

Halal Certification for Non-Muslim-Owned Restaurants in Brunei Darussalam: Regulatory Practice, State Mufti Opinions, and Imam al-Nawawī's Juristic Perspective

Hafini bin Mahmud^{1*}, Cecep Soleh Kurniawan², Hajah Mas Nooraini binti Haji Mohiddin³

¹Universiti Islam Sultan Sharif Ali, Brunei Darussalam. E-mail: hafini.mahmud@unissa.edu.bn

²Universiti Islam Sultan Sharif Ali, Brunei Darussalam. E-mail: soleh.kurniawan@unissa.edu.bn

³Universiti Islam Sultan Sharif Ali, Brunei Darussalam. E-mail: masnooraini.mohiddin@unissa.edu.bn

*Corresponding Author

Article history: Received: September 11, 2025; Revised: December 21, 2025; Accepted: January 08, 2026; Published: February 20, 2026



Keywords:

Halal Certification;
Non-Muslim-Owned Restaurants;
Brunei Darussalam;
State Mufti;
Imam Al-Nawawī;
Shāfi'ī Jurisprudence;
Halal Governance.

How to Cite:

Mahmud, H. bin., Kurniawan, C. S., Haji Mohiddin, H., M., N. (2026). Halal Certification for Non-Muslim-Owned Restaurants in Brunei Darussalam: Regulatory Practice, State Mufti Opinions, and Imam al-Nawawī's Juristic Perspective. *Parewa Saraq: Journal of Islamic Law and Fatwa Review*, 5(1), 85-101. <https://doi.org/10.64016/parewasaraq.v5i1.73>

Abstract: Halal certification functions as a central institutional mechanism for strengthening Muslim Halal certification is a central institutional mechanism for strengthening Muslim consumer confidence in restaurants and food premises within Brunei Darussalam. Although halal logo is widely perceived as an assurance of lawful consumption, a critical legal and juristic question of whether halal certification requires the restaurant owner to be a Muslim remains. Therefore, this study aims to examine the practical implementation of halal certification for non-Muslim-owned restaurants in Brunei Darussalam relative to State Mufti opinions and the juristic reasoning attributed to Imam al-Nawawī within the Shāfi'ī legal tradition. A library-based method was used with a qualitative design. Data were collected from classical fiqh texts, contemporary fatwa, national legislation, administrative regulations, and relevant policy documents. The collected materials were then analyzed through content analysis to identify normative arguments, regulatory standards, and points of legal tension. The results showed that Brunei current administrative practice allows halal certification for restaurants owned by non-Muslims under specific procedural and supervisory conditions. However, a significant inconsistency was found between the operational policy and the State Mufti juristic position, particularly concerning ownership, authority over food preparation, and the reliability of compliance. By integrating regulatory analysis with classical jurisprudence, the results contribute to the broader discourse on halal governance, Islamic legal authority, and contemporary policy implementation in Muslim-majority states. In conclusion, this study underscores the need for clearer regulatory harmonization between state fatwa institutions and halal certification agencies to ensure legal coherence and sustained public trust.



License: Copyright (c) 2025 The authors (2025)

This work is licensed under a Creative Commons Attribution 4.0 International License.

Introduction

The global halal industry has metamorphosed from a mere religious label into a vital economic regulatory instrument across various Muslim nations (Calder, 2020). This phenomenon has catalyzed a paradigm shift from voluntary certification to a mandatory legal

obligation aimed at ensuring comprehensive supply chain integrity (Urus et al., 2025). Countries within the Organization of Islamic Cooperation have begun integrating fatwas into public administrative frameworks to provide more robust legal certainty (Rosidi, 2024). The state's role has become increasingly dominant in overseeing public spaces to protect Muslim consumers from various *shubhah* (doubtful) practices (Bala, 2025). However, significant challenges arise when such regulations intersect with economic inclusivity within heterogeneous societies. Fatwa authorities are now tasked with reinterpreting classical texts to remain relevant to the demands of modern governance. Consequently, the discourse on halal sovereignty has become crucial within the context of contemporary *siyāsah shar'iyah* (Sharia-oriented public policy) (Ibrahim, 2020).

Brunei Darussalam, as an Islamic monarchy, employs a unique approach in consolidating its religious authority through fatwa institutions and positive law. The historical trajectory of halal certification in the country demonstrates a strong commitment to purifying the consumption of the ummah through rigorous government oversight. A pivotal transformation occurred in 2017 when the government overhauled its comprehensive policy regarding the certification of halal products. This policy asserts that halal compliance is not merely a business preference but a mandatory standard that must be met by all food industry stakeholders. Through this mechanism, Brunei seeks to position itself as a credible regional and international halal reference hub (Azalie, 2025; Noor Azalie & Samad, 2022). The tightening of these regulations has directly impacted the entire structure of the nation's culinary ecosystem. Therefore, a profound understanding of the juridical foundations of this policy is an essential prerequisite for stakeholders (Chen & Sheehy, 2024).

The Halal Certificate and Halal Label (Amendment) Order 2017 serves as the primary legal instrument that has significantly reformed food governance in Brunei Darussalam. This regulation underscores that a halal certificate is not merely an administrative document but a substantive representation of absolute compliance with Sharak Law in every production process. The stipulated standards encompass aspects of hygiene, raw material sourcing free from *najis* (impurities), and the prevention of cross-contamination with non-halal elements. Furthermore, the regulation emphasizes the importance of utilizing ritually pure equipment and storage processes that align with stringent fiqh standards (Bukhari, 2023). The emphasis on *ṭayyiban* (wholesomeness) and human health and safety also serves as a central pillar of the mandate. Through this order, the state assumes full responsibility for validating the spiritual and physical integrity of all served food. The implementation of these standards demands high precision from all business owners without exception to maintain public trust (Pirson et al., 2016).

One of the most saliently challenging dimensions of the 2017 mandatory regulation is the certification requirement for non-Muslim restaurant owners. This policy mandates that every business operator serving the general public must submit to rigorous halal audit procedures. The involvement of non-Muslims in the halal ecosystem triggers debates

concerning the boundaries of authority and trust within the perspective of contemporary Islamic law. On one hand, the state prioritizes administrative inclusivity to ensure food safety for all Muslim citizens in public spaces. On the other hand, theological doubts emerge regarding the extent to which non-Muslims can be held accountable for the sacrosanct criteria of halal. This situation creates a tension between the demands of an inclusive state bureaucracy and the protective nature of the fiqh tradition (Taufikin & Nurhayati, 2025). This necessitates a comprehensive legal clarification from the highest religious authorities to mediate these perceptual differences.

In the context of Brunei Darussalam, the Shafi'i Madhhab serves as the sole reference in the determination of Islamic law, supported constitutionally. The thought of Imam Nawawi, as a central figure in this school, carries preeminent authority in determining the validity of religious practices. Classical views often emphasize the importance of the practitioner's integrity in handling matters related to Sharak law and worship. There is a foundational premise in classical texts questioning the credibility of external parties in guaranteeing the halality of food for Muslims (Dashti et al., 2024). This provision potentially conflicts with government policy that grants halal certificates to non-Muslim business owners. This discrepancy represents a crucial juncture requiring in-depth analysis through the lens of contextualized ijtihad (Ganai & Salama, 2024). Without a synchronization between classical texts and regulatory requirements, legal ambiguities will arise, leading to public confusion.

The State Mufti Fatwa Authority of Brunei plays a vital role as a bridge between madhhab orthodoxy and the dynamics of state policy. Fatwas function not only as answers to legal inquiries but also as legitimizing instruments for *siyāsah shar'iyah* (Sharia-oriented public policy) policies. In addressing the issue of non-Muslim eligibility, the Mufti's Fatwa is required to explore a legal rationality that transcends mere classical textuality. There is an urgent need to examine how fatwas contextualize Imam Nawawi's views within an organized modern administrative structure (Whyte, 2022). Previous research has largely focused on the general effectiveness of halal law implementation without addressing profound theoretical-jurisprudential nuances. To date, there remains a gap in the literature specifically discussing the collision between state mandates and the eligibility criteria for non-Muslim applicants. Consequently, this study seeks to fill that void by exploring the position of fatwa as a mediator of norm conflicts (Amin et al., 2024).

Although numerous studies have discussed the development of the halal industry in Southeast Asia, very few have dissected the discrepancy between mandatory regulations and the Shafi'iyah tradition in Brunei. The primary focus of this manuscript is to deconstruct the eligibility criteria for non-Muslim owners in obtaining halal certification. By analyzing the 2017 Halal Certificate Order and the State Mufti's Fatwas, this research examines how the state negotiates with Nawawian doctrine. The primary objective is to map the legal transformation from a perspective of personal integrity toward systemic-procedural integrity. This analysis is vital for understanding how religious sovereignty is maintained amidst rapid bureaucratic

modernization. This study employs a qualitative approach with legal document analysis and fatwa texts as primary data sources. The findings are expected to provide theoretical lucidity regarding the legal status of non-Muslim business operators within an Islamic monarchical system (Abdullah, 2021; Mednicoff, 2019).

The scientific contribution of this manuscript lies in the development of theory regarding the adaptability of the Shafi'i Madhhab within contemporary Islamic governance systems. This research offers a new perspective that halal certification for non-Muslims is not merely a technical issue but an evolution of *ijtihad* within *siyāsah shar'iyah* (Sharia-oriented public policy). The results of this analysis provide a foundation for policymakers to harmonize stringent religious standards with economic inclusivity. Additionally, this manuscript enriches the discourse on the role of fatwa as an instrument of legal harmonization in countries with an official madhhab (Azam et al., 2025). The resulting understanding will be highly relevant for other Muslim nations moving toward mandatory halal certification systems. Practically, this study reinforces the legitimacy of halal regulations in Brunei Darussalam by providing solid fiqh arguments. Thus, an integration between traditional and modern authority can be achieved harmoniously for the benefit of humanity or *maslahah* (Zuhdi & Nasir, 2024).

Research Methods

This study employs a qualitative design with an emphasis on a juridical-normative approach to examine the integration of state regulations and religious authority within the halal certification system in Brunei Darussalam. The selection of this approach is predicated on the necessity of evaluating legal instruments not merely as administrative texts, but as manifestations of formally institutionalized Islamic values. Primary data sources in this study include the Halal Certificate and Halal Label Order 2005 and various administrative protocols officially promulgated by the Ministry of Religious Affairs (Kementerian Hal Ehwal Ugama). These documents are positioned as the legal-formal basis governing operational mechanisms for the food and restaurant industries within the sovereign territory of Brunei. Utilizing systematic legal documentation techniques, each article is analyzed to assess its consistency with the objective of protecting Muslim consumers at the national level. This juridical approach enables a comprehensive and in-depth mapping of the legal power structures underlying halal policies in Brunei. Such an endeavor is crucial to bridging the literature gap concerning the dynamics between positive law and Sharia (Islamic law) within the context of modern food governance.

To deepen the jurisprudential dimension, this study intentionally employs an intertextual analysis method that facilitates a dialogue between contemporary fatwas and classical fiqh (jurisprudence) texts as an epistemological basis. Data regarding authoritative fatwas are sourced from the compilation *Isu-Isu Produk Halal* (Halal Product Issues) by the State Mufti of Brunei, reflecting legal responses to contemporary food science challenges. The validity of this intellectual construction is then examined against the thought of Imam al-

Nawawi in the treatise al-Majmu', serving as a primary representation of Shafi'i Madhhab orthodoxy. The selection of Imam al-Nawawi is justified by the standing of the Shafi'i Madhhab as the constitutional and ideological foundation for official religious practices in Brunei Darussalam. Through this hermeneutical dialogue, the study seeks to reveal how classical principles of *istinbat* (legal derivation) are dynamically adapted to address the complexities of food additives in the global era. This step is vital to ensure that the analysis transcends superficial description and engages with the methodological roots utilized by the fatwa-issuing authority. Consequently, the ideological links between classical texts and contemporary policies can be elucidated with greater rigor to achieve high standards of academic reliability.

Data analysis procedures are conducted through a descriptive-analytical content analysis technique to systematically extract the legal principles underpinning certification policies. Each unit of information from regulations and fatwas is categorized based on crucial themes in halal certification, such as ingredient purity and supply chain integrity. The constant comparative method is applied to identify points of convergence and divergence between the views of Imam al-Nawawi and the contemporary legal rulings of the State Mufti's Office (Jabatan Mufti Kerajaan). This process involves a critical evaluation of the *usuliyah* (legal theory) arguments employed in determining the legal status of products within the restaurant and eatery sector. The analysis extends beyond textual exposition to explore the rationality underlying the implementation of administrative procedures by relevant government authorities. This comprehensive analytical sequence aims to produce a profound synthesis of how the integration of law and religion shapes a credible halal ecosystem in Brunei. Finally, the reliability of the research findings is ensured through rigorous source triangulation among state legal documents, the mufti's fatwas, and established school of law authorities.

Result and Discussion

Reconstructing Halal Epistemology in Brunei Darussalam Fatwas

The legal construction in the State Mufti of Brunei Fatwa No. 14/1982 establishes rigid parameters regarding the religious identity of culinary entity operators through a triadic scheme that mandates owners, managers, and employees to be of Muslim status. This scheme substantially positions personal identity as the primary determinant variable of halal status, transcending the mere material aspects of food ingredients (Qazi, 2025). This protectionist approach reflects the efforts of Bruneian authorities to safeguard the purity of consumption for the Ummah through demographic control over the domestic food supply chain (Bin Noor Azalie, 2025; Chowdhury et al., 2023; Sulaiman et al., 2025). When compared with the perspective of Shafie, (2014), Brunei's approach appears significantly more conservative than that of Malaysia, which has begun adopting flexibility regarding interfaith labor involvement provided that technical protocols are satisfied. This discrepancy confirms that Brunei applies stringent socioreligious standards as a form of identity defense

mechanism amidst the currents of globalization. Tieman, (2015) notes that halal integrity within Sharia economic systems often depends on trust in actors, which in the Bruneian context, is anchored entirely upon the Islamic identity of business practitioners. Consequently, the label "*Bukan Tempat Makan Orang Islam*" (Non-Muslim Dining Place) serves as a legal stigmatization instrument that constrains the operational space of non-Muslim entrepreneurs within the nation's halal culinary ecosystem.

The disqualification of non-Muslim testimony (*syahadah al-kafir*), in the realm of halal certification in Brunei is grounded in the epistemological argument that the authority to establish *syarak* (Islamic law) rulings is an exclusive Muslim domain. This rejection, as emphasized in Fatwa No. 17/2006, reflects the rigorous application of *syahadah* principles within a modern administrative framework where the absence of religious competence is deemed to invalidate the validity of technical information. This principle is rooted in the thought of Al-Sharbini, who asserted that non-Muslim testimony cannot be accepted against Muslims—a doctrine adopted rigidly by Bruneian authorities. Noordin et al., (2014) argue that in modern halal management, documentary evidence and technical audits should serve as the basis for verification; however, Brunei continues to prioritize the qualifications of the testifying subject. This creates a dichotomy between technical-objective validity and theological-subjective validity in the certification process. Rejeb, (2018) adds that at the global level, there is a shift toward technology-based transparency, yet Brunei chooses to adhere to classical jurisprudential traditions to mitigate the risk of spiritual contamination. Ultimately, this policy reinforces that for Bruneian authorities, the veracity of information regarding halal status can only be recognized if it originates from individuals who share the same theological commitment.

The application of the principle of *Sadd al-Dhariah*, or "blocking the means to harm," (Rachmadhani et al., 2024) serves as the primary foundation in Brunei's fatwas to justify the exclusion of non-Muslim involvement in restaurant management. Bruneian authorities identify that non-Muslims' lack of understanding regarding the concepts of *najis* (impurity) and *mutanajjis* (contaminated items) constitutes a structural risk that could jeopardize the halal status of a product. These concerns encompass granular aspects such as the use of contaminated cookware or source ingredients like sauces and soy sauces that are potentially *shubhah* (doubtful). Marzuki et al., (2012), in their study on halal industry challenges, state that literacy regarding halal is indeed a major constraint for non-Muslim actors in various countries. However, unlike Indonesia through the MUI, which prioritizes guidance and internal halal assurance systems, Brunei opts for an exclusionary approach to guarantee the absolute sanctity of the premises. Zulfakar et al., (2014) emphasize that the effectiveness of halal supply chain management is highly dependent on the elimination of critical contamination points, which in the context of Brunei, identifies non-Muslim actors as the critical points themselves. Therefore, this policy is not merely a matter of technical hygiene but a manifestation of radical-preventive legal caution.

Analysis of Fatwa No. 23/1997 indicates that Muslim ownership alone is insufficient to guarantee halal status if it is not accompanied by absolute adherence to *syarak* operational standards. This signifies those Bruneian authorities are moving from mere formal identity toward a substantial oversight of product materiality, although identity remains a primary prerequisite. The influence and power of restaurant owners or managers are viewed as decisive factors that could introduce *shubhah* elements, whether intentionally or due to ignorance. Battour et al., (2019) posits that halal quality in tourism and culinary services currently demands uninterrupted integrity from upstream to downstream. Brunei responds to these integrity demands by implementing standards that exceed international recommendations such as ISO or GSO standards, which focus more on the final product output. Brunei's focus on the personal control of the owner suggests a systemic doubt regarding the ability of external actors to internalize the values of food sanctity in Islam. This positions Brunei as a jurisdiction with highly unique and protective halal standards on the global stage.

fatwa policies in Brunei Darussalam reflect an effort to harmonize classical Islamic law with the demands of public administration in the food sector. The rigid standards mandating Muslim dominance across all layers of culinary operations are a strategy to maintain Sharia-based food sovereignty. While this approach is often regarded as an impediment to international trade and market inclusivity, for Brunei, it is the most effective instrument for Muslim consumer protection. Shakar et al., (2025) note that every nation possesses the sovereign right to determine its halal standards; however, global trends tend toward more flexible convergence. Brunei appears to remain steadfast in this religious protectionism model as part of its Melayu Islam Beraja (Malay Islamic Monarchy) national identity. The future challenge for Brunei is how to maintain the integrity of these highly stringent fatwas amidst the pressures of digitalization and the increasingly complex globalization of the food industry. Overall, these fatwas affirm that from the Bruneian perspective, halal is not only about what is consumed but also about who provides it and how power is managed within the kitchen.

Regulatory Dynamics and The Formalization of Fatwa within the Halal Certification Ecosystem in Brunei Darussalam

Socio-religious transformation in Brunei Darussalam has led to the codification of Sharia norms into positive law through mandatory halal certification for all food provider entities. This implementation is legally grounded in the Halal Certificate and Halal Label Order 2005 (Darmalaksana, 2023), representing state authority in ensuring consumptive sovereignty for the Muslim community. This policy functions not merely as a bureaucratic instrument but as an embodiment of the principles of protection of religion (*hifz al-din*) and protection of life (*hifz al-nafs*) (Supian, 2018). Within this context, the state assumes a central role as the holder of fatwa authority, which is transformed into legally binding technical operational standards. The emphasis on mandatory certification signifies a shift from voluntary ethical awareness toward absolute legal compliance for all food industry

stakeholders (Conter et al., 2025; Guo et al., 2019; Marx et al., 2022). Through the 2017 amendment, the Bruneian government asserts that the public sphere must remain free from legal uncertainty regarding the halal status of products circulating in society. This reflects a robust integration between theological interests and modern governance that is responsive to the needs of the Ummah.

Textual analysis of Chapter 4 (1) of the Halal Certificate Order reveals a unique dimension of administrative inclusivity within the halal ecosystem in Brunei Darussalam. The use of the phrase *mana-mana orang* (any person) in the regulation indicates that capital ownership in the food industry is not restricted by theological identity or specific beliefs. This provides an avenue for non-Muslim citizens to participate fully in the national economy insofar as they can comply with the established Sharia parameters. This approach demonstrates that the Majlis Ugama Islam Brunei (MUIB) maintains a clear differentiation between the legal subject of the business owner and the ritual compliance of the business object. Such inclusivity serves as a strategic maneuver in managing sociological diversity without compromising the integrity of halal standards, which form the foundation of national sovereignty. Consequently, this regulation successfully balances economic openness with the rigidity of Islamic legal principles within a harmonious constitutional framework. This judicial interpretation reinforces Brunei's position as a nation that applies Sharia law professionally and universally within the global commercial sphere.

The certification application procedure, managed through the Syariah Affairs Department, constitutes a form of formalizing fatwa into mandatory public oversight instruments for all business actors. This obligation encompasses a broad spectrum of food service providers, ranging from restaurants, cafes, and food courts to central kitchens serving industrial-scale processing. According to official ministerial guidelines, every business owner is required to submit an application via official forms to meet the qualification standards determined by the Majlis Ugama Islam Brunei. This provision affirms that religious authorities exercise full control over the verification of the suitability of every food premise operating within the state's sovereign territory. The regulation aims to eliminate all forms of ambiguity (*shubhat*) among consumers by providing legal certainty through official government certification. Through this procedure, MUIB fatwas no longer reside solely within the realm of theological discourse but have become standard operating procedures mandatory for all stakeholders. The effectiveness of this oversight serves as a benchmark for the state's success in performing its function as a protector of faith and a guarantor of public food safety.

A crucial pillar in ensuring Sharia compliance within non-Muslim-owned business units is the mandatory appointment of at least two Halal Supervisors certified by MUIB. The presence of these supervisors serves as an extension of religious authority within the internal corporate structure to directly oversee every stage of the production process. They act as stewards, ensuring that interactions between raw materials, equipment, and the work environment remain within the sanctified parameters mandated by jurisprudence (*fiqh*). This

assignment is a highly strategic delegation of authority mechanism in the context of contemporary Islamic law to bridge the gap between the beliefs of capital owners and Sharia requirements. Through rigorous oral and written examinations, these supervisors are equipped with technical competence and a deep understanding of mitigating ritual impurity (*najis*) contamination. Thus, their presence becomes a non-negotiable prerequisite for obtaining halal recognition from state authorities. This internal oversight model creates an effective system of checks and balances between the commercial interests of business actors and stringent theological regulations.

The audit process and field inspections conducted by the Halal Food Control Division represent a concrete manifestation of the principle of continuous supervision (*istisbah*) in Islamic law. Auditors do not merely verify the validity of administrative documentation but also conduct in-depth investigations into the entire food supply chain at the business location. The inspection focus includes the identification of processing aids, product control methods, and aspects of sanitation and food safety aligned with the principles of *thayyiban* (wholesomeness). Furthermore, all equipment and machinery are subject to inspection to ensure the absence of haram or doubtful elements. Photographic documentation and the collection of invoices for questionable goods demonstrate a high level of precision in the factual verification process on the ground. The auditor's report then serves as the primary database for the Halal Certificate Inspection Committee in objectively determining the eligibility status of a premise. The synergy between technical audits and Sharia reviews ensures that every certificate issued possesses incontrovertible moral and legal validity.

The final stage of this regulatory process involves a collective decision-making structure comprising the Halal Certificate Inspection Committee (AJKP) and MUIB as the supreme authority. After the inspection report is analyzed in depth during committee meetings, recommendations are forwarded to the Council for final considerations that are legally binding. This multi-layered process reflects the precautionary principle (*ihtiyat*) in issuing legal decisions that have broad impacts on public interest and religious integrity. If the application is fully supported, a Halal Certificate is issued as authentic evidence that the premise has met all established Sharia qualification standards. Successfully obtaining this certificate requires an extensive set of supporting documents as part of the business actor's public accountability to the state. The existence of these documents serves as evidence of operational transparency, allowing the state to track every element entering the consumer's body. The following is a tabulation of documentary requirements reflecting the depth of the audit within the halal certification system in Brunei Darussalam.

Required Documentation	Administrative Description	Sharia Verification Objectives
-------------------------------	-----------------------------------	---------------------------------------

Copy of IC/Passport	Identity verification of proprietors and operational supervisors	Ensuring legal subject accountability and traceable responsibility
Business Registration Certificate	Official recognition of business legality and operational authorization	Validation of lawful commercial activity (<i>mashru'iyah al-tijarah</i>)
Raw Material Matrix	Comprehensive list and classification of all ingredients and additives	Traceability of halal status and prevention of doubtful (<i>syubhat</i>) materials
Ingredient Halal Certificates	Documentary proof of halal compliance issued by certified suppliers	Strengthening supply chain integrity and halal assurance continuity
Process Flowchart	Structured diagram outlining production stages	Identification and mitigation of contamination and ritual impurity (<i>najāsah</i>) risks
Premise Location Plan	Spatial layout of production, storage, and service areas	Ensuring segregation between halal and non-halal/contaminated zones

Source: research data

Based on the analysis of these regulations, processes, and documentary requirements, it is evident that the halal certification system in Brunei prioritizes substantive integrity over the personal identity of the business owner. The absence of religious requirements for restaurant owners demonstrates a pragmatic approach that nonetheless adheres consistently to the fundamental principles of Islamic law. This proves that the protection of Muslim consumers can be achieved through systematic legal instruments and rigorous oversight without being economically discriminatory. The collaboration between ministerial bureaucracy, technical experts, and fatwa authorities creates a halal ecosystem that is credible and internationally recognized. This model provides an important contribution to contemporary Islamic legal discourse regarding how the state can formalize religious values into professional industrial standards. Thus, halal certification in Brunei is not merely a commodity label but a socio-religious contract guaranteed by the state for the safety of universal human consumption. The integration of administrative transparency and theological decisiveness establishes Brunei as a primary reference in international halal product governance in the modern era.

The Epistemological Construction of Imam Al-Nawawi's Thought on Culinary Interaction with Non-Muslims Within the Perspective of the Contemporary Halal Industry

Although Imam al-Nawawi did not explicitly delineate the discourse regarding non-Muslim-owned restaurant business entities within a modern economic framework, his construction of legal thought provides a robust epistemological foundation for deducing relevant jurisprudential rulings. An analysis of his monumental opus, *Al-Majmu Sharh al-Muhadhdhab*, indicates that Al-Nawawi's primary focus lies in the integrity of the purity of the infrastructure and facilities utilized in food processing. He draws a sharp distinction

between the food substance consumed and the medium or vessel that facilitates the interaction. This perspective reflects a precautionary stance while simultaneously providing room for the flexibility of social interaction in increasingly complex pluralistic societies. Such dynamics are highly relevant to the shifting paradigm of global consumption, which demands clarity in legal status amidst the intricacies of the culinary industry supply chain. Through this lens, classical texts are no longer viewed as static doctrines but as methodologies adaptive to contemporary realities in the public sphere. Establishing Al-Nawawi's legal position becomes crucial for bridging normative Sharia requirements and the practical needs of Muslim communities within a global ecosystem.

In his discussion regarding vessels (*Bab al-Aniyah*), Imam al-Nawawi cites al-Shirazi's view, which asserts the reprehensibility (*makruh*) of using equipment owned by polytheists and wearing their clothing. It is imperative to note that this reprehensibility is not ritualistic (*taabbudi*) in nature but is rooted in an effective cause (*illah*) related to the potential for physical contamination by impurities (*najis*). Al-Nawawi explains that the use of such vessels is considered *makruh* due to a strong assumption regarding the owner's indifference toward the standards of *thaharah* (ritual purity) prescribed by Islam. However, he dialectically provides an exception if there is certainty regarding their purity; thus, the *makruh* status is conditional rather than an absolute prohibition. In the context of the contemporary food industry, this thought provides a basis for the importance of monitoring systems and the standardization of operational procedures in restaurants. This aligns with recent research by Kasih et al., (2025), which emphasizes that halal integrity in food services is heavily dependent on the control of cross-contamination risks. Consequently, this legal classification is highly dynamic and consistently grounded in empirical facts found within the processing field.

The hadith foundation employed by Imam al-Nawawi, specifically the narration of Abu Thalabah al-Khushani, provides profound insight into Muslim interaction in regions where the People of the Book (Ahli Kitab) are the majority. The hadith specifically instructs the washing of vessels before use if no alternative vessels with guaranteed purity are available. Al-Nawawi provides a critical annotation that the prohibition in the hadith arises due to the context of using vessels for cooking pork and consuming intoxicants (*khamr*). The emphasis on the aspect of washing demonstrates that the focus of Islamic law is on the removal of impurities (*izalat al-najasah*) to ensure consumption safety from a legal perspective. This analysis proves that Islam does not prohibit economic interaction with non-Muslims but rather regulates technical parameters to maintain the integrity of worship through pure consumption. Rashid (2018), in his study on minority fiqh, states that cleaning equipment constitutes a pragmatic solution that maintains the principle of *thaharah* amidst limited options. This principle becomes highly relevant when applied to modern restaurant kitchens that serve diverse menus under non-Muslim ownership.

Imam al-Nawawi's interpretation of Surah al-Maidah verse 5 expands the legal horizon regarding the halal status of the food of the People of the Book beyond mere raw ingredients.

He asserts that the scope of food in the verse includes processed products touched and cooked using their equipment in pots. This argument reinforces the position that physical interaction by non-Muslims with food ingredients does not automatically invalidate the halal status of the food, provided the fundamental requirements are met. This view demonstrates that the food processing stage is an integral part of the halal ecosystem that must be understood comprehensively (Almunawar et al., 2025; Bachtiar et al., 2024; Rejeb et al., 2021). In contemporary Islamic legal discourse, this becomes a strong argument for the legitimacy of food products processed by non-Muslim labor under certain standardized supervision. Yahya & Ariffin, (2022) notes that a broad interpretation of this verse enables the economic integration of the Muslim community into global food value chains without sacrificing fundamental principles. Thus, processing by non-Muslim parties is legally permissible (*mubah*) as long as there is no mixing with explicitly prohibited elements.

In the chapter on the removal of impurities (*Bab Izalat al-Najasah*), Al-Nawawi further provides legitimacy for the validity of transactions for products such as vinegar from protected non-Muslim citizens (*ahli zimmah*). He equates the legal standing of such vinegar with the permissibility of their slaughtered meat, indicating legal trust in certain processed products. This argument deconstructs excessive skepticism toward non-Muslim-made products, provided that the product remains within the halal corridor naturally or through a justified process. Al-Nawawi's emphasis reflects that distrust of the words of non-Muslims does not act as a barrier to the validity of consuming their products. This is consistent with the development of modern halal audit standards that prioritize objective evidence and assurance systems over the personal identity of the producer. According to Tieman (2019), objectivity in halal verification is the key to consumer trust in a highly fragmented global market. Therefore, Al-Nawawi's views provide inspiration for the development of audit parameters based on physical facts and transparent technical procedures.

Through a synthesis of Imam al-Nawawi's thought, a legal conclusion can be drawn that culinary interaction with non-Muslim service providers is, in principle, permissible (*mubah*) with absolute caveats. These caveats include the absence of haram elements such as *khamr* and pork, and a guarantee of purity integrity in processing facilities through objective parameters of certainty. The shift in legal status from *makruh* to *mubah* occurs when there is certainty regarding the cleanliness and purity of the vessels used in the production process. This proves that Islamic law is dynamic and consistently follows the existence of its ratio legis (*al-hukmu yadurru ma'a illatihi*). In the modern era, certainty regarding this purity can be contextualized through halal certification mechanisms issued by official authorities. Research by Karyani et al., (2024) indicates that certification acts as a substitute for personal certainty (*yaqin*) with a more accurate institutional verification system. Thus, Al-Nawawi's methodology remains valid for dissecting the legality of non-Muslim restaurants under the umbrella of strict halal regulations.

The implementation of the concept of *yaqin al-thaharah* in modern restaurant operations demands a transformation from mere manual cleaning toward a systematic quality assurance system. Imam al-Nawawi emphasizes that the use of non-Muslim equipment is permissible if believed to be pure, which in the current context can be interpreted as compliance with Standard Operating Procedures (SOPs). Restaurants owned by non-Muslims can still serve Muslim consumers as long as they implement production line segregation protocols between halal and non-halal ingredients (Madihi et al., 2022; Xiong & Chia, 2024). This transformation is essential because today's urban society relies heavily on catering services often not directly owned by the Muslim community. Syekh (2023) argues that *thaharah* literacy in restaurant management is a tangible form of adapting traditional jurisprudence (*fiqh turath*) into the food service industry. The successful application of this principle will minimize consumer doubt and increase the inclusivity of the food industry in countries with diverse populations. Therefore, the depth of Al-Nawawi's analysis regarding vessels provides a solution to the challenges of cross-contamination in modern commercial kitchens.

Epistemologically, Imam al-Nawawi's fatwas provide navigation for Muslims to interact proportionally in socio-economic life without losing their religious identity. He successfully balances a protective stance toward the sanctity of worship and openness toward a pluralistic social reality. The use of arguments grounded in hadith texts and the Quran demonstrates that his conclusions are firmly rooted in primary Islamic sources while remaining contextual. The dialectic between conditions of necessity (*dharurah*) and normal conditions in the use of vessels provides space for *ijtihad* for contemporary fatwa authorities. The International Islamic Fiqh Academy frequently refers to similar principles when establishing rulings on mass-produced food in Western countries. This indicates that the intellectual heritage of the Shafi'i Madhhab has a global resonance that transcends the boundaries of time and geography. ultimately, Al-Nawawi's thought serves as a catalyst for harmonization between Sharia compliance and the dynamics of modern lifestyles in an increasingly globally integrated society.

Conclusion

This study identifies a significant divergence between the administrative practices of halal certification in Brunei Darussalam and the fatwa issued by the State Mufti regarding the legal status of non-Muslim-owned restaurants. While formal regulations establish legality through the requirement of two Muslim supervisors and rigorous auditing mechanisms, the fatwa maintains a skeptical stance toward the influence of non-Muslim proprietors, which is perceived as potentially compromising the integrity of product halalness. This paradox suggests that field-level policy implementation aligns more closely with the jurisprudence of Imam Nawawi, which permits food transactions with non-Muslims provided that the standards for material purity and processing procedures are empirically satisfied. These

findings offer a significant theoretical contribution to the global halal governance discourse by highlighting the necessity of harmonizing substantive theological norms with administrative legal procedures within contemporary Islamic legal systems. From a practical perspective, the results of this study urge relevant authorities to immediately synchronize policies to eliminate legal ambiguities that may adversely affect consumer confidence and the operational certainty of industry stakeholders. Consequently, a re-evaluation of the bureaucratic framework is essential to accommodate the concerns of the fatwa authority without disregarding the established realities of governance efficiency. Future research agendas should be directed toward an in-depth analysis of the socio-legal factors triggering this misalignment to strengthen the sovereignty and sustainability of the halal ecosystem in Brunei Darussalam.

References

- Abdullah, M. (2021). Shari'ah, Ethical Wealth and SDGs: A Maqasid Perspective BT - Islamic Wealth and the SDGs: Global Strategies for Socio-economic Impact. In M. M. Billah (Ed.), *Islamic Wealth and the SDGs* (pp. 69–85). Springer International Publishing. https://doi.org/10.1007/978-3-030-65313-2_4
- Almunawar, M. N., Fauzi, A. M., Almunawar, Z. S., & Masri, M. (2025). Modelling business ecosystem of halal industry – case halal food industry in Indonesia. *Journal of Islamic Marketing*, 16(10), 2948–2967. <https://doi.org/10.1108/JIMA-06-2024-0221>
- Amin, A. R. M., Syatar, A., Mayyadah, M., Abubakar, A., & Haq, I. (2024). Problematic Fatwa: An In-Depth Sociological Investigation of MUI's Fatwa on Supporting Palestine's Struggle. *El-Usrah: Jurnal Hukum Keluarga*, 7(1), 237–252. <https://doi.org/10.22373/ujhk.v7i1.22020>
- Azalie, I. A. N. (2025). ASEAN's Halal Production Networks: Towards Regional Integration and Effective Industrial Governing: A Brunei Case Study BT - Brunei and the Future Transformation of Southeast Asia. In G. Y. V. Yong & A. K. M. Ahsan Ullah (Eds.), *Brunei and the Future Transformation of Southeast Asia* (pp. 101–124). Springer Nature Singapore. https://doi.org/10.1007/978-981-96-7901-0_6
- Azam, M., Mashdurohatun, A., Firmansyah, A. N., Saktiawan, M. D., & Jaya, K. O. P. (2025). Harmonizing Contemporary International Commercial Law with Sharia-Based National Legal Systems: A Comparative Study of Pakistan, Turkey, Indonesia, Malaysia, and Saudi Arabia. *MILRev: Metro Islamic Law Review*, 4(2), 1074–1096. <https://doi.org/10.32332/milrev.v4i2.11334>
- Bachtiar, W. F., Masruroh, N. A., Asih, A. M. S., & Sari, D. P. (2024). Halal food sustainable traceability framework for the meat processing industry. *Journal of Islamic Marketing*, 15(11), 2759–2784. <https://doi.org/10.1108/JIMA-12-2023-0412>
- Bala, M. (2025). *The Transformation of Urban Public Spaces into Indoor Shopping Malls to Promote Tourism—A Case Study in the Emirate of Dubai*. University of Liverpool. <https://livrepository.liverpool.ac.uk/3193379/>
- Battour, M., Rahman, M. K., & Rana, M. S. (2019). The impact of PHTPS on trip quality, trip

- value, satisfaction and word of mouth: Non-Muslim tourists' perspective. *Journal of Islamic Marketing*, 11(6), 1517–1538. <https://doi.org/10.1108/JIMA-03-2019-0058>
- Bin Noor Azalie, I. A. (2025). *Islamic Governmentality and Food Business Development: The Case of Brunei Halal Certification (2011-2021)*. UCL (University College London).
- Bukhari, D. S. H. F. (2023). Purity and Protection Islamic Standards in Halal Certification and Food Safety. *Al-Aijaz Research Journal of Islamic Studies & Humanities*, 7(3), 66–73. <http://www.arjish.com/index.php/arjish/article/view/793>
- Calder, Ryan. (2020). Halalization: Religious Product Certification in Secular Markets. *Sociological Theory*, 38(4), 334–361. <https://doi.org/10.1177/0735275120973248>
- Chen, Y., & Sheehy, B. (2024). Conceptualizing Multi-Level Legal Systems to Address Global Food Security: The Hard Law-Soft Law Interface of International Law and Corporate Social Responsibility. *Indiana International & Comparative Law Review*, 34(3), 417–454. <https://doi.org/10.18060/28441>
- Chowdhury, A. J. K., Hashim, N., Marsal, C. J., & Jamaludin, M. H. (2023). Water treatment and aquaculture products towards halal value chain in ASEAN countries: a retrospective review on Brunei Darussalam. *Desalination and Water Treatment*, 315, 479–491. <https://doi.org/https://doi.org/10.5004/dwt.2023.30014>
- Conter, M., Rega, M., Lamperti, L., Andriani, L., Bacci, C., & Bonardi, S. (2025). Comparative analysis of official controls and voluntary certifications in ensuring food safety compliance: a review. *Italian Journal of Food Safety*, 14(3). <https://doi.org/10.4081/ijfs.2025.13452>
- Darmalaksana, W. (2023). How is the halal certification policy implemented? Perspective analysis of small and medium enterprises (SMEs) in Indonesia. *Journal of Islamic Accounting and Business Research*, 16(7), 1205–1222. <https://doi.org/10.1108/JIABR-12-2022-0342>
- Dashti, L. A. H. F., Jackson, T., West, A., & Jackson, L. (2024). Enhancing halal food traceability: a model for rebuilding trust and integrity in Muslim countries. *Journal of Islamic Marketing*, 15(12), 3382–3408. <https://doi.org/10.1108/JIMA-06-2023-0167>
- Ganai, M. S. M., & Salama, M. A. R. (2024). As-Si'dī's Exposition on Al-Adillah: Anchoring Islamic Jurisprudence in Qur'ānic And Prophetic Foundations. *Sprin Journal of Arabic-English Studies*, 3(01), 22–30. <https://doi.org/10.55559/sjaes.v3i01.61>
- Guo, Z., Bai, L., & Gong, S. (2019). Government regulations and voluntary certifications in food safety in China: A review. *Trends in Food Science & Technology*, 90, 160–165. <https://doi.org/10.1016/j.tifs.2019.04.014>
- Ibrahim, A. A. (2020). Islamic concept of development in the light of Siyasa Shar'iyyah and Maqasid Shariah frameworks: A literature review approach. *Journal of Islamic Studies in Socio-Economic Development*, 13(3), 36–60. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3992539
- Karyani, E., Geraldina, I., Haque, M. G., & Zahir, A. (2024). Intention to adopt a blockchain-based halal certification: Indonesia consumers and regulatory perspective. *Journal of Islamic Marketing*, 15(7), 1766–1782. <https://doi.org/10.1108/JIMA-03-2023-0069>
- Kasih, P. H., Rahmawati, K., Ismianti, I., Wibowo, A. W. A., & Mastrisiswadi, H. (2025).

- Vulnerabilities and risk mitigation in Indonesia's halal poultry chain: Bridging compliance and practice. *Jurnal OPSI*, 18(1), 34–45.
- Madihi, A. E. B., Sahari, N. H., Mazlan, F. A., & Harun, N. H. (2022). Customers' Attitude, Knowledge, and Awareness Towards the Importance of Halal and Non-halal Product Segregation at the Retail Shop in Shah Alam. In N. N. M. Shariff, M. A. Yakob, Z. S. Hamidi, Z. A. A. Aghwan, & N. Lateh (Eds.), *Selected Proceedings from the 1st International Conference on Contemporary Islamic Studies (ICIS 2021)* (pp. 13–23). Springer Nature Singapore. https://doi.org/10.1007/978-981-19-2390-6_2
- Marx, A., Van Calster, G., Wouters, J., Otteburn, K., & Lica, D. (2022). *Research Handbook on Global Governance, Business and Human Rights*. Edward Elgar Publishing. <https://doi.org/10.4337/9781788979832>
- Marzuki, S. Z. S., Hall, C. M., & Ballantine, P. W. (2012). Restaurant managers' perspectives on halal certification. *Journal of Islamic Marketing*, 3(1), 47.
- Mednicoff, D. (2019). Islamic Legitimacy Still Matters: The Rule of Law and Governance in Contemporary Arab Muslim-Majority States BT - Global Governance and Muslim Organizations. In L. A. Pal & M. E. Tok (Eds.), *Global Governance and Muslim Organizations* (pp. 105–129). Springer International Publishing. https://doi.org/10.1007/978-3-319-92561-5_4
- Noor Azalie, I. A., & Samad, N. F. (2022). Brunei as a global halal food hub: production network and strategic relations in halal food production. *Journal of Contemporary Islamic Studies (JCIS)*, 8(3), 1–27. <https://doi.org/10.24191/jcis.v8i3.1>
- Noordin, N., Noor, N. L. M., & Samicho, Z. (2014). Strategic Approach to Halal Certification System: An Ecosystem Perspective. *Procedia - Social and Behavioral Sciences*, 121, 79–95. <https://doi.org/10.1016/j.sbspro.2014.01.1110>
- Pirson, Michael, Martin, Kirsten, & Parmar, Bidhan. (2016). Public Trust in Business and Its Determinants. *Business & Society*, 58(1), 132–166. <https://doi.org/10.1177/0007650316647950>
- Qazi, U. M. (2025). Cultural Narratives of Halal: Identity, Community, and Practice Among Muslim Communities in the Modern World. *Journal of Halal Ethics and Research*, 1(1), 42–51. <https://doi.org/10.58932/MULJ0007>
- Rachmadhani, F., Sahid, M. M., & Ichsan, M. (2024). The Use of Sadd Al-Dhari'ah in Contemporary Family Law in Indonesia: Concept and Practice. *Malaysian J. Syariah & L.*, 12, 206. <https://mjsl.usim.edu.my/index.php/jurnalmjssl/article/view/505>
- Rejeb, A. (2018). Halal meat supply chain traceability based on HACCP, blockchain and internet of things. *Acta Technica Jaurinensis*, 11(4), 218–247.
- Rejeb, A., Rejeb, K., & Zailani, S. (2021). Are halal food supply chains sustainable: a review and bibliometric analysis. *Journal of Foodservice Business Research*, 24(5), 554–595. <https://doi.org/10.1080/15378020.2021.1883214>
- Rosidi, M. H. (2024). Fatwa institutions in Malaysia: Navigating current challenges and changes. *International Journal of Research and Innovation in Social Science*, 8(9), 2375–2385. <https://doi.org/10.47772/IJRISS.2024.8090195>
- Shafie, S. (2014). *Halal Certification: an international marketing issues and challenges by*.

- Shakar, R. S., Mahmood, M. F., Abdulameer, N. A., Dahash, Z. M., & Azat, I. (2025). Balancing national sovereignty: The impact of bilateral investment treaties on contemporary Islamic economic law. *MILRev: Metro Islamic Law Review*, 4(1), 31–63. <https://doi.org/10.32332/milrev.v4i1.10265>
- Sulaiman, N. S., Ab Talib, M. S., Abdullah, R., & Hashim, N. (2025). Unlocking the Potential of the Halal Industry in Brunei Darussalam: A SWOT Analysis and Sustainable Development Goals BT - The Halal Industry in Asia: Perspectives from Brunei Darussalam, Malaysia, Japan, Indonesia and China. In R. Idris, M. A. Tareq, S. F. Pehin Dato Musa, & W. H. Sumardi (Eds.), *The Halal Industry in Asia* (pp. 283–312). Springer Nature Singapore. https://doi.org/10.1007/978-981-96-0393-0_15
- Supian, K. (2018). 16 - Cross-contamination in processing, packaging, storage, and transport in halal supply chain. In M. E. Ali & N. N. A. B. T.-P. and P. of R. and C. F. Nizar (Eds.), *Woodhead Publishing Series in Food Science, Technology and Nutrition* (pp. 309–321). Woodhead Publishing. <https://doi.org/10.1016/B978-0-08-101892-7.00016-X>
- Taufikin, & Nurhayati, S. (2025). Halal Bi Halal Across Faiths: Interreligious Practices, Local Wisdom, and Maqāṣid-Based Social Harmony in Rural Indonesia. *Journal of Social Innovation and Knowledge*, 2(2), 223–247. <https://doi.org/10.1163/29502683-bja00021>
- Tieman, M. (2015). Halal clusters. *Journal of Islamic Marketing*, 6(1), 2–21. <https://doi.org/10.1108/JIMA-05-2014-0034>
- Urus, N. S. T., Azzis, N. M. A., & Syafina, E. (2025). Global Recognition of Halal Certification: A Fundamental, Innovative, and International Paradigm for Ensuring Integrity and Enhancing Competitiveness in the Global Halal Industry. *International Journal of Academic Research in Business and Social Sciences*, 15(9), 304–314. <https://doi.org/10.6007/IJARBS/v15-i9/26470>
- Whyte, S. (2022). Are Fatwas Dispensable? Examining the Contemporary Relevance and Authority of Fatwas in Australia. *Oxford Journal of Law and Religion*, 11(2–3), 314–342. <https://doi.org/10.1093/ojlr/rwac015>
- Xiong, J., & Chia, K. W. (2024). Beyond halal: exploring Muslim and non-Muslim tourists' halal food experiences. *Journal of Islamic Marketing*, 15(4), 1136–1154. <https://doi.org/10.1108/JIMA-04-2023-0134>
- Yahya, S. Bin, & Ariffin, S. K. (2022). Determinants of Muslim Consumers' Purchase Intention Towards Halal Meat Product in Kano-Nigeria. *Global Business & Management Research*, 14(3), 1538–1558. <https://www.gbmrjournal.com/pdf/v14n3s/V14N3s-106.pdf>
- Zuhdi, M. H., & Nasir, M. A. (2024). Al-Mashlahah and Reinterpretation of Islamic Law in Contemporary Context. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 8(3), 1818–1839. <https://doi.org/10.22373/sjhk.v8i3.24918>
- Zulfakar, M. H., Anuar, M. M., & Talib, M. S. A. (2014). Conceptual Framework on Halal Food Supply Chain Integrity Enhancement. *Procedia - Social and Behavioral Sciences*, 121, 58–67. <https://doi.org/10.1016/j.sbspro.2014.01.1108>