

Mediation in Cases of Halal Abuse: a Consumer's Perspective

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Abstract: Halal is a term that is frequently used in both Muslim and non-Muslim nations. A growing demand for Halal goods and services together with instances of fraudulent or incorrect claims regarding the adherence to Halal standards has increased consumers' ethical and religious concerns. The Halal

* Acknowledgment to USIM for providing a research grant for the research entitled "*Penyelesaian Konflik melalui kaedah alternative untuk kesejahteraan sosial: Model Mediasi dan Sulh Klinik Guaman USIM*" (PPPI/FSU/0122/USIM/15422).

* Acknowledgment to IFFAH and USIM for providing a research grant for a research entitled "Consumer Legal Remedy in Halal Food Abuse": PPPI/BM-DB/FSU/USIM/18422.

sector is faced with innumerable problems, both domestically and internationally, which are mostly related to the misuse of the Halal stamp and other offences related to the Halal logo. Consumers are generally becoming increasingly aware of the Halal logo and information regarding the Halal status of a product's ingredients before making a purchase. This qualitative study intended to identify the need for mediation when resolving Halal-related disputes from a consumer's perspective. Information and data were sourced from statutes, articles, journals, newspapers, and magazines. Findings from the document analysis indicated that consumer expectations and producer education on Halal standards, procedures, and practices can all be accomplished through mediation. The ensuing awareness could aid in averting potential conflicts and raise general consumer satisfaction concerning the current degree of Halal abuse prevalent in the consumer market.

Keywords: Halal. Abuse. Consumers. Disputes. Mediation.

Introduction

The emergence of Halal certification was influenced by both the demand from Muslim consumers and the fact that it is a successful marketing strategy. One of the main factors influencing the success and rapid expansion of the Halal industry in Malaysia is the country's internationally renowned Halal certification program. The nation's Halal imports is currently valued at US\$25 billion (RM104 billion) and it is projected to increase to US\$80 billion (RM333 billion) by 2030. The Halal market, or the world Halal economy, was launched by the Malaysian Halal Certification initiative, which was created and overseen by the Malaysian Islamic Development Department (JAKIM) and state-level Islamic Religious Departments (JAIN) (Abdullah et al., 2021; Ab Halim et al., 2022).

The Halal market has become one of the most lucrative and significant marketplaces in today's business sector because of the expanding Muslim population. Generally, Muslim consumers are economically stable, which has a tremendous impact on how many Halal-food items are sought after by them daily. Some of the well-known food producers catering to the Halal industry in Malaysia include Adabi Consumer Industries, Ramly Group, Ayamas Food Corporation, and Faiza Marketing Sdn. Bhd. The Syariah-compliant food sector practices several processes involved in processing, preparing, preserving, distribution, food and beverage service etc. This sector represents a complicated and international network of innumerable companies that provide most of the Halal food items to Muslim consumers around the globe (Ruslan et al., 2018).

When food items are labelled "Halal" or are Halal certified, Muslim consumers would then assume that the food was manufactured or produced in accordance with Shariah guidelines and norms. Foods with an explicit Halal stamp provide a greater degree of reassurance as it reflects adherence to other high food processing standards, in addition to being Shariah-compliant. The Halal logo also represents

assurance and trust. Most Muslim consumers in Malaysia are concerned about Halal food and the Halal stamp found on food products (Shirin Asa, 2019a).

The integrity of “*halalan tayyiban*”, in terms of the Halal status and food safety aspects, continues to be threatened by several factors involved in the production of Halal food items. Halal food must specifically comply with Islamic principles, whereas “*tayyiban*” food is defined as being devoid of poison, illness causing, dangerous, and involving fraudulent elements (weight, quality, expiration date, contents, and branding). Hence, the threat posed by food-chain related criminal acts must be addressed in order for the Halal economy to expand and thrive. Many food-related offences are caused by personal interests. The rise in cases of food fraud and logo piracy suggests that this crime is spreading exponentially (Mohd Farhan Md Ariffin, 2021; Mustafa Afifi et al., 2013). When it comes to food and food products, there is a glaring abuse of the Halal label. The issue at hand is whether the rights of Muslims are exceptionally safeguarded by the Halal law and the prevailing legislation that protects against wayward and irresponsible food producers. For example, the concern regarding the origin of food items or ingredients and whether they adhere to Islamic requirements, and if not, what is the appropriate procedure to resolve this problem to safeguard the Muslim consumer (Ab Halim & Mohd Salleh, 2020).

Hence, in the case of a Halal violation, consumers might react differently depending on the seriousness of the Halal violation perpetrated by a company. Inaction to the Halal infringement incident could lead to a catastrophic loss of the business because consuming Halal food is a crucial principle in the Islamic faith (Omar et al., 2017). Therefore, this study aimed to identify the need for mediation when resolving Halal-related disputes from a consumer's perspective. The goal of mediation is to facilitate dialogue amongst disputants in order to resolve their differences and reach an amicable solution to the problem (Zuure, 2014).

This qualitative study used the descriptive document analysis method to gather information and data through bibliographic research on several sources, such as journals and articles, seminars and conference papers, as well as related websites.

This study explored the possibility of using mediation for resolving disputes in the Halal industry. A mediator¹ is a third party who serves as a neutral facilitator during a dialogue or discussion aimed at addressing an issue between disputing parties. In the context of Halal abuse, which refers to situations whereby procedures related to Halal (permissible) practices are disregarded or abused, mediation could

¹ About the mediator's profession in Brazil see AWAD, Dora R. Mediação de conflitos no Brasil: atividade ou profissão. . Revista Brasileira de Alternative Dispute Resolution – RBADR, vol. 2, nº 4, pp. 57-66, 2020.

be utilized to address and settle disputes that result from such an abuse. Conflicts between customers, producers, certifying organizations, and other Halal industry stakeholders might fall under this category.

Literature Review

1. Understanding Halal Abuse from the Consumer's Perspective

Halal certification is crucial to Malaysia's food and beverage industry. This accreditation guarantees the food product's safety, hygienic practices, and observance to religious principles and practices (Yusuf et al., 2020). Muslims, in general, have a duty to consume goods produced using Halal methods or ingredients. Even though it can be difficult to introduce or integrate Islamic norms into a non-Muslim majority environment, it is every Muslim's duty to uphold the standards and values outlined in the Holy Quran and Hadiths in their day-to-day lives in accordance with Islamic principles (Khan & Haleem, 2016). Therefore, the Halal certification system is essential for consumers who favour Halal products.

When referring to Halal certification in the context of the food sector, it refers to the inspection of food preparation, slaughtering of livestock, ingredients, cleanliness, handling, processing, storage, as well as transportation and distribution. The food must be nutritious and made from permitted ingredients that are clean and hygienic in order to receive the Halal certification. Even after consuming a product, the customer cannot independently confirm or declare that a product is Halal. Halal certification serves as an example of an industrial convention and demonstrates how coordination and quality-related norms can be utilized to convey quality (Yunos et al., 2017).

The Malaysian Muslim community upholds the Halal emblem in high regard. Consumers now use this logo as a benchmark when determining whether a certain food item is Halal. Thus, no one can tell if a food item is Halal because of society's over-zealous reliance on the emblem. Although having this emblem or stamp is a good thing for Malaysian Muslims, this situation forces the community to play an overwhelming role in deciding on Halal-status issues, instead of JAKIM. However, the community's degree of expertise in determining what is Halal is suspect as the community generally lacks knowledge required to assess the Halal status of a food item (Zaini et al., 2019; Halim et al., 2014a).

Choosing Halal food is vital as it is part of adhering to religious commitments and principles. Muslims are zealously concerned about undesirable practices that lead to Halal food fraud along the food supply chain because the Halal food sector

encompasses the farm-to-table concept. Since food fraud is a subjective concept, thus, it is challenging to objectively evaluate fraudulent acts and the level of the fraud. Muslim consumers have recently expressed serious concerns about Halal food products due to frequent media reports of food fraud scandals along the food supply chain (Ruslan et al., 2018). According to Mohd Farhan Md Ariffin et al. (2021), Halal food is sometimes used as a tool of crime by some careless self-centred individuals. Food terrorism, food fraud, food adulteration, and other serious challenges related to food crime are becoming ever prevalent. Therefore, this study also intended is to analyse Malaysia's problem with food crime, particularly the problem of illicit meat cartels.

According to Halim and Ahmad (2014), the Halal business faces significant problems on both, a national and international scale, particularly regarding abuses in Halal branding and other offences involving the Halal stamp. In addition, there are also other problems, particularly related to the adherence to pertinent Halal certification requirements. This study also aimed to examine the topic of consumer protection and the enforcement of Halal-related legislation that has been put in place by two state religious departments, namely the religious departments of Selangor (JAIS) and Kelantan (JAHEIK).

The Halal logo and Halal-related information about a product are generally becoming increasingly important to consumers when making a decision to purchase a product. This study had assessed consumers' views and behaviours regarding Halal food products in Malaysia. Consumers' perceptions were measured based on their assessment of a product that has a Halal or a non-halal logo. Three types of consumer behaviour were used to gauge consumer behaviour, such as abstinence from purchasing, possibility of purchasing, and certainty of purchasing (Zaimah et al., 2018).

Based on previous studies mentioned above, it can be briefly ascertained that Halal certification is an important aspect in a Muslim's daily life because it is distinctly relevant to Islam in several aspects, such as cleanliness, livestock slaughtering methods and so on. There are various offenses related to the abuse of the Halal status in this country, such as offenses related to the use of the Halal logo, and implementation of consumer protection initiatives by JAKIM and JAIN, whereby these authorities need to elaborately explain the offenses related to Halal abuse (Halim & Salleh, 2018). This is important because the average Muslim consumer depends on the Halal logo when choosing or using a product or food item.

2 The Role of Mediation in Resolving Halal-Related Disputes

The mediation practice in Malaysia² has advanced significantly since its early inception in the middle of the 1990s. Today, mediation is a crucial aspect of the Malaysian judicial system since it provides disputing parties an alternative avenue to settle their differences outside the courts. This article focuses on the institutionalized mediation process known as court-assisted or court-referred mediation and sheds some light on this formalized mediation technique (Choy et al., 2016).

All the parties involved continue to face difficulties notwithstanding resolutions to different conflicts and legal provisions on corporate, firm, and shareholder rights. As for those who want justice but do not want to go through the judicial process, one alternative conflict resolution approach would be mediation, which is an efficient and affordable conflict resolving method. It is the mediator's responsibility to assist the conflicting parties in reaching an agreement by conducting joint and/or private sessions. A private settlement would be favourable to both parties due to economic reasons and the intention of maintaining their business relations (Dahlan et al., 2021). Thus, it is understandable why this study mainly discusses and focuses on mediation from the corporate, firm or shareholders' perspectives but less so in relation to the issue of Halal abuse.

Mediation and conciliation both use a neutral third party to help the conflicting parties reach a mutually beneficial resolution to their disagreement, which are voluntary and non-binding processes. The mediator assists the interested parties in making their own decision regarding whether and how to settle their contention, unlike an arbitrator who enforces a decision. Theoretical foundations for mediation include non-leakage of communication information, interweaving of information exchange, characteristic matching, de-conflicting, and solutions unrestricted by judicial requirements (Richard Hill, 1998).

The five different principles of voluntary involvement, neutrality, confidentiality, impartiality, and conflict of interest are the foundations of mediation that are widely accepted. Hence, without any one of these principles, mediation will fall short or cannot even be called a mediation (Mariam Pilishvili, n.d.). Disagreements can be

² On mediation in Palestine see SHAAT, Haia. Mediation in Palestine. *Revista Brasileira de Alternative Dispute Resolution – RBADR*, v. 2, n. 3, p. 231-249, 2020. On multiparty mediation in Brazil see FERREIRA, Daniel B.; SEVERO, Luciana. Multiparty Mediation as Solution for Urban Conflicts: A case analysis from Brazil. *BRICS Law Journal*, v. VIII, n. 3, p. 5-29, 2021. DOI: <https://doi.org/10.21684/2412-2343-2021-8-3-5-29>. On mediation in educational environments in Brazil see FARIAS, Bianca O. Mediação de conflitos em ambientes educacionais: um horizonte com novas perspectivas. *Revista Brasileira de Alternative Dispute Resolution – RBADR*, v. 2, n. 3, p. 157- 194, 2020. On family mediation in Brazil see BRAGANÇA, Fernanda; Netto, Fernando G. M. O protocolo familiar e a mediação: instrumentos de prevenção de conflitos nas empresas familiares. *Revista Brasileira de Alternative Dispute Resolution – RBADR*, v. 2, n. 3, p. 217-230, 2020.

resolved through mediation by a neutral third party assisting the conflicting parties to identify common problems and create resolution options. Mediation has already demonstrated its immense value and like any good system, it has the potential to greatly enhance living standards (Niraula, n.d.)

Numerous government organizations are directly or indirectly involved in managing Malaysia's Halal business sector. JAKIM and the Halal Industry Development Centre (HDC) are two primary organizations that are frequently linked to Halal certification in Malaysia. For example, the Halal Hub Division, a unique division established by JAKIM, oversees the Halal certification process. Each of these organizations have significant and diverse roles to play in Malaysia's Halal industry. HDC's jurisdiction focuses on the growth of the local and international Halal business sector as well as the marketing of Halal products, whereas JAKIM is concerned with processing Halal certification and enforcing adherence to Halal standards. The Department of Standards Malaysia, Department of Veterinary Services, Ministry of Health (MOH), Royal Customs Department Malaysian, and the various Local Authorities are additional organizations that contribute towards the enhancement and expansion of the Halal industry in Malaysia. Each agency plays a particular role in the growth of the Halal market. There are several distinct agencies involved in the success of this sector due to the Halal industry's broad, and in some cases, inevitable overlapping jurisdiction (Soraji et al., 2017).

Previous literature had generally elaborated on an overview of mediation and the advantages of mediation, but none of them had specifically explained the need for mediation to resolve Halal abuse disputes, hence, there is a necessity to study mediation in terms of Halal abuse. Mediation affords parties to have culturally and religiously aware conversations on Halal-related issues. Mediators who are knowledgeable in Islam should guide parties through the many subtleties of these issues.

Discussion And Findings

Consumer Awareness and Perception of Halal Abuse

The Muslim community's awareness is a powerful tool for educating Halal food product manufacturers. An understanding and awareness of the Halal and Haram concept is crucial for Muslims as they cannot merely rely on legislation and enforcement authorities. For example, Muslim consumers should pay attention to the ingredients and contents of food items or other items they purchase. Additionally, they need to be aware and ensure that the processing technique is Shariah compliant. In relation to food items, there are nine different Halal and Haram categories (Yusoff & Adzharuddin, 2017).

Consumer behaviour is largely influenced by three factors, namely attitude, perceived value, and behavioural control. It takes an attitude to determine if something is appreciated or despised. It is a personal evaluation of a certain self-behavioural performance, which could be either positive or negative. An individual's subjective value is related to how one feels about the social pressure to do or not to do certain things. At this point, a community's cultural life can influence how its members act. The way a person feels about having control over activities refers to a sense of behavioural control (Zaimah et al., 2018b)

Factors Influencing a Consumer's Perception of Halal Abuse

Halal Logo, Labelling and Packaging, Authorities' Exposure and Enforcement, as well as Consumer's Attitude were the three criteria revealed in the analysis (Ruslan et al., 2018).

1. Halal Logo, Labelling and Packaging

The Halal logo (stamp), labelling and packaging are among the product qualities that attract the interest of Muslim consumers when making purchasing decisions involving any product, particularly a food item. In order to tackle the Halal food fraud menace, the industry's compliance with all pertinent aspects need to be evaluated by consumers, who also have the right to denounce any fraudulent act, including the use of unauthorised Halal logos by manufacturers or producers.

Furthermore, packaging and processing activities in the food supply chain are critical aspects of a food product's Halal status. Muslim consumers' interest in processed foods contaminated by prohibited (Haram) substances along the supply chain, possibly during processing and transportation, is growing. Hidden components from dubious sources are another important issue, especially when firms fail to label non-Halal ingredients that are mainly incorporated to reduce manufacturing costs and increase profits.

Moreover, non-Halal food and beverage products should be kept separate on a different shelf or partitioned from similar category of Halal products consumed by Muslims. Muslim consumers should only purchase food items that have been certified Halal by JAKIM by inspecting the product package before making a purchase (Ruslan et al., 2018).

2. Authority's Exposure and Enforcement

An authority's proactive exposure and enforcement is a crucial part of combating fraudulent activities that should be enhanced on a regular basis.

Authorities, such as the Department of Islamic Development Malaysia (JAKIM) and the state-level Department of Islamic Religion (JAIN) should strengthen their monitoring activities to combat Halal food fraud issues.

As a Halal-authorization organization, JAKIM must take firm action against manufacturers who do not comply with Malaysian halal food standard MS 1500:2009. Such proactive initiatives by the relevant authorities are important for educating Malaysian Muslims on the Halal food fraud issue.

In addition, strategic collaborations between the Ministry of International Trade and Industry (MITI), Malaysia External Trade Development Corporation (MATRADE), and the Royal Malaysian Customs Department (RMCD) should be encouraged to promote strict control on imported food products entering the local market (Ruslan et al., 2018).

3. Consumer's Attitude

Consumers' attitude towards the purchase of food items is influenced by their negative perception of Halal food fraud. Consumers are starting to pay attention to the ingredients before purchasing a food item as their knowledge and attitude towards Halal food fraud are growing. This inspection is enhanced if there are reports of Halal food fraud in the media. When consumers are aware, they tend to purchase food items with a Halal logo on the product's packaging rather than the taste of the food product. Hence, Muslim consumers prefer to purchase food products with the JAKIM Halal stamp (Ruslan et al., 2018).

According to Yusoff and Adzharuddin, (2017) and Ruslan et al, (2018), the lack of awareness is one of the main threats in curtailing Halal abuse because of the subjective factors involved, such as values, religious devotion, consumer's attitude, information processing, and external factors (e.g., environmental culture). Muslim customers' understanding of Halal products is important in efforts to train Halal industry operators in the market to manufacture food products that comply with Islamic principles. Transparency in food labelling, such as the certified Halal logo, expiry date, price, brand name, list of ingredients, place of production or origin, and other pertinent information, provides consumers with knowledge and information when selecting food products. Consumer perception is usually influenced by advertising, reviews, social media, public relations, personal experience, and many other factors. Consumers' actions when choosing food products is related to their attitude associated with a complex set of ideas, motivations, and experience.

Impact of Halal Abuse on Consumer Trust and Purchasing Behaviour

Consumers who have been duped by Halal abuse may lose faith in all items bearing the certification, which will then lead to increased examination of labels and ingredients. This increased scepticism might lead to a decline in overall Halal product purchases, which would otherwise affect companies that genuinely sell Halal goods. Additionally, negative word-of-mouth and social media debates about such instances can spread quickly, eventually escalating negative consequences to the brand's reputation. Halal abuse has repercussions beyond the short-term effects on trust and purchase patterns as it could also contribute to a general feeling of disdain and cultural insensitivity. Brands that are found to be abusing the Halal designation run the danger of alienating not only Muslim customers but also everyone concerned about moral and ethical business practices.

Muslims have been confused by the abuse of the Halal logo and Halal certificate, which has resulted in consumers losing confidence in the Malaysian Halal label. Muslim consumers have therefore begun the custom of examining the product labels before making a purchase. In some cases, producers employ their own Halal logos, which is against TDA 2011 regulations (Shirin Asa, 2019). Customers' trust is reduced by fallacious Halal certification and fake or fabricated news that causes a loss in confidence and affects their intention to buy Halal products (Derahman et al., 2017; Madun et al., 2022; Mohamed et al., 2013; Aslan, 2023).

Exploring the Mediation Mechanism in Halal Abuse Cases

As it emphasizes and augments the value of peace, forgiveness, and compromise, mediation is a suggested procedure and avenue for resolving disputes in some legal sectors. Parties that opt for this dispute resolving method will find it flexible and simple to follow and comprehend. Moreover, mediation is less expensive than traditional court cases or litigation. Although mediation has numerous benefits, one drawback is that it cannot be used in situations where the law is clear, and the case is sufficiently uncomplicated for arriving at a determined decision. However, wherever possible, parties involved in a disagreement could consider this avenue and are encouraged to do so too (Manaf et al., 2018).

It is important to take a thorough and considerate approach regarding the concerns of all parties in order to successfully mediate Halal abuse cases. A broad plan that can be employed in such circumstances in order to accomplish a successful mediation outcome is as follows.

First is to determine the parties involved, which refers to identifying the interested parties, such as the consumers, companies, Halal certificate issuing

agencies, and regulatory agencies involved. It is important to take note of the apprehensions and objectives of each party.

Second, engage a third-party mediator. This procedure can be facilitated by an impartial and skilled mediator who is trained in mediation procedures and Halal certification. The mediator must direct the conversation, maintain an honourable and respectful discourse, and assist the parties in finding a compromise that is acceptable to all. Third, set clear ground rules for the mediation process, such as confidentiality, considerate communication, a dedicated effort to reach an agreement and obtain information that permits each side to explain their position on the matter. This entails being aware of the precise charge of Halal abuse, effect on consumers' confidence, and any monetary or reputational harm caused. Next is to establish interest, which means encouraging the relevant parties to express their underlying interests instead of taking a firm position. This can assist in identifying areas of agreement and potential compromise.

Then, investigate potential solutions, such as generating a variety of answers that might allay everyone's apprehensions. This might involve expanded verification procedures, enhanced compensation measures, as well as improved remedial actions and label transparency. Efforts must be made to prioritize solutions by examining and ranking the suggested solutions according to their viability, fairness, and ability to win back confidence, while maintaining their adherence to Halal and ethical standards. The parties should be guided through the negotiating process by encouraging them to make concessions while keeping their best interests in mind. The mediator's job is to create a conducive environment for discourse and assist the parties in reaching a compromise.

Lastly, creating a written agreement once a consensus has been reached. The agreement should specify the agreed-upon tasks, obligations, deadlines, and penalties for non-compliance. Ensure that the agreed-upon actions are carried out in accordance with the terms of the agreement. Consumer confidence can be preserved, and future Halal abuse can be avoided with regular monitoring and follow-up action. Finally, educational outreach, which refers to the curtailment of potential Halal abuse and implementation of educational programs that emphasise the significance of Halal certification, its requirements, and its effect on consumer confidence.

In conclusion, it is crucial to remember that for a successful mediation to materialise, all parties must be willing to participate in the process and find common ground. The matter should be handled by mediators who possess a high degree of cultural sensitivity as they need to be aware of the importance of Halal requirements and the psychological effects of Halal abuse on the Muslim community.

Barriers and Challenges in Halal Mediation

Mediation in Halal-related disputes can be complicated due to diverse cultural, religious, and legal considerations. Halal status-related conflicts frequently entail engrained cultural and religious values. Thus, to avoid offending either party or aggravating the situation, mediators must tread carefully around these delicate issues. Religious scholars and communities might interpret Halal practices differently as there are no set standards and it can be difficult to define a legitimate Halal claim.

Moreover, food hygiene standards are still sub-par in some parts of the world today, even though country-to-country variations in food hygiene measures are dependent on the availability of certain resources. Religiously mandated dietary restrictions do assist in lowering mortality rates and controlling the spread of endemic diseases among many groups (Abdallah et al., 2021).

In addition, Halal certification laws and requirements might differ between nations and jurisdictions, hence, it can be difficult to negotiate these legal disparities and harmonize them during mediation.

Conclusion

Mediation in Halal abuse situations from a consumer's perspective is crucial when dealing with complicated issues that occur when a religious community's trust is violated. False Halal certification not only diminishes a consumer's confidence but also violates the religious sanctity and beliefs of those who rely on them. Meanwhile, from a consumer's perspective, mediation provides a forum for their views to be heard and concerns to be recognized. It gives impacted consumers a chance to voice their psychological and spiritual suffering caused by Halal abuse, which then promotes a sense of empowerment and justice. A successful mediation can help rebuild confidence among Muslims, emphasize the value of real Halal food, and establish a standard for moral corporate conduct.

However, there are still some difficulties. From a consumer's point of view it is necessary to surpass the hurt feelings caused by the trust deficit, while striking a balance between the need for justice and the feasibility of a solution in order to effectively mediate. The procedure is made much more complex by the absence of standardized Halal regulations and the intricate nature of supply chain relations. A skilled mediator who is aware of the legal implications and cultural sensitivities is essential in efforts to help parties reach a just and long-lasting agreement. Mediation in Halal abuse cases lead to consumer empowerment, trust-rebuilding, and upholding the sanctity of Halal values. It strongly implies that companies must be held responsible for their statements, claims or actions, thus, preserving the

Halal market's integrity. Stakeholders can cooperate to repair relationships, create public awareness, and provide a guarantee that their Halal products are authentic and Shariah-compliant by accepting mediation as a dispute resolution mechanism.

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Informação bibliográfica deste texto, conforme a NBR 6023:2018 da Associação Brasileira de Normas Técnicas (ABNT):

HALIM, Mustafa Afifi Ab; RAHMAN, Hendun Abdul; YAAKOB, Adzidah; ALI, Fadhilah Mohd; MUSA, Suhaida Che; ROSLEY, Nurul Anessa Binti. Mediation in Cases of Halal Abuse: a Consumer's Perspective. *Revista Brasileira de Alternative Dispute Resolution – RBADR*, Belo Horizonte, ano 05, n. 10, p. 253-267, jul./dez. 2023. DOI: 10.52028/rbadr.v5i10.ART12.MY.
