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FUTURE RESEARCH DIRECTIONS IN HALAL TRADE REGULATIONS: WTO LAW AND POLICY CHALLENGES

Abstract. This paper investigates the legal and policy aspects together with technological aspects of halal trade regulations through the lens of World Trade Organization (WTO) legal framework. The research aims to determine how halal requirements affect international trade rules and to evaluate policy challenges and new digital trade practices.

The research uses doctrinal legal analysis of WTO agreements (TBT, SPS, GATT/GATS) alongside comparative analysis of international regulatory frameworks (Codex Alimentarius, OIC, and accreditation forums) and evaluation of relevant WTO case law and committee discussions.

The results show that TBT agreement serves as the main framework for halal regulations to interact with WTO law while policy challenges emerge from unharmonized standards and certifications.

In addition, the article explores how differing interpretations of Sharia law between member states create technical barriers to trade and regulatory fragmentation, and highlights the lack of agreed mechanisms for mutual recognition of halal certification.

The article proposes future research directions which include defining WTO doctrinal interpretations for halal regulations and improving international policy harmonization for regulatory efficiency.

This suggests that a possible solution is seen in strengthening cooperation between standard-setting bodies such as Codex and OIC/SMIIC, and the conclusion of mutual recognition agreements (MRAs) supported by accreditation networks such as the IHAF.

The paper stresses the requirement for regulatory systems that maintain religious authenticity while preventing unnecessary restrictions on international trade movements.

In this way, it makes a timely contribution to the discussion on how to reconcile public morality with trade liberalization within the WTO legal system.

Keywords: Halal Trade Regulation; WTO Law; Technical Barriers to Trade (TBT); Public Morals Exception (GATT XX(a)); Halal Certification and Standards; Mutual Recognition Agreements (MRAs); Codex Alimentarius and SMIIC; Non-Tariff Barriers (NTBs); Islamic Law and Trade Policy.

Introduction

The fast-growing global halal market which includes food and cosmetics and pharmaceuticals and other consumer products has raised questions about international legal frameworks for halal trade.

The worldwide Muslim population of 1.9 billion and expanding market for halal-compliant products and services has led governments to establish national halal standards and certification requirements and labeling regulations for protecting religious authenticity and consumer trust. Such measures unintentionally function as non-tariff barriers (NTBs) which generate trade friction because of standard differences and insufficient mutual recognition.

The relevance of this research lies in the growing intersection between halal regulation and WTO law, and the need to ensure that religiously motivated trade measures align with global trade norms. While the WTO's legal framework offers room for public morals-based justifications, there is a lack of clarity on how it applies to religious measures like halal certification.

In recent years, halal certification requirements have attracted attention in trade policy debates. For example, in its latest report by the US President on trade barriers, the US expressed its concern to Indonesia, Malaysia, Brunei, Egypt, Kuwait, Qatar, Oman and the UAE. The United States has raised concerns noting the

unprecedented and potentially trade-restrictive nature of the measure. Each State implements halal measures differently¹.

Another example is that the European Union's Court has declared kosher and halal slaughter incompatible with animal welfare².

Moreover, disputes arise between Muslim-majority countries with rich history and experience of halal certification³.

Another evidence is the increased number of specific trade concerns related to halal measures with 1 concern from 1995 to 2008 and 12 concerns from 2009 to 2020 [1; p.69].

These examples highlight the fragmented and often contradictory nature of the halal regulatory framework in different jurisdictions. Given the growing number of trade issues and legal tensions, further scientific and legal research is needed to harmonize and legitimize halal measures within the framework of international trade law.

The purpose of this study is to identify future research directions and explore the legal and policy dimensions of halal trade within the WTO system. The main objectives include: (1) identifying which WTO rules apply to halal measures, (2) and assessing how religious and trade objectives can be balanced.

Despite the growing literature on halal economics and Islamic finance, halal trade regulations remain under-researched, particularly from a legal doctrinal and WTO compatibility perspective. Moreover, theoretical tensions exist between different regulatory philosophies: Codex Alimentarius promotes minimal global standards, while OIC/SMIIC pushes for detailed, religion-based frameworks. The lack of harmonization and mutual recognition of halal certificates across countries continues to raise methodological and practical challenges, especially in trade negotiations and enforcement.

This article fills these gaps by offering a comprehensive legal and policy analysis of halal regulation through the lens of WTO law, while highlighting critical areas for

future scholarly inquiry and international cooperation.

Methodology and materials

This study applies doctrinal legal analysis to examine halal trade regulations under WTO law, focusing on key agreements such as TBT, SPS, GATT, and GATS. It draws on WTO case law, committee discussions, and comparative regulatory frameworks, including those of Codex Alimentarius, OIC/SMIIC, and IHAF.

The research also reviews international policy documents, academic literature, and soft law instruments to assess the legal and policy implications of halal measures. It incorporates scenario-based inquiry for potential disputes.

Results

The study shows that the regulation of halal trade, although traditionally viewed through the prism of religious or cultural observance, has become a complex and interrelated problem. It includes international trade law and policy harmonization. The main observation is that halal measures are increasingly regulated by a system of technical barriers to trade (TBT) WTO. Given their nature as product standards and labeling requirements. Due to the lack of consistency and mutual recognition, the regulatory framework is fragmented and this leads to non-tariff barriers to trade, trade disputes, legal uncertainty, and conflicting regulatory expectations between states. As highlighted in recent WTO committee, specific trade concerns, discussions and national-level disputes involving countries such as Indonesia, Egypt, Malaysia, the EU, and the United States.

The innovative contribution of this study is that it contains a doctrinal description of halal measures under numerous WTO agreements — TBT, SPS, GATT and GATS. Thus offering a comprehensive legal framework that has rarely been considered in previous literature.

The study confirms that the WTO TBT Agreement is the main legal framework

¹ United States Trade Representative. (2025). 2025 National Trade Estimate Report on Foreign Trade Barriers: The President's Report on the Trade Agreements Program. Washington, D.C.: Office of the U.S. Trade Representative // URL: https://ustr.gov/sites/default/files/2025_NTE_Report.pdf (date of reference: 06.07.2025).

² Deutsche Welle. (2020). Opinion: ECJ ruling to uphold ban on kosher, halal slaughter a disastrous decision // URL: <https://www.dw.com/en/opinion-ecj-ruling-to-uphold-ban-on-kosher-halal-slaughter-a-disastrous-decision/a-55982418> (date of reference: 29.06.2025).

³ See Sarawak Tribune. (2023). JAKIM recalls Indonesian food products over porcine DNA concerns. // URL: <https://www.sarawaktribune.com/jakim-recalls-indonesian-food-products-over-porcine-dna-concerns/> (date of reference: 08.07.2025) or Tempo. co. (2023). Malaysian agency orders recall of halal-certified Indonesian snacks containing porcine traces // URL: <https://en.tempo.co/read/1999937/malaysian-agency-orders-recall-of-halal-certified-indonesian-snacks-containing-porcine> (date of reference: 10.07.2025).

applicable to halal measures, especially when it comes to product certification, labeling or conformity assessment. WTO members mostly raise halal-related issues in the TBT Committee rather than the SPS Committee. Making it clear that such measures are more determined by technical standards than scientific evidence on health risks. In this context, halal obligations are understood as technical regulations subject to articles 2.1 and 2.2 TBT, which prohibit discriminatory treatment and require that regulations not be more restrictive of trade than necessary.

However, the study shows that halal certification systems face significant legal vulnerabilities in the face of numerous WTO tests, including necessity test, legitimate regulatory distinction test, like product test, and the chapeau test in accordance with Article XX of the GATT. WTO jurisprudence shows that very few members have successfully justified their restrictive measures under Article XX, especially in accordance with sub-paragraphs (a), (b) and (d), which could theoretically apply to halal-related regulation. The judicial practice is disappointing: out of 48 attempts to apply GATT or GATS exceptions, only about 5% have been successful, and none of them has so far dealt with Halal-based rules. This raises important doctrinal questions about whether halal certification, which is currently carried out by most States, will withstand the strict control of the WTO.

In addition, the lack of agreed standards and mutual recognition mechanisms exacerbates regulatory fragmentation. Countries adhere to different theological interpretations (for example, regarding methods of slaughter, stunning, or the use of enzymes), which leads to duplication of certification requirements, increased costs for exporters, and the proliferation of non-tariff measures. For example, in Indonesia, Malaysia, and the Gulf states exporters need to comply with different and

sometimes conflicting halal standards.

The study identified Mutual Recognition Agreements (MRAs), Codex Alimentarius guidelines, and the OIC/SMIIC framework as key tools for harmonization, but these tools are still underused from a policy perspective and have not been developed from a legal perspective. Despite the efforts of the International Halal Accreditation Forum (IHAF) and regional initiatives (for example, the Indonesian-Malaysian Accreditation Agreement for 2023) existing problems indicate that it is too early to talk about resolving issues between States.

Overall, the study concludes that halal trade regulation operates at the intersection of public morality, technical standards, and trade facilitation, and that this leads to numerous unresolved legal contradictions within the WTO system. These results provide a doctrinally sound basis for assessing the compliance of halal measures with WTO requirements. It offers clear directions for future research, including the compatibility of halal policies with key WTO criteria and the institutional structure of halal recognition mechanisms that support both religious integrity and international trade liberalization.

Discussion

Legal Doctrinal Analysis of Halal Measures under WTO Law

A key question is which WTO agreements apply to halal regulations. In most cases, halal requirements—like mandatory certification or labeling—are treated as technical regulations, making the TBT Agreement the most relevant. For example, requiring imported meat to carry a halal label or be certified by a recognized body directly affects trade and falls under TBT rules.

To orient the reader, Table 1 summarises the main WTO legal tests relevant to halal measures and indicates the typical points of vulnerability and compliance-oriented design options.

Table 1. Key WTO legal tests and their practical relevance for halal measures

WTO discipline / test	Typical halal measure	Core legal question	What panels/ committees tend to scrutinize	Compliance-oriented design (what to build into the measure)
TBT scope (Annex 1): technical regulation / standard / conformity assessment	Mandatory halal labelling; compulsory certification; import clearance conditioned on certificate	What is the measure legally (TR/standard/CAP) and which TBT disciplines apply?	Mandatory character; product characteristics/ label content; certification steps and legal effects	Explicitly define legal form and competent authority; separate product rules from conformity assessment procedures
TBT 2.1 (non-discrimination; detrimental impact + “legitimate regulatory distinction”)	Restricting certification to domestic bodies; narrow list of foreign certifiers; de facto higher costs for imports	Does the measure modify conditions of competition to the detriment of imports, and is that impact explained by a legitimate regulatory distinction?	Access to certification; neutrality and transparency of recognition criteria; procedural fairness and appeal	Non-discriminatory recognition criteria; published procedures; equal timelines/fees; appeal mechanism; multiple eligible certifiers (avoid single gatekeeper)
TBT 2.2 (“not more trade-restrictive than necessary”)	Across-the-board mandatory certification for broad product categories; strict logistics/plant segregation requirements	Is the measure more trade-restrictive than necessary to achieve the stated objective?	Contribution vs restrictiveness; availability of reasonably available alternatives	Document contribution; phase-in periods; risk-based coverage; alternatives such as equivalence, MRAs, reliance on accreditation
TBT 2.4 (use of international standards)	National halal standard diverging materially from Codex/OIC/SMIIC	Is there a relevant international standard, and if deviating-why is it ineffective/inappropriate?	Whether an international standard exists; justification for deviations; stakeholder consultation	Reference international standards; explain deviations narrowly; publish rationale; align definitions and core requirements
TBT 5 (conformity assessment procedures)	Duplicate audits; repeated inspections by importing country; high fees; slow approvals	Are conformity assessment procedures non-discriminatory and not unnecessarily burdensome?	Costs/time; duplication; transparency; whether foreign CABs can realistically comply	Set reasonable deadlines; cap/justify fees; avoid duplicative audits; accept results from accredited bodies where appropriate
TBT 6 (recognition/ equivalence)	MRAs; acceptance of certificates from accredited foreign bodies (e.g., via IHAF-like trust mechanisms)	Can/should foreign results be recognized as equivalent to reduce barriers?	Whether recognition is possible without undermining objective; governance of trust	Build equivalence clauses; recognition pathways; joint audits; accreditation-based trust (reduces duplication)
GATT I / III (MFN / National Treatment) + “like products” analysis	Differential treatment in practice between domestic and imported halal/non-halal goods	Are imported “like” products treated less favourably, de jure or de facto?	Like product criteria (esp. consumer preferences); practical access to compliance	Ensure symmetrical access to compliance tools; do not “reserve” easier compliance routes for domestic producers

WTO discipline / test	Typical halal measure	Core legal question	What panels/ committees tend to scrutinize	Compliance-oriented design (what to build into the measure)
GATT XI:1 (quantitative restrictions)	“No certificate = no import” when certificate is practically unattainable	Is the measure a de facto import ban/ restriction?	Whether compliance pathway is workable; whether the rule blocks market entry	Provide workable certification/ recognition routes; avoid absolute conditions that operate as bans
GATT XX(a) (public morals) + necessity (“weighing and balancing”)	Import restrictions justified by religious/ public morals concerns	Is the measure “necessary” to protect public morals?	Importance of objective; contribution; trade restrictiveness; less restrictive alternatives	Evidence of objective (societal moral concerns); show contribution; examine alternatives (labelling, equivalence, MRAs)
GATT XX chapeau (arbitrary/unjustifiable discrimination; disguised restriction)	Selective recognition, opaque lists, discriminatory enforcement	Even if XX(a) fits, is the measure applied fairly and consistently?	Consistency across countries/ situations; transparency; absence of hidden protectionism	Transparent criteria; consistent administration; due process; non-arbitrary recognition and enforcement

The SPS Agreement for the regulation of food and plant/animal health is not typically used for halal regulations. These are most likely established based on religious principles rather than scientific health considerations. Even so, measures concerning halal can be subject to SPS if also dealing with the risks of contamination or hygiene related to halal slaughter.

In reality, WTO members raise the halal concerns primarily in the TBT Committee, rather than the SPS Committee, which supports the argument that halal is more a technical rather than sanitary issue [1, p. 68].

Future studies might consider borderline cases and how members strategically inform halal measures under TBT or SPS, comparing the implications of each designation for trade obligations.

One of the features of international trade law is a rich case study, to date, more than 600 cases have been reviewed in the WTO DSB. Each case is a valuable source of theoretical and practical tests on the compliance of measures applied by States with

WTO requirements. From the point of view of the TBT and halal certification agreement, the compliance of such certification to “legitimate regulatory distinction test” is an interesting issue.

Having first appeared in 2012, this case has been used more than once in the framework of WTO proceedings⁴.

If we refer to the original source, this test means the following: *“the context and object and purpose of the TBT Agreement weigh in favour of interpreting the ‘treatment no less favourable’ requirement of Article 2.1 as not prohibiting a detrimental impact on imports that stems exclusively from a legitimate regulatory distinction”*⁵.

As some researchers have noted, this test can be interpreted as follows: *“Essentially a two stage test had been created: First, has the measure caused a detrimental impact on competitive opportunities for the group of imported products, as compared to domestic like products, in terms of Article 2.1 of the TBT Agreement?”*

If so, could it nevertheless be said that such detrimental impact stems exclusive-

⁴ The first use of this test was in World Trade Organization. (2012). United States—Measures affecting the production and sale of clove cigarettes. Report of the Appellate Body // URL: https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds406_e.htm (date of reference: 28.06.2025). Later this test was used in World Trade Organization. (n.d.). United States—Measures concerning the importation, marketing and sale of tuna and tuna products (DS381) // URL: https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds381_e.htm (date of reference: 28.06.2025). World Trade Organization. (n.d.). United States—Certain country of origin labelling (COOL) requirements (DS384, DS386) // URL: https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds384_e.htm (date of reference: 28.06.2025).

⁵ World Trade Organization. (2012). United States—Measures affecting the production and sale of clove cigarettes. Report of the Appellate Body. para.181 // URL: https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds406_e.htm (date of reference: 28.06.2025).

ly from a legitimate regulatory distinction, whereby the measure will be held not to be inconsistent with Article 2.1?” [2, p. 553].

Future research should also focus on the compliance of halal certification with this test. In which cases this certification is legitimate regulatory distinction and in which cases is not?

Even if a halal regulation is TBT-compliant, however, it also has to be consistent with basic GATT principles, such as non-discrimination (Articles I and III) and the ban against quantitative restraints (Article XI). The regulation “all chicken to be sold must be certified as halal” might be apparently neutral if applied to both foreign and domestic products, but if it discriminates against foreign producers or is unevenly applied, it might nevertheless undermine national treatment.

This was put to the test in Indonesia – Chicken, when Brazil challenged Indonesia’s regulation of halal labeling for foreign poultry. The panel concluded that the measure had not been applied discriminatorily, and hence did not violate GATT Article III:4⁶.

This implies that a uniformly enforced halal regulation (be it domestic or foreign) can be GATT-compliant. However, halal-based quantitative restrictions against importation could be against the provision under Article XI (as an effective ban of importation) unless supported by the exceptions.

Future studies need to examine to what extent various halal measures (labeling versus bans of non-halal products) are accommodated within the GATT and under what circumstances a halal requirement would constitute an arbitrary or unwarranted disguised restriction of trade (contrary to the chapeau of Article XX).

The next issue is the Like Products test and halal certified products. The essence of this test is to determine whether foreign and domestic products are “like” in order to decide whether there has been discriminatory treatment. As it was mentioned in EC-Asbestos case “Four criteria in particular can be used to assess the likeness of products: (a) their properties, nature and quality; (b) their tariff classification; (c) their end-use; and (d) consumers’ tastes and habits⁷.”

Of these 4 criteria, in fact, the difference can only be in the tariff classification

(and that depends on each state) and in consumers’ tastes and habits.

Future research should examine whether this is a sufficient reason to recognize similar products as “like” or vice versa. In addition, a problematic issue is the fact that Islam is divided into 4 main legal schools and they have some differences in the permissibility of certain products [3, p. 287].

Where a halal regulation is GATT-inconsistent, a WTO member will be entitled to seek justification under GATT Article XX exceptions. The most applicable is Article XX(a) “public morals”, as the nature of the halal rules is religious and ethical. In fact, it is argued by scholars and evidence indicates that halal regulation of food can be articulated as a protection of public morals by enabling a majority Muslim society to maintain Islamic dietary laws [4, p. 3].

A recent study on Indonesia’s mandatory halal law concludes that halal certification requirements are a “legitimate trade policy” under WTO rules primarily to protect public morality (religious beliefs of consumers) [4, p.3].

This line of reasoning echoes past WTO disputes, like EC–Seal Products, where animal welfare laws were defended under GATT Article XX(a) on public morals. In the halal context, future research could explore how Article XX(a) might apply—what kind of evidence is needed to prove a halal rule is “necessary” for public morals, and how a panel might weigh that against trade impacts.

Other exceptions may also be relevant. Article XX(b)—for protecting human health—could be cited if a country argues that halal rules have health-related benefits, though halal is primarily religious. Article XX(d)—measures needed to enforce domestic laws—might apply if halal laws exist nationally and import restrictions are meant to uphold them, though this is rarely tested.

WTO practice is quite rich in assessing the actions of States invoking Article XX of the GATT and XIV of the GATS. One of the fundamental tests to determine is necessity test or in other words weighing and balancing test. This test was very clearly reflected in the case between Indonesia

⁶ World Trade Organization. (n.d.). Indonesia—Measures concerning the importation of chicken meat and chicken products // URL: https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds484_e.htm (date of reference: 13.05.2025).

⁷ World Trade Organization. (n.d.). European Communities—Measures Affecting Asbestos and Asbestos-Containing Products // URL: https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds135_e.htm (date of reference: 20.06.2025).

and Brazil. “The test involves a process of “weighing and balancing” a series of factors, including (1) the importance of the objective, (2) the contribution of the measure to that objective, and (3) the trade-restrictiveness of the measure. In most cases, a comparison between the challenged measure and (4) possible alternatives should then be undertaken”⁸.

If criterion 1 can be easily justified as important, then criterion 2,3 and criterion 4 will be a stumbling block between States.

This was confirmed in the Indonesian case, where the WTO DSB Panel, confirming the importance of halal certification according to other criteria, recognized that Indonesia’s halal certification measures do not meet the standards⁹. Even if the state manages to pass this test, it will also need to pass the chapeau test which is higher level of scrutiny. Chapeau test consists of 2 stages: first one is that measure should not discriminate unjustifiably or arbitrarily between countries in similar conditions and that measure should not be a disguised restriction on trade¹⁰.

One of the reports revealed that out of 48 attempts to use Article XX of the GATT and Article XIV of the GATS, only 2 attempts were successful. Only 5 percent of cases. Most of the cases did not pass necessity and chapeau tests. Both of the successful cases were under article XX(g). At the same time, according to the articles XX (a), (b), (d) which are just related to halal certification, there is no successful experience within the framework of the WTO DSB. [5, p. 6]

Each subparagraph raises open legal questions, making halal a rich area for doctrinal research.

It’s also important to note that the TBT Agreement doesn’t have a general exceptions clause like GATT’s Article XX. WTO rulings (e.g. US–Tuna II, EC–Seals) suggest that if a halal measure violates TBT provisions—such as being more trade-restrictive than necessary (TBT 2.2) or discriminatory (TBT 2.1)—GATT Article XX can’t be used as a defense¹¹.

This suggests a critical research inquiry: if a halal policy violates TBT requirements—e.g., by not passing the necessity test or not adhering to international stan-

dards—can general WTO principles supply flexibility, or does the policy need to be revised? Scholarship in the future can look at how WTO panels could reconcile religious goals with TBT requirements, perhaps by reading TBT’s legitimate objectives (Article 2.2) so expansively as to encompass religious conformity, albeit not specifically enumerated.

Halal compliance extends to services such as certification and auditing, making the GATS applicable. In general, it should be noted here that the field of halal standards services is actually nascent and will be extremely relevant in the coming years. As previously noted in my earlier work, “The issue of compliance of modern mass media (books, films, TV series, games, anime, comics, manga) and digital services (mobile applications and social networks) with halal standards” represents an increasingly critical aspect of regulatory harmonization efforts [3, p. 293].

If a state limits the provision of halal certification to national agencies, it would be likely to raise market access or national treatment concerns under the GATS. Although not yet subject to WTO challenge, the expansion of the halal certification sector poses critical questions—must WTO members accept or recognize foreign certifiers?

GATS Article XIV, which includes a public morals exception (similar to GATT XX(a)), might be used to justify any halal-related measures designed to maintain religious integrity. Limited case law, though, renders this a rich subject for future scholarship, especially concerning the characterization of the certification of halal (e.g., as an “other business service”) as well as the possibility for mutual recognition arrangements to facilitate foreign certifier acceptance.

Greater insight from WTO case law and discussion by the WTO committee regarding halal can be used to establish legal benchmarks. Hypothetical cases, like prohibitions against non-halal meat or sole certifier requirements, would challenge the application of GATT exceptions and TBT disciplines.

The nexus of Islamic law and trade law also presents promising territory: under

⁸ Supra note 6

⁹ Id

¹⁰ World Trade Organization. (n.d.). Repertory of Appellate Body Reports: GATT 1994 – Article XX (General Exceptions) // URL: https://www.wto.org/english/tratop_e/dispu_e/repertory_e/g3_e.htm (date of reference: 10.07.2025).

¹¹ International Economic Law and Policy Blog. (2014, August). GATT Article XX as an exception to the TBT Agreement // URL: <https://worldtradelaw.typepad.com/ielpblog/2014/08/gatt-article-xx-and-the-tbt-agreement.html> (date of reference: 23.05.2025).

what conditions can WTO rules integrate religious measures, and how can Muslim countries reconcile halal policy with both WTO obligations and the tenets of Shariah?

Lastly, the researchers must look at whether global norms such as the Codex halal guidelines (1997) can legitimize national halal regulations under TBT Article 2.4 and whether deviation from Codex would impact WTO compatibility¹².

Policy Considerations in Halal Trade

Halal trade governance involves several international bodies. The WTO, through its SPS and TBT Committees, provides a space for countries to raise halal-related trade concerns and promote transparency, though it doesn't define halal standards itself. That role falls to organizations like the Codex Alimentarius Commission, the OIC, and various national and regional standards bodies¹³.

Codex, a joint FAO/WHO initiative, has issued voluntary halal guidelines, which—though not binding—can support alignment under the WTO's TBT Agreement, which encourages using international standards to reduce trade friction. Meanwhile, the OIC, representing 57 Muslim-majority countries, has been more active in standard-setting. Through SMIIC, it has issued unified halal standards for food, cosmetics, and more, and is working to promote mutual recognition among its members¹⁴.

SMIIC standards (such as OIC/SMIIC 1:2019) also seek to establish a single framework for halal, with countries like Turkey and GCC members starting to embrace them. One issue is the discrepancy between Codex's minimal international guidelines and the richer, religiously grounded OIC standards. One can imagine future research looking at how such frameworks interact or compete with one another, and whether one might supplant the other as the global standard. Global accrediting bodies also help determine trust and policy. The question becomes whether global institutions such as the WTO can be used to facilitate cooperation, perhaps via Codex-OIC cooperation or formalized

certification schemes.

Meanwhile, varying halal standards between nations are likely to become non-tariff barriers that make it difficult to trade. There are additional costs for exporters when dealing with varying certification procedures—separate halal certificates for Indonesia, Malaysia, and Singapore for the same item. Varying slaughter practices, ingredient requirements, and the acceptability of certifiers tend towards a lack of inter-recognition. One remedy is the Mutual Recognition Agreements (MRAs) through which nations can accept other nations' halal certificates. A classic case in point is the 2023 Indonesia-Malaysia agreement, which facilitated simplified halal certification for their trade¹⁵. However, the emerging disputes between States indicate that it is too early to talk about a complete solution to the problem¹⁶.

This is a G-to-G move that is facilitated for relaxing halal trade and would be a blueprint for other regional or bilateral agreements. Similarly, calls have also emerged within ASEAN for the standardization of halal or even the creation of a regional framework for the mutual recognition of standards [6, p. 50].

The GCC has established a single halal standard and shared mark, though implementation differs between member states¹⁷. One of the biggest challenges is the refusal to accept foreign halal certificates because of differences in trust and theology. Research in the future might investigate how to structure MRAs to be effective—what establishes trust (e.g. joint audits, shared accreditations) and how to balance religious sovereignty with facilitating trade. Another fruitful area is measuring the trade effect of halal-related non-tariff barriers (NTBs) to aid the process of reform.

Apart from the OIC and Codex, there are other organizations such as the WTO that impact the trade in halal indirectly. The WTO does not define halal, but its norms dissuade protectionist measures masquerading as halal legislation. In the TBT

¹² Food and Agriculture Organization of the United Nations. (n.d.). General guidelines for use of the term “halal” // URL: https://www.fao.org/input/download/standards/352/CXG_024e.pdf (date of reference: 20.05.2025).

¹³ Id

¹⁴ Övüt, I. (2021). OIC/SMIIC standards on halal issues and halal quality infrastructure. SMIIC // URL: <https://www.hak.gov.tr/data/615595cf13b8763894ff468b/lhsan%20Övüt.pdf> (date of reference: 08.04.2025).

¹⁵ BPJPH Halal. (2023, June 10). Indonesia-Malaysia establish cooperation on recognition of halal certificates // URL: <https://bpjph.halal.go.id/en/detail/indonesia-malaysia-establish-cooperation-on-recognition-of-halal-certificates> (date of reference: 16.05.2025).

¹⁶ Supra note 3.

¹⁷ Gulf Cooperation Council Standardization Organization. (2015). GSO 2055-1:2015 – Gulf technical regulation // URL: <https://gso-sims-preview-doc-aws.s3-eu-west-1.amazonaws.com/gso-2055-1-2015-en.pdf> (date of reference: 05.05.2025).

Committee, the EU and the US have also challenged restrictive halal practices like mandating all foreign imports need to be certified by a unified national authority (as in Egypt), or enforcing overly prohibitive requirements, such as Malaysia's MS1500:2009, which calls for halal-only plants and exclusive logistics, going well beyond Codex standards and erecting trade barriers¹⁸.

The Americans objected to Malaysia's insistence that all foreign meat facilities be audited by the Malaysian government separately¹⁹.

Discussions in the WTO tend to result in policy changes—nations may delay the enforcement of new halal regulations or increase the number of recognized certifiers to avert the initiation of official disputes. Meanwhile, global standardization of halal is still ongoing. Codex Alimentarius reviewed its halal standards in 2023 to include new subjects such as contemporary food processing techniques, evidence that there is movement toward wider consensus²⁰.

Outside the WTO, organizations like the Islamic Chamber of Commerce under the OIC and Malaysia's Halal Industry Development Corporation (HDC) are actively involved too, especially through research and building capacity across countries. However, this raises some questions worth exploring: Are the WTO's soft mechanisms—like specific trade concerns (STCs)—enough to resolve halal-related tensions? Or is there a need for something more formal, like a reference paper or a plurilateral deal on halal standards? And how well do initiatives from OIC or SMIIC fit within the WTO's legal and institutional framework—or do they sometimes clash?

There's growing concern that some halal regulations may serve as protectionist tools, favoring domestic industries or restricting certification to certain national bodies. To avoid this, halal policies should be fair, necessary, and transparent—focused on real halal assurance without being overly restrictive. Countries should

notify the WTO, allow feedback, and ensure foreign exporters clearly understand the rules.

Equal treatment is essential. If domestic producers can use local certifiers, foreign exporters should have similar access, either through the same certifiers or recognized equivalents. Some countries, like the UAE, handle this well by maintaining a list of approved foreign certifiers, avoiding duplicate procedures. Others raise concerns—Egypt, for example, moved to require all halal imports be certified by a single state-linked company (IS EG Halal), which drew criticism at the WTO's TBT Committee, especially from the EU, for potentially restricting trade²¹.

Such moves can raise costs and uncertainty, and several WTO members urged Egypt to be flexible and transparent in implementation²².

As halal markets expand²³, competition and consumer protection policies become increasingly important, ensuring that halal certification bodies do not exploit the market and that consumers are not misled by fraudulent claims.

Future policy research may explore regulatory models that ensure the integrity of halal while avoiding trade barriers. Important areas include comparing voluntary and mandatory regimes, exploring the transition to mutual accreditation, and considering new sectors such as halal pharmaceuticals and cosmetics where global standards are still evolving.

Trade in Goods: Harmonization, Agreements, and Private Sector Initiatives

The key problem in the halal trade is the lack of uniform standards due to different interpretations of Sharia and the requirements of the madhabs (for example, regarding stunning, mechanical slaughter, enzymes). This leads to a situation where a product considered halal in one country may not be sold in another. Harmonization efforts, such as the Codex guidelines and the OIC/SMIIC standards, should aim to create a common framework. There are

¹⁸ Stopfakes.gov. (2019, August 23). Malaysia - Trade barriers // URL: <https://www.stopfakes.gov/article?id=Malaysia-Trade%20Barriers> (date of reference: 13.06.2025).

¹⁹ Id.

²⁰ Food and Agriculture Organization. (2023, September 18–22). Joint FAO/WHO food standards programme: FAO/WHO coordinating committee for the Near East, Eleventh session // URL: https://www.fao.org/fao-who-codexalimentarius/shproxy/en/?Ink=1&url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fcodex%252FMeetings%252FCX-734-11%252FCRD%252Fne11_CRD04e.pdf (date of reference: 02.05.2025).

²¹ ISEG Halal. (2024, September 25). WTO statement // URL: <https://www.iseghalal.com/post/wto-statement-9-25-2024> (date of reference: 19.04.2025).

²² Id.

²³ Herminingsih, W. (2021). 4 reasons the halal food industry is booming. Kerry Digest Group // URL: <https://www.kerry.com/insights/kerrydigest/2021/halal-food-industry.html> (date of reference: 20.05.2025).

also regional initiatives — for example, ASEAN has explored the possibility of developing common halal guidelines to harmonize practices and facilitate trade [6, p. 45].

The unified GCC standard is another example, although its application in all GCC states is still under development²⁴. The private sector sometimes faces duplication – e.g. a meat exporter might need multiple certifications for the same batch of product to satisfy different importing countries. Harmonization could drastically cut these costs. However, full uniformity may be elusive due to legitimate differences in religious rulings. A realistic goal is equivalence – where countries agree that although standards aren't identical, they achieve the same objectives, so each will accept the other's certification. This is the essence of mutual recognition agreements (MRAs) discussed earlier.

An interesting development is the role of accreditation bodies and forums in harmonization. We saw the example of IHAF (which harmonizes how accreditation of halal certifiers is done, thereby building a bridge of trust)²⁵.

IHAF's mission is essentially to have members (accreditation agencies in different countries) accept each other's halal conformity assessment results to eliminate trade barriers²⁶.

If effective, IHAF membership means that a halal certificate from an IHAF-accredited body in country X should be accepted in country Y without re-certification—similar to the ILAC model for ISO standards (“accredited once, accepted everywhere”). Researchers should assess the progress of IHAF and related bodies like the OIC Accreditation Center (SMIIC, Turkey)—examining participation levels and whether businesses experience fewer redundant audits. For example, if Brazil's halal body and Malaysia's JAKIM trust each other via IHAF, has this reduced duplicative certification? Empirical research could inform whether to scale up these frameworks.

A potential idea for future negotiations is a plurilateral “Halal Trade Agreement”

among willing WTO members—such as OIC countries—to mutually recognize halal certificates based on a shared standard or accreditation system. This could be notified under WTO rules, possibly as a TBT Article 6 arrangement or a regional Article XXIV agreement. While aligning on a common standard is challenging, SMIIC could serve as a foundation if widely adopted. Further research could assess the agreement's WTO compatibility, which appears strong since it aims to lower—not raise—trade barriers.

The private sector plays a key role in expanding trade in halal products through voluntary international certification. Multinational companies such as Nestlé have developed internal halal compliance systems and often collaborate with recognized certifiers. Some of them have even set up Centers of Excellence in the field of Halal, which allows them to meet various national standards through internal harmonization²⁷. International halal certification organizations such as IFANCA and Halal Control help promote halal products worldwide by maintaining high standards and interacting with national authorities.

The halal economy spans beyond goods into tourism, finance, and fashion—sectors like halal travel, Shariah-compliant finance, and modest apparel. Though indirect, they influence trade flows; for example, a country promoting halal tourism may align import policies to ensure halal product availability. Future research could take a holistic view, exploring how areas like Islamic finance support halal SMEs and affect broader trade dynamics.

Conclusion

Halal trade regulation is at the nexus of religious teaching, consumer protection, and international trade law. Though states can regulate halal products in order to maintain public morals and fulfill consumer expectations, such regulation must be WTO-compliant so as not to constitute disguised protectionism. WTO law permits halal measures under the exceptions of public morals, subject to limits so as not to distort trade. International bodies such as the OIC,

²⁴ GlobeNewswire. (2021, September 17). Getting halal certified for the Gulf Cooperation Council market: 2021 certification requirements for the market with \$33.8 billion of imports // URL: <https://www.globenewswire.com/news-release/2021/09/17/2298957/28124/en/Getting-Halal-Certified-for-the-Gulf-Cooperation-Council-Market-2021-Certification-Requirements-for-the-Market-with-33-8-Billion-of-Imports.html> (date of reference: 03.06.2025).

²⁵ International Halal Accreditation Forum. (n.d.). IHAF overview // URL: <https://ihaforum.ae> (date of reference: 19.04.2025).

²⁶ Id

²⁷ Nestlé Malaysia. (n.d.). Our halal promise // URL: <https://www.nestle.com.my/our-halal-promise> (date of reference: 10.05.2025).

Codex, and accreditation organizations increasingly assist with the harmonization of standards so as to lower non-tariff barriers.

Case studies of Malaysia, Indonesia, the EU, the US, and GCC countries show divergent approaches—some facilitating trade, others generating tension. Historical WTO disputes (e.g., Indonesia) and current debates (e.g., Egypt) indicate the ongoing need for adjustments to ensure WTO compatibility. For the future, a number of research avenues stand out from this research: (1) More doctrinal analysis of how WTO adjudicators would treat halal-related arguments under SPS/TBT/GATT and GATS, particularly in novel situations and variety of tests, to shed light for

policymakers. (2) Policy studies of the architecture of a global halal governance framework – how international standards and mutual recognition might be enhanced, perhaps by proposing new agreements or strengthening organizations like SMIIC and IHAF. (3) Monitoring and analysis of WTO fora (TBT/SPS Committees) to calibrate the direction of halal trade issues, which can preclude disputes if treated proactively. And (4) the broader incorporation of halal trade in the world trading system, e.g., how halal considerations can be integrated in trade facilitation programs and how the private sector can be encouraged by policy.

In summary, the halal trade framework must reconcile religious purity with trade liberalization.

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ХАЛАЛ САУДАСЫН РЕТТЕУ САЛАСЫНДАҒЫ БОЛАШАҚ ЗЕРТТЕУ БАҒЫТТАРЫ: ДСҰ ҚҰҚЫҒЫ ЖӘНЕ САЯСИ ҚИЫНДЫҚТАР

Аннотация. Осы мақалада халал саудасын Дүниежүзілік сауда ұйымы (ДСҰ) құқығы аясында құқықтық және саяси реттеу мәселелері қарастырылады. Зерттеудің мақсаты — халал талаптарының халықаралық сауда нормаларымен өзара байланысын анықтау және оған байланысты саяси сын-тегеуріндерді талдау.

Қолданылған әдістерге ДСҰ-ның келісімдерін (әсіресе ТБТ, SPS, GATT/GATS) доктриналық-құқықтық талдау, халықаралық реттеуші құрылымдарды (Codex Alimentarius, OIC және аккредитациялық форумдар) салыстырмалы зерттеу, сондай-ақ ДСҰ-ның сот тәжірибесі мен комитеттердегі талқылауларын сараптау жатады.

Негізгі нәтижелер көрсеткендей, халал реттеу ДСҰ құқығымен ең алдымен Саудадағы техникалық кедергелер жөніндегі келісім (ТБТ) арқылы тоғысады, ал стандарттар мен сертификаттардың үйлеспешілігі салдарынан күрделі саяси қиындықтар туындайды.

Сонымен қатар, мақалада мүше мемлекеттер арасындағы шариғат заңдарының әртүрлі түсіндірмелері саудада техникалық кедергілер мен реттеудің бөлшектенуін қалай тудыратыны зерттеледі және халал сертификаттарын өзара танудың келісілген тетіктерінің жоқтығы атап өтіледі.

Қорытындыда мақала болашақ зерттеулер бағыттарын ұсынады, соның ішінде халал реттеу

контексінде ДСҰ нормаларының доктриналық түсіндірмесін нақтылау және саясатты халықаралық үйлестіруді нығайту.

Бұл ықтимал шешім Кодекс және ОIC/SMIIC сияқты стандарттарды белгілейтін органдар арасындағы ынтымақтастықты нығайтудан және IIAF сияқты аккредиттеу желілерінің қолдауымен өзара тану туралы келісімдерден (MRA) көрінеді.

Дінге қатысты талаптардың шынайылығын қамтамасыз ете отырып, халықаралық сауданы артық шектеуден сақтайтын теңгерімді нормативтік тәсілдер қажеттігіне ерекше назар аударылады.

Осылайша, ол ДСҰ-ның құқықтық жүйесі шеңберіндегі сауданы лықтандырумен қоғамдық моральды қалай үйлестіру туралы пікірталасқа уақтылы үлес қосады.

Түйінді сөздер: Халал сауданы реттеу; ДСҰ құқығы; Саудадағы техникалық кедергілер (TBT); Қоғамдық мораль негізіндегі ерекшелік (GATT XX(a)); Халал сертификаттау және стандарттар; Өзара тану туралы келісімдер (MRA); Кодекс Алиментариус және SMIIC; Тарифтік емес кедергілер (NTB); Ислам құқығы және сауда саясаты.

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БУДУЩЕ НАПРАВЛЕНИЯ ИССЛЕДОВАНИЙ В ОБЛАСТИ РЕГУЛИРОВАНИЯ ХАЛЯЛЬНОЙ ТОРГОВЛИ: ПРАВО ВТО И ПОЛИТИЧЕСКИЕ ВЫЗОВЫ

Аннотация. Данная статья направлена на изучение правовых и политических аспектов регулирования халяльной торговли в рамках права Всемирной торговой организации (ВТО). Целями исследования являются выявление взаимодействия требований халяль с международными торговыми нормами и анализа сопутствующих политических вызовов.

Применяемые методы включают доктринальный правовой анализ соглашений ВТО (в частности, TBT, SPS, GATT/GATS), сравнительное изучение международных регуляторных рамок (Codex Alimentarius, OIC и аккредитационных форумов), а также анализ соответствующей судебной практики и обсуждений в комитетах ВТО.

Основные результаты показывают, что халяльное регулирование взаимодействует с правом ВТО главным образом через Соглашение по техническим барьерам в торговле (TBT), при этом серьезные политические сложности возникают из-за несогласованных стандартов и сертификаций.

Кроме того, в статье исследуется, как различные толкования законов шариата между государствами-членами создают технические барьеры в торговле и фрагментацию регулирования, а также подчеркивается отсутствие согласованных механизмов взаимного признания сертификатов халяль.

В заключение статья предлагает направления будущих исследований, включая уточнение доктринального толкования норм ВТО в контексте халяльного регулирования и укрепление международной гармонизации политики.

Это говорит о том, что возможное решение видится в укреплении сотрудничества между органами, устанавливающими стандарты, такими как Кодекс и OIC/SMIIC, и заключении соглашений о взаимном признании (MRA) при поддержке сетей аккредитации, таких как IIAF.

Особое внимание уделяется необходимости сбалансированных нормативных подходов, обеспечивающих религиозную подлинность без излишнего ограничения международной торговли. Тем самым оно вносит своевременный вклад в дискуссию о том, как согласовать общественную мораль с либерализацией торговли в рамках правовой системы ВТО.

Ключевые слова: Регулирование халяльной торговли; Право ВТО; Технические барьеры в торговле (TBT, Исключение по соображениям общественной морали (статья XX(a) ГАТТ)); Сертификация и стандарты халяль; Соглашения о взаимном признании (MRA); Кодекс Алиментариус и SMIIC; Нетарифные барьеры (NTB); Исламское право и торговая политика.

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