theoretical consequences. The study addresses this problem through the following questions:

- a. How do *uṣūl al-fiqh* scholars conceptualize *ijtihād* and *taqlīd*, and what constitutes the operational reality of halal certification?
- b. On what basis can halal certification be classified as a form of *ijtihād*?
- c. What evidentiary foundations underlie the establishment of halal certification as *ijtihād*?
- d. What legal consequences flow from characterizing the halal logo as *ijtihād*, and how do these manifest in practice?

Research Objectives

In response to these questions, the research pursues the following objectives:

- a. Clarifying the theoretical concepts of *ijtihād* and *taqlīd* as articulated by *uṣūl al-fiqh* scholars and defining the operational reality of halal certification.
- b. Establishing the jurisprudential basis for classifying halal certification as a recognized form of Islamic legal *ijtihād*.
- c. Examining and analyzing the evidentiary foundations employed in halal certification development and implementation.
- d. Identifying the legal consequences arising from the halal logo's characterization as *ijtihād* and demonstrating their practical application.

Methodology

This study employs library-based research methodology through:

- a. Data Collection: The research utilizes inductive methodology, examining classical foundational works in legal theory to establish the concept, pillars, conditions, consequences, and methodological tools of *ijtihād*, while simultaneously tracing contemporary scholarship on the halal logo to understand its operational reality, procedures, and implementation phases, with particular focus on the Malaysian context.
- b. Data Analysis: The study employs qualitative analytical methodology, processing the inductively gathered information through: interpretation (clarifying the intended meaning of key research terms such as halal logo, *ijtihād*, and *taqlīd* through examination of authoritative definitions); inference (extracting conclusions from scholarly writings regarding halal logo procedures and the pillars, conditions, and consequences of *ijtihād*); classification (organizing inferences into appropriate categories, such as distinguishing products requiring halal logos from those that do not, and categorizing *ijtihād* as individual or collective); reasoning (identifying Islamic legal evidence supporting the inferences to determine their rulings); comparison (contrasting different inferences to reveal similarities and distinctions, such as comparing halal logo placement with *ijtihād* characteristics and evaluating halal logo processes against *ijtihād*'s pillars and conditions); and exemplification (providing concrete real-world applications of research findings, such as demonstrating *ijtihād* consequences manifested in the halal logo, including the permissibility of *taqlīd*).

ANALYSIS AND DISCUSSION

The Concept of *Ijtihād* in *Uṣūl al-Fiqh*

The scholarly discourse on *ijtihād* and *taqlīd* originates within *uṣūl al-fiqh* and the writings of *uṣūlī* scholars, as *ijtihād* constitutes one of this discipline's major subjects. This becomes evident from the definition of *uṣūl al-fiqh* as “*knowledge of the evidences of fiqh in general, how to benefit from them, and the state of the one who benefits,*” (al-Bayḍāwī, 2008, 51). indicating that this science encompasses four fundamental areas: evidences (referenced in 'evidences of fiqh'), rulings (referenced in 'fiqh'), derivation (referenced in 'how to benefit from them'), and *ijtihād* (referenced in 'the state of the one who benefits').

The term *ijtihād* linguistically derives from the root word *jahd*, as Ibn Fāris explains: “*The*

letters *j*, *h*, and *d* fundamentally denote hardship, with *al-jahd* signifying capacity” (Ibn Fāris, 1979, 1:486). The word *ijtihād* represents *badhl al-wus‘* (exerting one's utmost capacity), following the pattern *ifti‘āl*, which emphasizes hardship and capacity (al-Rāzī, 1999, 63).

Terminological works present closely related definitions, including al-Jurjānī's characterization of *ijtihād* as “*a jurist exhausting his capacity to arrive at an opinion regarding a legal ruling' or 'exerting effort in seeking the objective through deductive inference,*” (al-Jurjānī, 1983, 10) or “*exerting effort in seeking the objective,*” (al-Manāwī, 1990, 38) or “*a jurist exhausting his capacity to the point of felt incapacity for additional effort, this being to arrive at an opinion regarding a legal ruling*” (al-Kaffawī, 1998, 44). These definitions demonstrate that *ijtihād*'s technical meaning builds upon the linguistic concept of exerting one's utmost, with additional specifications regarding the practitioner, objective, and methodology.

This concept aligns substantially with *uṣūlī* scholars' discussions of *ijtihād*'s meaning. Al-Sam‘ānī (1999, 2:302) defines it as “*exerting effort in extracting rulings from their evidences through reasoning that leads to them.*” Al-Rāzī (1997, 6:6) characterizes it as “*exhausting one's capacity in examining matters where one is not blamed for such exhaustion,*” while al-Bayḍāwī similarly defines it as “*exhausting one's capacity in comprehending legal rulings*” (al-Bayḍāwī, 2008, 247). *Uṣūlī* scholars' conceptualization of *ijtihād* may be synthesized as follows: (a) *Ijtiḥād* constitutes action directed toward knowing the juristic ruling; (b) *Ijtiḥād* comprises research, examination, and related intellectual activities; (c) *Ijtiḥād* proceeds on the basis of Islamic legal evidences.

Ḥalāl: Linguistic and Technical Definitions

The lexicographer of *Maqāyīs al-Lughah* states: “*The letters ḥ and l encompass numerous branches and applications, yet their fundamental meaning denotes opening something. Al-ḥalāl stands opposite to al-ḥarām, deriving from this root concept, as though stemming from ḥalaltu al-shay‘ (I opened/permitted the thing), signifying permission and expansiveness regarding a matter*” (Ibn Fāris, 1979, 2:20). This demonstrates that *ḥalāl* linguistically encompasses opening, permitting, and expanding, with additional meanings including settling, divorce, obligation, and emergence from prohibition (al-Rāzī, 1999, 79).

In technical usage, al-Jurjānī (1983, 92) defines *ḥalāl* as “*that for which one incurs no punishment through its use, and what Islamic law has permitted to be done.*” Alternative definitions describe it as “*that which is released from the ruling of prohibition,' and 'that in which one does not disobey Allah, being what Islamic law permits*” (al-Manāwī, 1990, 146; al-Kaffawī, 1998, 400). Al-Sam‘ānī (1999, 1:24) describes *ḥalāl* as “*that which is expansive in its establishment,*” while al-Samarqandī (1984, 1:44) offers a similar definition: “*that which is permitted by Islamic legal permission.*” These definitions collectively establish that *ḥalāl* in its technical meaning denotes release from obligation, thus encompassing actions required decisively or non-decisively, as well as actions where choice exists between performance and abandonment. Essentially, *ḥalāl* represents what Islamic law permits such that it is not *ḥarām* (prohibited), since what must be decisively avoided cannot be *ḥalāl*.

Therefore, *ḥalāl* in this comprehensive sense encompasses four of the five legal categories: obligation (*wājib*), recommendation (*mandūb*), permissibility (*mubāḥ*), and dislike (*makrūh*). The obligatory and recommended require performance, making what is required permissible; the permitted

allows choice between action and omission, rendering what involves choice permissible; and the disliked is not required to be abandoned, thus its performance remains permissible (Md Ariffin et al., 2023). Furthermore, ḥalāl as a legal category pertains exclusively to action (al-Subkī & al-Subkī, 1995, 1:44).

When ḥalāl attaches to entities, it presumes the actions of those legally accountable that appropriately relate to those entities. For instance, when a food product receives a ḥalāl ruling, this refers to its consumption; when cosmetic products are ruled ḥalāl, this concerns their application; when services are deemed ḥalāl, this relates to their utilization and subscription.

The Halal Logo in Contemporary Practice

The halal logo represents a contemporary issue absent from classical juristic discussions, emerging after societies began employing logos, signs, and symbols carrying specific conventional meanings. Muslim interest in permissibility indicators intensified as food products began displaying various logos indicating product characteristics, quality, contents, weight, and other attributes. The history of food labeling commenced in the early nineteenth century with the industrialization of food production in Western contexts (Moore, 2001).

Regarding halal certification history, Muhammad Fauzan (2026) traces its origins to 1968 when Kaplan Khalil established his company in Argentina to provide halal food. In Malaysia specifically, Abdul Razif and Yoyo (2021) document that halal certification began in 1974 when the research center of the Department of Islamic Affairs in the Prime Minister's Office participated in issuing halal authorization letters for products complying with Islamic law. Halal certification was first introduced through certificates and logos in 1994.

The halal logo functions as an integral component of both regulatory systems and legal frameworks in its current implementation, representing the outcome of systematic procedures, processes, and guidelines, while remaining subject to legal oversight that monitors its placement and holds users accountable. Research demonstrates that the halal industry operates under multiple regulatory instruments governing halal logo usage, including the Food Act 1983, Consumer Protection Act 1999, Trade Descriptions Act 2011, and Trade Descriptions Order (Certification and Marking of Halal) 2011 (Ab. Halim et al., 2019).

The halal logo serves as evidence that a product has obtained halal certification from an institution following systematic examination, testing, inspection, and verification according to established standards. As the predominant graphic marker for halal Malaysia, it symbolizes certification by the Department of Islamic Development Malaysia (JAKIM) while indicating product compliance with Islamic law (Wan Ismail et al., 2016). Upon receiving this certification, manufacturers gain legal authorization to display the halal logo on their products and utilize it for marketing and promotional purposes.

Within Malaysian practice, the Department of Islamic Development Malaysia (JAKIM) bears primary responsibility for halal logo matters nationally, operating in cooperation with state Islamic affairs departments. As the sole institution authorized to issue halal certification and grant halal logo usage rights to companies and individuals for their products, research confirms that JAKIM serves as the principal agency within the halal certification system, managing current practices and addressing halal certification issues in Malaysia (Mohd Daud et al., 2023).

This system has evolved into an integrated framework over time. Research reveals that multiple factors establish the foundation for institutionalizing and ensuring the viability of Malaysia's halal certification system, including: a comprehensive legal framework and policies supporting halal industry development; strong governmental political will facilitating religious practice for citizens, alongside resource commitments to centralized halal management governance and enforcement of halal standards; robust Islamic knowledge and authentic halal practice expertise within the central authority; and active consumer participation demanding integrity in halal implementation (Adham et al., 2022).

The halal logo's operational framework within JAKIM's halal certification system proceeds through defined stages, fundamentally grounded in halal standards. Research indicates that halal certification processing constitutes one component of JAKIM's customer charter, representing a commitment to applicants to complete halal certification within specified timeframes (Zainuddin et al., 2023). The three regulatory phases governing halal certification and logo issuance comprise: (1) Establishing halal standards, (2) Implementing halal standards for products, and (3) Monitoring compliance with halal standards.

Clearly, halal logo issuance for any product follows verification of conformity with halal standards—occurring in the second phase (implementing halal standards). Research confirms that Muslims consciously apply Islamic legal requirements throughout all aspects of their lives, recognizing their religious obligation to distinguish between *ḥalāl* and *ḥarām*. In the contemporary period, halal food represents the most extensively discussed matter globally, with demand continuing to increase (Asa, 2017).

These standards originate through formulation in the first phase (establishing halal standards) by experts specializing in fields relevant to food and product manufacturing industries. The comprehensive halal concept, encompassing not only Islamic legal requirements but also sustainability considerations regarding cleanliness, sanitation, and safety aspects, renders halal food readily acceptable to consumers prioritizing food safety and healthy lifestyles (Baharuddin et al., 2015). Subsequently, ensuring sustained product conformity with these standards necessitated the third phase role of monitoring and accountability (monitoring halal standards) through activating specialized halal legislation and halal logo implementation. In this regard, research indicates that the Malaysian government and JAKIM must strengthen halal certification processes and monitoring methodologies, while industries must fulfill all governmental requirements and provide lawful food to consumers (Baharuddin et al., 2015).

Comparative Analysis: Halal Logo and Ijtihād

Building upon the preceding examination of the halal logo's operational reality and *ijtihād*'s theoretical concept, and for purposes of determining whether the halal logo constitutes *ijtihād*, the researcher presents the following comparative analysis. Both processes involve exertion of effort (through testing and examination in the halal logo; through application of principles and rules in *ijtihād*); both aim to ascertain probable practical legal rulings; both rely upon Islamic legal evidences (through halal standards methodology for the halal logo; through deductive and reasoning methodology for *ijtihād*); and both address issues lacking definitive rulings in revealed texts or scholarly consensus.

However, significant distinctions exist. The halal logo operates as a systematic framework comprising certification and logo procedures, whereas *ijtihād* represents intellectual effort grounded in

examination, reasoning, and inference. The halal logo involves institutional implementation through specialized groups, while *ijtihād* traditionally involves individual scholars possessing *ijtihād* and fatwa qualifications. The halal logo's scope encompasses specific legal issues relating to products and services, while *ijtihād* potentially addresses all legal matters across juristic domains. The halal logo's effect produces *ḥalāl* rulings from both Islamic legal and civil legal perspectives, while *ijtihād*'s effects encompass all legal rulings, both *taklīfī* (prescriptive) and *waḍ'ī* (declaratory), from an Islamic legal perspective.

This comparative analysis demonstrates that the halal logo represents a recognized form of *ijtihād* among the various types acknowledged by *uṣūlī* scholars. Specifically, the halal logo emerges through collaborative participation of specialized experts from diverse fields across all phases of halal certification and logo implementation—from establishing halal standards through applying them to monitoring compliance—constituting collective *ijtihād*. *Ṣāliḥ bin 'Abd Allāh* (2008) identifies collective *ijtihād* as a mechanism for regulating and organizing fatwas, particularly in complex contemporary issues of general significance, emphasizing that juristic councils emerged to activate this pattern of *ijtihād*.

The first phase of establishing halal standards through examination and scrutiny of product contents, manufacturing processes, composition, storage, delivery, and related aspects represents *istidlālī* (deductive) *ijtihād*, depending upon extraction of rulings from Islamic legal evidences. Research confirms that determining halal product rulings proceeds through deductive methodology grounded in the Qur'an, Sunnah, *qiyās*, public interests, and other evidences, corresponding to *istidlālī* *ijtihād* in its essential character (Wijayanti & Meftahudin, 2018).

The second phase of implementing halal standards to products parallels *tanzīlī* (applicative) *ijtihād* in verifying *ḥalāl* criteria realization in products through conformity with established standards. This *ijtihād* type reflects scholarly observations regarding contemporary *ijtihād*'s requirement for applying textual principles to evolving realities, such as food and emerging product issues, utilizing methodological tools like *qiyās* and comparison (Jaffar et al., 2024).

The third phase concerning monitoring compliance with halal standards in products may be characterized as *istiṣḥābī* (presumptive) *ijtihād*, verifying continuation of the original *ḥalāl* state and its non-transformation to the contrary. This represents an essential function in contemporary Islamic legal operations, as scholars have indicated in examining *ijtihād* tools in Islamic finance, where *istiṣḥāb* tracks ruling stability and ensures continuity in conformity with Islamic law (Abozaid, 2016).

Istidlālī *ijtihād* appropriately serves the first phase of establishing halal standards because these standards derive from Islamic legal evidences either directly or indirectly through juristic branches within the legal schools, encompassing primary evidences from the Qur'an, Sunnah, and consensus, alongside subsidiary evidences from *qiyās*, *istiḥsān*, *istiṣlāḥ*, *'urf*, and *istiṣḥāb* (Man, 2023). *Tanzīlī* *ijtihād* suits the second phase of implementing halal standards because products under evaluation undergo assessment against these standards to determine conformity or non-conformity (Murad, 2024). *Istiṣḥābī* *ijtihād* appropriately serves the third phase of monitoring halal standards because products, after achieving conformity with standards and receiving halal logos, require verification of sustained conformity and continuity. This aligns with Islamic law's objectives in ensuring continuity and stability, as reflected in follow-up and Islamic legal monitoring practices.

The researcher focuses particularly on the second phase—implementing halal standards to

products—because this phase issues the halal logo and grants halal certification to product manufacturers. As demonstrated above, this phase's *ijtihād* type represents *tanzīlī ijtihād* in character and collective *ijtihād* in terms of its practitioners. Scholars have explained that collective institutional *ijtihād* constitutes the optimal model for addressing issues affecting the entire Muslim community, integrating textual understanding with contextual awareness simultaneously (al-Salmī, 2023).

Halal Logo and the Legal Status of Ijtihād

The Legal Obligation to Perform Ijtihād in Halal Logo Matters

According to scholars, *ijtihād* manifests as three obligation types: it may constitute an individual obligation (*farḍ ‘aynī*) specifically for the mujtahid personally and in matters specifically assigned to him; it may represent a communal obligation (*farḍ kifā’ī*) when an incident occurs and multiple mujtahids exist; and it may be recommended (*mandūb*) when seeking rulings for hypothetical matters (Al-Sam‘ānī, 1999, 2:303). It becomes individually obligatory for the mujtahid himself because his following others is prohibited, and in matters specifically assigned to him through designation by authority. It becomes communally obligatory when multiple mujtahids exist because the obligation falls upon them equally, such that if one undertakes it, the obligation is lifted from all. It becomes recommended for performing *ijtihād* itself, where the mujtahid receives reward for his performance even in error, according to the Prophet's statement: *“When a judge makes ijtihād and reaches the correct conclusion, he has two rewards, and when he makes ijtihād and errs, he has one reward”* (al-Bukhārī, 1987, no 7352).

Regarding the halal logo, *ijtihād* in this matter constitutes an individual obligation upon the responsible authority such as JAKIM because this *ijtihād* is specifically assigned to it, being neither possible for others nor legally permissible. Considering that *ijtihād* in the halal logo represents collective *ijtihād*, 'individual' in this individual obligation refers to this institution by virtue of its legal personality, not to individuals and persons within it. This analysis proceeds from the perspective of *uṣūl al-fiqh*. From the perspective of Malaysian implementation, obtaining halal certification and logo placement is not obligatory for product owners; rather, this has been made voluntary. This indicates that collective *ijtihād* in the halal logo being individually obligatory upon the institution applies when product owners request and desire it. From Muslim consumers' perspective, they possess the right to know the *ḥalāl* ruling regarding products circulating in markets because ignorance of this ruling leads them to fall into prohibited and sinful matters.

The Validity of Ijtihād in Halal Logo Implementation

Valid *ijtihād* distinguishes itself from invalid *ijtihād* through completion of pillars, fulfillment of conditions, and absence of impediments. *Uṣūlī* scholars identify three pillars of *ijtihād*: the *ijtihād* itself, the mujtahid, and the matter subject to *ijtihād* (al-Rāzī, 1997, 6:5) each with its own conditions. The researcher will examine these pillars and analyze their presence in halal logo *ijtihād*, while examining the most important conditions and studying their realization in this *ijtihād*.

Regarding the first pillar—*ijtihād* as exertion of one's utmost to arrive at the legal ruling—the comparative analysis between *ijtihād* and the halal logo has demonstrated that both involve significant effort and reliance on evidence, these being conditions of *ijtihād* (al-‘Utaybī, 2020). This is evident because the work undertaken by the institution in halal certification phases involves considerable effort,

and the halal standards established by the institution derive from Islamic legal evidences, principles, rules, and objectives.

The second pillar addresses the mujtahid (the one performing ijthahad). Uşūlī scholars have detailed the mujtahid's conditions, relating to qualification and competence for this work. The halal logo's ijthahad type has been previously identified as collective institutional ijthahad, which affects how these conditions are completed and realized. Based on the principle of consultation (shūrā) (al-Salmī, 2023), the mujtahid's conditions distribute among collective ijthahad's participants according to their specializations and expertise, as they engage in consultation, discussion, and debate to arrive at the legal ruling. In light of collective ijthahad in the halal logo, the halal standards serving as reference in this matter result from collaborative work among specialized experts.

Regarding the third pillar (the matter subject to ijthahad) its most important condition is that it represents a probable (ẓannī) juristic issue (al-'Utaybī, 2020). It qualifies as a matter because it has occurred or is susceptible to occurrence; it is juristic because it relates to action; and it is probable because it lacks definitive ruling from text or consensus. In light of collective ijthahad in the halal logo, the matter subject to ijthahad comprises the halal standards in the first phase (establishing standards through istidlālī ijthahad). Regarding the second and third phases, the matter subject to ijthahad comprises the products to which these standards are applied for halal logo obtainment through tanzīlī ijthahad and the continuation of logo compliance through istiṣhābī ijthahad.

Halal Logo and the Evidences (Adillah) of Ijthahad

The first pillar of ijthahad (the act of ijthahad itself) requires as its most important condition reliance upon Islamic legal evidences as ijthahad's tools and the mujtahid's path to rulings. To confirm that the halal logo constitutes ijthahad, discussion now addresses the evidentiary foundations of halal logo procedures within Islamic legal evidences.

Evidence for Halal Standards

Halal certification and logo issuance for products depends upon halal standards. These standards have been established, formulated, and organized by institutions consisting of specialized individuals in fields related to these standards. These standards encompass different aspects: some concerning materials, some equipment, some processes and operations, and some management and procedures (Azam & Abdullah, 2021).

Regarding materials, the Lawgiver has detailed in His Book and His Prophet's Sunnah what is permissible and prohibited among them, either through explicit textual clarification or implicit clarification. Explicit textual clarification appears in Qur'anic and Sunnah texts regarding what is permissible and prohibited, whether specifically (such as permitting fish and prohibiting pork) or generally (such as permitting wholesome things and prohibiting impure things). Implicit clarification refers back to the Qur'an and Sunnah through qiyās (such as permissibility of animal placenta from slaughtered animals and prohibition of narcotics), through istiḥsān (such as permissibility of minor blood amounts), through istiṣlāḥ (such as permissibility of synthetic materials), through 'urf (such as permissibility of wholesome animals), and through istiṣhāb (such as original permissibility of water and original prohibition of certain animals).

Regarding standards for matters other than materials, these generally derive from two

fundamental evidences: *istiṣlāḥ* and *ʿurf*, because they achieve unrestricted public interest (*maṣlaḥah mursalah*) falling under recognized interest (*maṣlaḥah muʿtabarah*) types, and because they represent unrestricted public interest falling under what is known and customary among people.

Evidence for the Halal Logo

Employing the halal logo to indicate product permissibility also relies upon two evidences: *istiṣlāḥ* and *ʿurf*. *Istiṣlāḥ* supports halal logo permissibility because it facilitates public knowledge of *ḥalāl* rulings through mere visual recognition. This achieves unrestricted public interest includable within recognized interests such as: protecting religion by preventing consumption of prohibited items and achieving certainty or strong probability regarding permissible matters; protecting life by consuming permissible foods, beverages, and other items; protecting intellect by not consuming harmful substances; and protecting wealth by earning it through financial transactions involving permissible products (Hilme & Raffi, 2024).

Regarding *ʿurf*, it supports halal logo permissibility as a known matter falling under Islamic law's silence, recognized in its interest, and not contradicting text or consensus. It is known because using logos, symbols, and signs represents widespread and accepted practice today for indicating specific meanings. It falls under Islamic law's silence because the Lawgiver did not address its matter in texts but rather mentioned the basis of its ruling, indicating it belongs to the category of means (*wasāʿil*) rather than objectives (*maqāṣid*) in rulings. Its interest is recognized as evident in the previously discussed *istiṣlāḥ* indication, with its interest outweighing any harm. It does not contradict text and consensus due to textual silence and absence of consensus prohibiting this logo's use.

Halal Logo and Consequences of Ijtihād

Having established that the halal logo represents collective *ijtihād* and that the *ḥalāl* ruling derived from it constitutes an *ijtihād*-based ruling, the classical consequences and implications attaching to *ijtihād* follow from it, most importantly:

Permissibility of Taqlīd

Knowledge of rulings is obtained either through *ijtihād* or through *taqlīd* (adherence to scholarly opinion). Requiring *ijtihād* from every legally responsible person would impose an obligation beyond capacity, as populations include the ignorant and those unable to seek rulings. Accordingly, those incapable of seeking rulings may follow and emulate those capable of it, provided the ruling being followed falls among rulings permissible for *taqlīd* namely, *ijtihād*-based probable rulings.

Regarding the halal logo, after characterizing it as an *ijtihād*-based ruling issued from collective *ijtihād*, the general Muslim population (*ʿawwām*) may follow this ruling and rely upon it for knowledge of food and other product rulings. When they find this logo on products, it functions for them as evidence of the legal ruling (*ḥalāl*) sufficing them from searching for evidence, consulting scholars, and seeking fatwas from muftis.

This applies to the general population (*ʿawwām*). Regarding institutions concerned with halal matters, the principle is that they do not engage in *taqlīd* but rather perform *ijtihād* in product rulings, except concerning halal logos issued by external institutions. In such cases, an institution like JAKIM in Malaysia, for example, cannot apply halal standards to products outside the country due to certain

obstacles. When a halal-concerned institution exists in that country, JAKIM relies upon that institution's halal certification. For this reason, JAKIM recognizes halal logos issued by external institutions in ruling on imported products.

Prohibition Against Overturning Ijtihād

Among ijtihād's consequences is that ijtihād is not overturned by another ijtihād of equivalent standing, according to the legal maxim "*ijtihād is not overturned by its like*" (al-Samarqandī, 1984, 661; al-Subkī, 1995, 3:265). The explanation is that when ijtihād occurs validly through completion of its pillars and conditions, it is not nullified by another ijtihād equal to it in authority through contradicting it in ruling, because these two ijtihāds are equivalent and neither is stronger or more preponderant than the other. The qualifier '*like it*' emphasizes the absence of preponderance between them and indicates that if the second ijtihād is stronger than the first, it nullifies it, and if it is weaker, it does not nullify it a fortiori.

Applied to the halal logo, if an institution like JAKIM grants halal certification to a certain product and authorizes the company to place the halal logo on it, its ḥalāl status is not overturned through contradiction by another ijtihād, whether from individuals or institutions, especially since these ijtihāds do not equal the institution's ijtihād in authority and consideration because it is specifically designated for ijtihād by governmental authority. An exception exists if the institution itself retracts its first ijtihād for some reason, in which case the first ijtihād regarding ḥalāl status is abandoned.

Permissibility of Disagreement

Among ijtihād's consequences (given that it occurs only in probable matters) is the permissibility of disagreement occurring, meaning the existence of contradictory rulings without one nullifying the other, as previously discussed. This occurs because the matter subject to ijtihād is probable and its ruling does not appear clearly and definitively in the Qur'an, Sunnah, or consensus, so each person seeks it and performs ijtihād in seeking it according to what appears to him from evidence, reasoning, and ruling.

This consequence manifests in the halal logo through disagreement between institutions or individuals regarding product rulings between ḥalāl and ḥarām due to their disagreement on numerous factors surrounding these products. Muslims should not employ this disagreement as a pretext for division, misguidance, and error; rather, each should follow the ruling reached by the institution in his country and rely upon its ijtihād regarding the halal logo. It must be understood that applying contrary implication (mafhūm al-mukhālafah) among the general population (‘awwām) is invalid and void. Contrary implication here refers to: if a halal logo exists on a product, it is ḥalāl, and if it does not exist, it is ḥarām. Muslims should not hasten with this understanding to prohibit products lacking halal logos.

Probability (Zanniyyah) of the Matter Subject to Ijtihād

Among ijtihād's consequences (from the perspective of conditions regarding the matter subject to ijtihad) is that the matter in which the mujtahid seeks its ruling is probable (zannī), meaning its ruling is not stated in the Qur'an, Sunnah, or consensus, being among new issues or what are termed subsidiary issues (masā'il al-furū'). Matters having rulings in the Qur'an, Sunnah, or consensus are not among ijtihād matters because their ruling is stated, so it is not sought through ijtihād, since performing ijtihād

when a ruling exists constitutes achieving what is already achieved (*taḥṣīl al-ḥāṣil*), and achieving what is already achieved is impossible (al-Rāzī, 1997, 5:245).

Applied to the halal logo, not all products require halal logo determination through *ijtihād*. Products having rulings in Islamic law do not depend upon the halal logo for knowing their ruling, such as natural fruits, fish, and others, nor are they fields for *ijtihād* in the halal logo. What falls within halal logo *ijtihād*'s scope comprises non-natural products that have been combined with other materials and transformed and converted to non-original qualities.

CONCLUSION

The research has yielded the following principal findings:

- a. Ḥalāl in its technical meaning denotes release from obligation, thus encompassing actions required decisively or non-decisively, as well as actions where choice exists between performance and abandonment. It represents what Islamic law permits such that it is not ḥarām, since what must be decisively avoided cannot be ḥalāl.
- b. The halal certification and logo process operates through three phases: establishing halal standards, implementing them, and monitoring compliance. The *ijtihād* type in these phases represents collective *ijtihād*. The first phase constitutes *istidlālī* (deductive) *ijtihād*, the second phase represents *tanzīlī* (applicative) *ijtihād*, and the third phase embodies *istiṣhābī* (presumptive) *ijtihād*.
- c. *Ijtiḥād* in the halal logo constitutes an individual obligation (*farḍ ‘aynī*) upon the responsible authority such as JAKIM because this *ijtiḥād* is specifically assigned to it, being neither possible for others nor legally permissible.
- d. *Ijtiḥād* in the halal logo is valid and recognized through completion of pillars and conditions in: the act of *ijtiḥād* representing exertion of institutional capacity and reliance upon Islamic legal evidences; the mujtahid fulfilling collective *ijtiḥād* conditions among concerned individuals; and the matter subject to *ijtiḥād* consisting of probable juristic issues regarding product and service rulings.
- e. The evidentiary foundations for *ijtiḥād* regarding halal standards and logo encompass primary evidences from the Qur'an, Sunnah, and consensus, alongside subsidiary evidences from *qiyās*, *istiḥsān*, *istiṣlāḥ*, ‘urf, and *istiṣhāb*.
- f. The consequences of *ijtiḥād* resulting from the halal logo comprise: permissibility of *taqlīd*, prohibition against overturning *ijtiḥād* with another of equal standing, permissibility of disagreement, and probability of the matter subject to *ijtiḥād*.

CONFLICT OF INTEREST

The author declares no conflicts of interest.

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AVAILABILITY OF DATA AND MATERIALS

The data supporting this study's findings are available on request from the corresponding author.

ETHICS STATEMENT

Not applicable.

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