

Influencing Determinants of Halal Land Cross-Border Clearance Operation in Malaysia

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Abstract

Past studies have revealed the formation on how Halal has been described in a broad perspective predominantly focus given to logistics and supply chain. However, the focus has barely touched on the cross-border logistics. Cross-border logistics focus on the international borders with activities associated with official procedures that control trade movement. This cross-border is an entry point, which receives various type of consignments including Halal goods. Halal goods are expected to have specific requirements in ensuring its Halal integrity. Ensuring the integrity of Halal goods along the chain remains a major concern among respective community in Malaysia. The current clearance operation at the entry point is seen inadequate, as the control and activities involve during the clearance process is not emphasizing the required examination for Halal goods. This is seen as lack of guidance and references in facilitating trade for Halal integrity assurance especially at the entry point. To better understand this issue, 11 interviews with relevant stakeholders, who involved in Halal cross-border clearance operation were conducted. The results demonstrated that there were several determinants that influencing the Halal cross-border clearance operation in assuring Halal products integrity. It is hoped that this paper would give some insights for future research.

Keywords

Food import, Halal integrity, cross-border, clearance operation, halal supply chain,

1. Introduction

The growing demand for Halal food around the globe is not motivated only through the growing of Muslims population. In fact, the recognition of the Halal concept of food, particularly on the hygiene and cleanliness, which are ultimately reflected in the quality of the Halal food, attracts the non-Muslims (Mathew, Abdullah, & Ismail, 2014). Halal food is acknowledged to be clean, hygienic and with good quality (Mohd Nawawi & Mohd Nasir, 2014; Quantaniah, Noreina, & Syakinah, 2013; Widodo, 2013). In Malaysia, the global market demand for Halal products and services gives significant impact to the growth of the domestic Halal food industry. The Halal industry in Malaysia has contributed approximately 7.5% to the total national GDP at US\$314.5bn in 2017 (Zainuddin, Saifudin, Deraman, & Mahidin, 2019). Malaysia is a Muslim majority country with a population of 32.6 million people and observed that 61.3% of the populations are Muslims, while the remaining of 38.7% are non-Muslims (Department of Statistics Malaysia, 2019b, 2019a). Malaysia is a country that well-endowed with natural resources in such agriculture, forestry, and even minerals; however, Malaysia is almost totally dependent on food import especially in the meat sector, along with dairy, seafood and cocoa ("Malaysia Food Importers and Import Trends 2020," 2020). In 2017, a total of US\$9.7bn of food and beverage products were imported to Malaysia, an increase of 3.5% compared to 2016

(Ngumbang, 2018). For food import, Thailand is one of the biggest trading partners for Malaysia. This is because Thailand is located strategically close to Malaysia and thus is favorable in terms of trading costs and time. Likewise, Malaysia and Thailand primarily linked through cross-border trade. The movement of Halal cargo across borders has been exposed to numerous cross-border and potential risk issues including in the aspect of Halal, safety, cleanliness, and hazardous (*toyyiban*) (Sarbani & Jaafar, 2016). The issue of safety and quality of Halal food products has been a major concern for countries all around the world, especially those with a large percentage of Muslim population. Malaysia with more than half of its population are Muslim imports a high volume of food from other countries particularly from non-Muslim majority countries. Rationally it is significant to thoroughly examine the Halal integrity of each goods that entered the country at the point of arrival.

In assuring Halal integrity of goods entering the country; based on the current import requirement in Malaysia, Halal certificate is only required for import of meat and poultry but not for other imported food. This shows that majority of food import is not filtered accordingly with Halal control procedures during its arrival (Sarbani & Jaafar, 2018). In fact, the Halal certificates requirement in Malaysia is particularly for meat and poultry products only. The fact that the rest of imported food products are not imposed with halal import requirements at the border is very concerning. Besides, the current practices in maintaining halal integrity is merely concentrating on major logistics activities only, thus creates broken links in the Halal pipeline especially in the context of international trading that are not clearly specified in the Malaysia Halal Supply Chain Management System Requirements: MS2400-1-2019 Transportation, MS2400-2-2019 Warehousing and MS2400-3-2019 Retailing. It is very important to draw halal critical control points during border clearance activities when dealing with halal consignment (Sarbani & Jaafar, 2016). Thus, this study attempts to identify the system on how the imported foods being moved, monitored, and inspected across border to ensure the Halal integrity of the halal product. Consequently, the framework for Halal cross-border clearance is proposed in this study, after identifying the influencing determinants of halal land cross-border clearance operation in assuring halal integrity at the cross-border entry point.

2. Background of the Study

2.1 Assuring Halal Integrity in Malaysia

In Malaysia, the integrity of halal products is assured under multiple agencies, led by Department of Islamic Development Malaysia (JAKIM). In a multiple agency system, responsibilities for food control are shared between government ministries (health, agriculture, commerce, environment, trade, and industry) and across government agencies at different levels (federal, state, local). For instance, JAKIM is supported by the Halal Industry Development Corporation (HDC), an agency under the Ministry of International Trade and Industry (MITI). HDC focuses on halal branding and promotion, and commercial development of halal products along with services. Besides, the national food safety and quality control, that includes food standards, food hygiene, food import and export, food advertisement, and accreditation of laboratories is under the jurisdiction of the Ministry of Health (MOH) Malaysia. The Food Safety and Quality Division (FSQD) of MOH is responsible for protecting the public against food-related hazards and frauds, as well as motivating and promoting the preparation, handling, distribution, sale, and consumption of safe and quality food. They are also in control of the effective execution of food safety affairs, which includes sampling, food import control activities, routine compliance, food premises inspection, and licensing of specified food substances required under the food law. As food safety and quality is a great part of halal food control, the role of MOH in halal food control is very crucial (Ahmad, Ungku Zainal Abidin, Othman, & Abdul Rahman, 2018).

Apart from monitoring and assuring Halal integrity via laws and regulations, Malaysia also emphasizes on maintaining halal integrity through Halal logistics that had received many attention in the halal industry. Halal logistics is an approach to steer clear from contamination of perishable, raw materials and food products during transportation or distribution activities (Tarmizi, Kamarulzaman, Latiff, & Rahman, 2014). Talib, Hamid, Zulfakar, and Chin (2015), claim that Halal logistics applies the same principles as the conventional logistics. However, Halal logistics is different in terms of the types of product handled. This shows that Halal logistics is an enabler in the Halal supply chain, who preserves the halal integrity during the distribution of Halal products from source to consumption without breaking the chain. This new form of services, such as Halal transportation services has been established due to the increasing demand from Muslim consumers for Halal goods/products as part of the religious obligation (Wazirah, Shah, Muhammad, Mohamad, & Jaafar, 2016). Halal transportation is dedicated to cater the demand from Halal manufactures in aligning to preserve the integrity and transparency of the Halal goods/products. The core success of the Halal industry depends massively on the capability of halal logistics service management to ensure the integrity of Halal products is well-kept along the process until it reaches the end-users (Wazirah et al., 2016).

With all the laws and regulations as well as standards being set by the Malaysian government, there are still never-ending issues and scandals regarding Halal such as fraud of certifications and false labeling. Thus, consumers expect a more proactive monitoring of genuine halal certification and greater enforcement against false labeling of non-Halal products as “halal”. This is because the consumers started to lose confidence on the halal product labeling and look forward on the operation of the supply chain of the products. Precisely, each party who are involved along the supply chain holds the responsibility to guarantee the integrity of Halal products. This is where the thorough examination of Halal at each critical point stands, ensuring Halal is not only focused on the product itself but also all the practices and activities in the entire supply chain to serve its purpose in assuring goods being examined to maintain the Halal integrity. Precisely, clearance operation at the border entry point is considered as one of the crucial points in making sure that all halal goods comply with Syariah, safety and quality standards before it enters the country. Thus, examination of Halal features at the border during clearance operation is considered as important as checking the safety of the goods that enters the country and should be emphasized before going further into the logistics movement in the country. Therefore, it is important to explore the movement of Halal goods including the examination of Syariah compliance at the border point of arrival.

2.2 Clearance Operation at the Entry Point

Various clearance activities involve when goods are moved across borders including logistics activities. The complexity of these activities depends on the number of stakeholders involved in the supply chain process including physical infrastructure, services and the number of regulatory control imposed on the trade of that particular goods (Shepherd & Hamanaka, 2015). This study focuses on the food import consignment due to the significant import volume that have been made. For food consignment, the assessments by concerned authorities at the border are vital. Currently, it involves two activities including physical inspections and a sampling process for lab testing. A study conducted by Sarbani and Jaafar (2018), explained that food consignment in Malaysia applies the same standard operation procedures set by respective agencies particularly for import operation, be based on the tariff code selection which is determined by certain tariff code in the electronic declaration system.

The main authorities that oversee the clearance operation at the entry point, involve the Food Safety and Quality Division (FSQD) under MOH for food safety control for human consumption. Under this agency, the food inspectors, as the enforcement officers at the entry point examine the food consignment based on Food Act 1983 and its regulations. Ironically, the Food Act 1983 and its regulations have not listed Halal in its provision. The Food Regulation 1985 focuses on the procedures in taking samples, labeling, food additive and nutrient supplement, packages for food, as well as standard and particular labeling requirement for food generally. Thus, inspections for food consignment at the entry point based on this regulation overlook the Syariah compliance part of the products. Besides the inspection from the Food Safety and Quality Division, other government agencies (OGAs) that are responsible in food inspection at the entry point are Malaysian Quarantine and Inspection Services (MAQIS). Inspector officer from MAQIS inspect the documentation and physical aspect of the products. Document inspection performed by MAQIS enforcement officers at the entrance will examine the listed documents such as applicable certificates and license as well as to confirm on what has been declared by the importer. This is to correspond with the physical products at the entry point, in which the importers must make declaration earlier through Customs Information System (CIS). Consignment without documents (copy or original) as required for import of the relevant will be held up for further action. While for physical inspection, MAQIS enforcement officers examine to ensure the consignment does not carry more than what has been declared and are not infected by pests, diseases or contaminants, graded and labeled accordingly. All the physical inspection will be performed randomly or fully (100%). Basically, MAQIS is responsible for food control mainly with regard to the safety of the local animal and domestic plantation. The Royal Malaysian Customs as the main agency at the point entry point would also conduct examinations to confirm the cargo value and import volume before the cargo is released to the importers or their forwarding agents. Generally, the main task of Customs at the cross-border is to ensure all consignment that enters through the border complies all the regulations imposed on the consignment. These authorities conduct basic inspection based on the assigned roles, which involves physical handling activities. In the clearance of Halal food consignments, even though Halal food products seemed to be similar to other types of food, the way they are prepared, handled and processed from the origin to the consumer has been conducted in accordance to the Islamic requirements (Kalantari Shahijan, Rezaei, Nigel Preece, & Khairuzzaman Wan Ismail, 2014). From farm to fork requires every stakeholder in the chain maintains the integrity of the halal goods throughout their operation. This is very crucial in the Halal food production chain to maintain the integrity, avoiding the possibility of cross-contamination, fraud and etc. The entry point is seen as the critical spot in checking Halal consignment before being released the country. Thorough examination at the entry point would become the key in assuring the imported food especially Halal maintained its integrity.

3. Methods

Based on qualitative research approach, this study conducted 11 semi-structured interviews with the main agencies at the northern land cross-border Malaysia namely Customs, health agency, the quarantine and inspection service agency, and forwarding companies at the border. A total of 22 respondents from 11 agencies were interviewed. The purposive sampling technique used in this study allows the best informants to be chosen, who can better answer the questions (Cresswell, 2014). The criteria in selecting the informants were those who involve in the clearance of food import, which mostly among the public agencies. On the other hand, the criteria of the private agencies are those food-related importers and the transportation or forwarding agents that experience or involve in the clearance operation at cross-border. Both public and private agencies views were considered in the data collection to avoid any bias in the output of this study. Table 1 below exhibited a brief demographic of respondents that includes their position and the length of experience.

Table 1. Table of Respondents

Respondent(s)	Position	Length of experience
R1	Director	10+ years
R2	Manager	5+ years
R3	Branch Manager	10 years
R4	Officer	3+ years
R5	Officer	3+ years
R6	Senior Officer	5+ years
R7	Manager	9 years
R8	Senior Officer	7 years
R9	Director	10+ years
R10	Manager	7+ years
R11	General Manager	10+ years
R12	Director	8+ years
R13	Senior Officer	4 years
R14	Officer	2 years
R15	Senior Officer	7+ years
R16	Officer	5 years
R17	Manager	16 years
R18	Manager	22 years
R19	Senior Officer	10+ years
R20	Officer	4 years
R21	Manager	7+ years
R22	Managing Director	24 years

4. Data Collection

The sources of data analysis in this study are solely from in-depth interviews. The initial process of this study was conducted by reviewing various source of literature. The major sources of information on halal cross-border clearance were best extracted from the regulatory bodies and freight forwarders to identify the influencing determinants of successful halal cross-border clearance operation. Therefore, the focus was interviewing the person-in-charge, who involves in halal cross-border clearance directly. A total of 22 respondents from private and public agencies participated in the data collection. The interviews took place at the interviewee premises and was conducted in the form of meeting. Prior to the interview, every participant was informed and briefed about the study. To facilitate and ensure that the interviews ran smoothly, a set of interview questions were prepared beforehand. All the questions were open-ended with the aim to stimulate interest of the informants and obtain comprehensive feedback from the informants. Table 2 lists the guided questions that were used in the interviews and discussion.

Table 2. List of Guided Interview Questions

No.	Questions
1	Name, company background, and working experience.

2	Generally, explain the current practice of cross border clearance operation?
3	How does Halal import clearance take place?
4	Which agency or authority is responsible to examine the Syariah compliance of the product during the clearance process?
5	What are the hindrances faced at the cross-border clearance process?
6	What are the actions taken if there is any offence/violation regarding Halal matter?
7	Is there any area of improvement at the cross-border for clearance operation especially on Halal?
8	Do you have any suggestion in enhancing the clearance process for Halal checking to be more efficient?

This study ended up with a total of 11 interviews with 11 agencies from public and private agencies after the data reached its saturation point, which means the last few data collected showed similar inputs, ideas, and information. The average time taken of the interviews was 1 hour and 10 minutes.

5. Data Analysis

All interview data were recorded and transcribed using Microsoft Words and iTunes. The transcribing process were due immediately after completing all interviews to ensure the accuracy of the data. To systematically extract labels and recapitulate the information, Yin (1994) provides guidance for data analysis including grouping the information, categorizing them with its evidence in each category, and build flowcharts or graph for data examination. There are more than 10 acknowledged methods for analyzing qualitative data and for this study, the thematic analysis were used. The thematic analysis is a textual interpretation that allow researcher to deepen their thoughts on complicated issues. Thus, this research opted for a thematic analysis as a medium to explore the determinants for a successful Halal cross-border clearance operation. This decision lies within the fact that this method allows the researcher to get deeper understanding on the subject that is being studied. The determinants that occur in the transcriptions were identified, tabulated, and categorized based on the same group. Based on the occurrences in the transcription, these processes were conducted manually by tracking down all the potential quotations using word search function in the Microsoft Word.

6. Results and Discussion

From the analysis, seven determinants of halal integrity were found.

1. Availability of halal agencies

The availability of halal agencies at the border was found significant to ensure halal integrity of the halal product is maintained. However, JAKIM was not one of the border agencies because it plays its role as the certification body. The border agencies are the other government agencies (OGAs), whose officers execute and monitor halal clearance. However, the only authority to declare halal or haram is JAKIM who are the expert and authority body for halal products. Thus, any suspected halal contaminated products entering the country will be charged as false labelling and will be returned to the original exporter country. This has created a loophole in the Halal product clearance. The OGAs' officers were also not trained to identify and examined halal or haram category of products. Thus, the availability of halal expert is needed to be as one of the border agencies.

As stated by Respondent 8:

"...then the best thing for the execution, you need Halal enforcement at the border maybe from JAKIM. With the Halal enforcement agencies available at the border, then JAKIM will be able to monitor any import products (Halal) effectively..."

Respondent 7 added:

“...our agency checks on the preservatives and all, while JAKIM is the one who should on Halal aspect. We can check it but the in terms of enforcement we cannot do, because it is not within our jurisdiction”

Supported by Respondent 3:

“...because it is JAKIM’s jurisdiction and we are not the expert. JAKIM is the only authority that can declare Halal”

2. Halal regulations and policy

Following the above, the findings of this study exhibited the absence of Halal regulations and policy for border clearance of halal products, which has led to the lack of halal enforcement at the border. Currently, the clearance operation process for food import falls under the control of Food Act 1983 and Food Regulation 1985. This legislation serves to protect consumers by ensuring that any food preparation, sale, and consumption are secured. The Act empowers the Ministry of Health (MOH) to monitor food labeling, hygiene, and food safety thus ensuring that food does not contain harmful substance and fit for human consumption (Samsi, Tasnim, & Ibrahim, 2008). As was mentioned in Section 2.2, halal is not mentioned explicitly in the Act, but the provision considers the aspect of cleanliness, purity, health, and quality of food that meet Halal as part of the *halalan toyyiban* concept. However, from the perspective of cross-border clearance, it becomes a disadvantage in halal enforcement at cross-border, as it does not address the Halal cross-border clearance directly.

As stated by Respondent 6:

“...nevertheless, we only check based on our food act. We do not check on the Halal-ness context...”

And supported by Respondent 12:

“...assuming that, there is a requirement to make an enforcement on certain issues, thus our agency will refer to the food act. While the food act on the other hand does not specify the Halal trade (import/ export checking/clearance).”

3. Stakeholders’ awareness

Stakeholders’ awareness has also been identified as one of influential determinants of successful Halal cross-border clearance operation. Awareness is very important in halal as it leads to the commitments of stakeholders in ensuring the integrity of the halal product. Employee awareness on halal requirements is vital to ensure that the whole production process is in line with halal precondition (Abdul Wahab, Mohd Shahwahid, & Ab. Hamid, 2016) including the clearance activities at the border. Thus, stakeholders’ awareness is important so that they understand and can fulfill the halal needs and requirements as the clearance operation is remarkably depending on the officer on duty; as it is based on their judgment, experience, knowledge, and mindset in executing the clearance activities.

And stated by Respondent 13:

“...Let’s say, if the consignment comes in 5 containers, we will not check all the 5 containers, we will only check 1 or 2 containers only. Through our experience and skill, we are able to tell on what it is, that is why we need skills and experiences...”

And supported by Respondent 12:

“...so, our officers must be on alert always, gain more experience and deepen their knowledge, especially the one that has to deal with products checking...”

Respondent 4 and Respondent 3 added:

“...that is what I meant by the top level or other quality-assuring bodies first must have and put the awareness of Halal matter first, because the products examination is based on the officer knowledge”

4. Halal procedures and assessment

Other significant findings from this study were halal procedures and halal assessment that can ensure the halal integrity of the goods. Discussion from the interviews with participants emphasized the importance to have specific procedures and assessment mode for halal clearance to assure the halal integrity entirely; while the current practices of examination of halal goods such as contained ingredients focus only on meat and poultry. The findings revealed that the procedure and assessment for halal examination at the entry point should be outline distinctly. To make sure halal integrity is thoroughly examined, the procedures and assessments involved during the process must be halal amiable.

As stated by Respondent 15 and Respondent 16:

“There is no requirement of certificate for ‘surimi’ products because the product is from fish. Only meat and chicken require Halal certificate as part of requirement for import. Importing such ingredients does not need/ require Halal certificate.”

And supported by Respondent 13 and Respondent 18:

“...as for Halal part, there is a lot that needs to be improved. If it is only based on the documentations, it is not enough. And assuming that, if the given certificate is fake, we would not know. We only carry out our duty, that’s all.”

5. Traceability and Facilities

Finally, the data revealed the primary importance of traceability and facilities. These determinants were not new in the halal discipline as it was highly debated in previous literature on the role of traceability and facilities play in ensuring halal integrity, such soft and hard infrastructures. It was argued that specific and dedicated facility is needed to preserve the integrity of Halal goods. One of the critical factors for *Halalan Toyyiban* compliance was the provision of dedicated asset (Sarhani & Jaafar, 2016). Thus, both soft and hard infrastructure as well as traceability affects the operation of assuring Halal integrity.

As stated by Respondent 1:

“...so, by having a systematic traceable data, we can check any errors, serious or not, or shortage in duty collection after released. So, these issues are controlled, if it is not released then it is settled. We will have the time to check, we can collect back information from 3 years ago. It is very useful for us to do our job precisely, if the same system used for Halal, it would be good...”

Added by Respondent 19:

“...issues on our infrastructure are still on a hectic level, improve this (infrastructure) then the operation can also be improved...”

5.1 Research Framework

The results from this study demonstrated that, the availability of Halal agency at the border, Halal policy, the stakeholders’ awareness, Halal procedures and Halal assessment, traceability, and facilities play a crucial role in facilitating a successful cross-border clearance operation of halal goods. Based on the thematic analysis, major themes were derived from detailed quotations from informants. Figure 1 demonstrated the research framework showing the identified determinants contributing to the successful Halal cross-border clearance operation. These determinants were found significant for a successful Halal cross-border clearance.

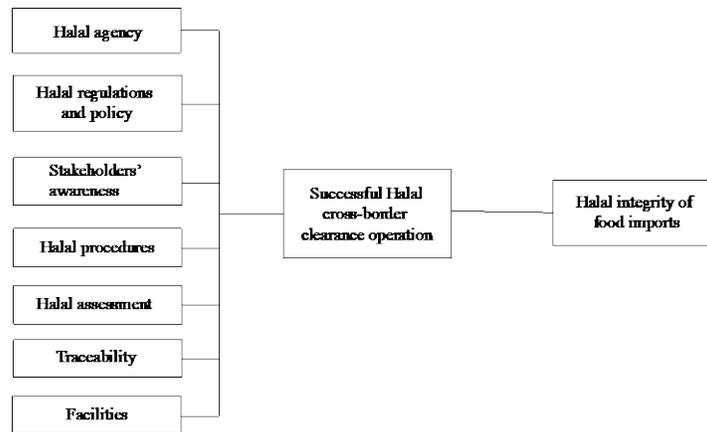


Figure 1. Research framework of a successful Halal cross-border clearance operation

5.2 Validation

In adopting a qualitative research, the results can pose a different impact from quantitative methods. Therefore, validating a qualitative research is essential to inform the findings are true and reliable. One of the ways in validating qualitative research is through cross-case analysis. If the responses from the participants are more consistent across the larger number of samples, the data is considered more reliable. Accordingly, to validate and ensure the reliability of this study, the researcher applied cross-case analysis. This step was taken to ensure that all data collected and inputs in this study were valid and relevant. From the transcription, it shows that all 22 respondents from each location shares the same thoughts and were consistent in discussing the topic. No new prospects were discovered down to the last informants hence the data collection has reached the saturation point. Table 2 below shows the validation for this study. It discloses the frequency of the respondents on discussing through the identified determinants. The table below illustrates no significant gap between each informant. Thus, has proven that the identified determinants are accurate and reliable.

Table 3. Cross-case analysis

List of determinants	Respondents																					
	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10	R11	R12	R13	R14	R15	R16	R17	R18	R19	R20	R21	R22
Halal agency	✓	✓	✓	✓	✓	✓	✓	✓				✓	✓	✓			✓	✓	✓	✓		
Halal regulations and policy						✓	✓	✓	✓	✓		✓	✓	✓			✓	✓	✓	✓		
Stakeholders' awareness	✓	✓	✓	✓	✓				✓	✓	✓	✓	✓	✓				✓	✓	✓	✓	
Halal procedure	✓	✓	✓	✓	✓	✓				✓	✓											✓
Halal assessment	✓	✓	✓	✓	✓	✓					✓	✓	✓	✓	✓	✓	✓					
Traceability	✓	✓	✓	✓	✓												✓	✓	✓	✓		
Facilities	✓	✓	✓	✓	✓													✓	✓	✓	✓	✓

6. Conclusion

The results from this study shows that Halal cross-border clearance operation is vital and can be considered as halal critical control point for imported halal food in assuring Halal integrity. The results provide insights to the policy makers, enforcement agencies, businesses on how to improve the cross-border operation of halal food at the entry point that could assure the Halal integrity. This study strongly recommended that an effective halal goods clearance system across border need to be in place in accommodating Halal trade. This study also suggested that the Halal agency must be available at the border as an enforcement agency. Similarly, Halal policy for references, stakeholder’s awareness on Halal, simple, clear, systematic halal procedure and assessment, adopted traceability system and decent facilities also need to be in position to support a successful cross-border operation for halal goods. These requirements

need to be developed to preserve the integrity of Halal in a global supply chain. It is strongly recommended that future studies should conduct an observation apart from in-depth interviews to obtain direct inputs during clearance process. To further establish the identified determinants, future work on quantitative method should be considered to explore the degree of influence of these determinants towards Halal cross-border clearance operation in assuring Halal integrity.

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Biography

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