

**THE MISUSE OF HALAL LOGO AND DIGITAL EVIDENCE IN SOCIAL MEDIA:
A CASE REVIEW OF TAN JYE YEE & ANOR V PUBLIC PROSECUTOR [2014] 6 MLJ 609**

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ABSTRACT

In the food and beverage industry, the use of labels, images, captions, and promotional materials related to halal products must be handled carefully to avoid confusion and misunderstanding among consumers especially Muslims. Any dissemination of information that may create misleading perceptions regarding the halal status of a product can undermine consumer confidence in the halal assurance system and it can lead to public controversy. This issue is reflected in the case of Tan Jye Yee & Anor v Public Prosecutor which involved the publication of an image and caption related to Bak Kut Teh. These issues are raising concerns regarding halal sensitivity and the importance of accurate information dissemination to consumers. Therefore, this study aims to analyze the case from the perspectives of halal management, halal standards, and the relevant regulations in Malaysia. The study adopts a document analysis approach by examining media reports, legal documents, and halal standards related to the case. The findings indicate that actions which may mislead consumers regarding matters associated with halal can negatively affect public trust and may result in legal and consequences for the parties involved. Besides, it highlights the importance of transparency, accountability, and ethical communication practices in safeguarding Muslim consumers' interests and maintaining the integrity of Malaysia's halal system.

Introduction

Religious matters are very sensitive and particularly in a multi-cultural and multi-religious society. Applications, social media and online platforms are used widely, and these could have positive or negative effects on individuals, society and the nation. All of us have a role to play in respecting others' beliefs and values. Initiating acts of insult, mocking or ridiculing towards any religion can lead to the loss of the country's image, to the disruption of social harmony and to tensions between various communities.

The argument for this case states that Tan Jye Yee posted a photo on social media during Ramadan. The posting was so offensive to Muslims because of the image of Bak Kut Teh, which is a food eaten with pork. The picture was captioned with a message relating to Muslims during the sacred month of Ramadan.

The posting came to light and drew criticism from the general public, especially the Muslim community. That was because the picture had raised questions about social media's responsible use and sensitivities of religious nature. Moreover, the case emphasized the significance of the respect of all religions and how social media can shape people's actions and cause severe consequences. It also provides an excellent illustration of the importance of prudence before posting material on an Internet platform.

Misrepresentation of halal status means any action that results in false information, representations, images, claims, symbols, logos, labels or other means of communication that may affect public confidence in the halal certification status of a product or service. The use of Bak Kut Teh, where traditionally the ingredients are pork ribs, is haram in accordance with Islamic teachings, as there is clear religious source that ban the use of pork and pork products (Al-Bakri, 2023). This issue is closely related to the case of Tan Jye Yee & Anor v Public Prosecutor, as the controversial posting involved the association of a non-halal food item with religious references and halal-related representations, which created confusion and offence among members of the Muslim community.

False Trade Description

The Trade Descriptions Act 2011 was drafted primarily to prevent inaccurate product descriptions and misleading trading practices. The Act defines product description as covering all material characteristics of a product including information on attributes, quality, country of origin and any other indication or claim regarding a good or service. No manufacturer may label goods as "Made in Malaysia" if the good(s) were not produced there. The first category of which are violation cases involving falsification of product features and quality for goods such as apparel and electronic devices.

Following the summary of various types of market violations outlined in the preceding text, commercial misleading practices refer to instances where businesses mislead consumers about a product's core nature, associated processes and ingredients. These violations occur across a wide range of product categories. Two such violations are particularly common in Malaysia which is false labelling of transaction information on food products and the misuse of Halal marks on non-halal food (Chambers, 2024).

For instance, misuse of halal logo in false trade description for the product that use fake halal logos that mimic those relevant authorities such as the Department of Islamic Development Malaysia (JAKIM). Furthermore, labelling products as "halal" when they contain non-halal and intoxicants ingredients such as pigs, alcohol and others (Rokhsana, 2018). Moreover, inaccurate certification. For instance, the use of expired or misleading certification claims that create the impression for the product to comply with specific standards when it does not. Besides that, non-compliance manufacturers such as claiming halal certification without aligning to the proper slaughtering from first until the entire process according to Shariah law. Other than that, it shows that the traders did not follow the guidelines in the standards, and it also known as abuse of the halal logo (Mustafa, 2019).

Lastly, it is deception or fraud which involves haram contents by adding pork, alcohol and improper slaughtered meat to the haram products which is labelled as halal. For instance, the case of Tan Jye Yee & Anor v Public Prosecutor shows that the use of halal logo with Bak kut teh in the image is a deceptive content leading to wrong interpretation to consumer concerning the halal issue on food. In fact, the chief motive of this act is to insert some provisions to plug gaps concerning commercial and halal guidelines (Rokhsana, 2018).

Fact of the Case

First Charge

During the month of Ramadan, the accused were charged after uploading a photograph of themselves enjoying Bak Kut Teh together with the caption “Selamat Berbuka Puasa” (“Happy Breaking of Fast”). The image also displayed a halal logo on social media. This posting caused confusion and doubt among many people, particularly Muslims, regarding the halal status and religious ruling of Bak Kut Teh. As a result, they were charged under Section 4(1)(c) of the Sedition Act 1948 for publishing content that was alleged to insult and offend the religious sensitivities of Muslims.

Second Charge

In addition, the accused were charged under Section 5(1) of the Film Censorship Act 2002. That was due to their posting obscene material on the Tumblr website. These were examples of actions that were against the provisions of the Act. Upon conviction they may face penalties as prescribed by law, such as imprisonment and fines.

Third Charge

The accused had also been charged with promoting disharmony and disunity or feelings of enmity, hatred or ill-will on religious grounds" under Section 298A of the Penal Code. Their uploads related to sensitive religious matters, and they were believed to be able to cause disharmony among the members of different religions. Moreover, such behaviour may lead to hatred and hostility in society. Indirectly, it might pose a risk to national peace and stability as it was a topic of controversy whether Bak Kut Teh was halal and what it meant for people of other religions. Overall, the charges filed against the accused demonstrated the gravity of the acts which can potentially trigger religious tension, propagate offensive material and cause disorder in a multicultural society like Malaysia.

Summary of The Case

The case was that of two people who uploaded a picture on Facebook in the month of Ramadan, a time of fasting. The post was a popular one and had a lot of views, including the one that included “Selamat Berbuka Puasa” (“Happy Breaking of Fast”). The post also sparked some controversy as the halal logo was also featured with the picture. Bak Kut Teh is a food item which is usually associated with non-halal ingredients especially with pork. As a result, the post caused confusion among Muslims in Malaysia regarding the halal status of the food.

Following the controversy, legal action was taken against the appellants by the relevant authorities. They faced several charges for publishing content that had the tendency to influence public opinion and create disharmony among different races and religions. At the same time, the case became highly publicised and received extensive coverage from the media and newspapers throughout the country.

From a halal perspective, the use of a halal logo together with an image of Bak Kut Teh created a misleading impression regarding the halal status of the product. Bak Kut Teh is considered haram when it is prepared using non-halal ingredients such as pork. In the Quran, Allah clearly prohibits the consumption of pork and its derivatives. Surah Al-Ma'idah verse 3 explains that pork and all its parts are forbidden for Muslims (Al-Quran, Surah Al-Ma'idah 5:3). Furthermore, under the Trade Descriptions Act 2011, the misuse of halal symbols or representations may cause confusion and doubt among Muslim consumers and undermine the integrity of the halal certification system. Therefore, this case should serve as an important lesson for society, highlighting the need to respect religious sensitivities, use social media responsibly, and preserve the credibility of halal certification in Malaysia.

Means of Evidence

According to Cambridge Dictionary, evidence refer to some information, facts documents and others which it can give the reason to believe and influence that something is true (Cambridge Dictionary,2026). Evidence also means the information that used in a court of law to try to prove something true or not true. For instance, it can be obtained from documents, objects, or witnesses to prove in court (Collins dictionary,2026). There are some types of evidence such as documentary evidence, physical evidence and others. Any written, recorded, or photographic evidence used to support a claim in court is considered

documentary evidence. Plus, Digital files, contracts, emails, bank documents and photos are all acceptable (Team,2026). It also one of the types for tangible evidence (McCall et al., 2024).

Documentary evidence can be qualified by Federal Rule of Evidence 1001 in some categories. First, any collection of letters, words or figures written down in any format is called a "writing". Next, the same content recorded in whatever format, including audio and video, is referred to as a "recording." Plus, any photographic image saved in any format is referred to as a "photograph" (Legal Information Institute,2011). Because these categories are purposefully broad, documented evidence can include anything from printed bills and handwritten letters to spreadsheets, surveillance footage, text messages, and posts on social media (Team,2026).

However, there may be difficulties with using documentary evidence in court. Even if the evidence is crucial to the case, a trier hearing it for the first time might not see its importance right away. A judge or jury may become aware of its significance too late in the proceedings to assess and create connections with other crucial information which could have a negative effect on your arguments if you failed and does not success to make it obvious. Because of this, it's crucial to pay attention to the parts of a text that are essential to your argument. The witness should read the main points to the jury once it has been accepted into evidence. Excerpts from the document can also be blown up in a demonstrative chart or recorded on an easel pad that you fill up as the evidence is presented. It is advisable to ask the witness to clarify any words or terms that the jury might not be understand with. Additionally, you should ensure that the witness explains to the jury the document's relevance and probative significance. The evidence may have less of an influence on your argument if you wait until the jury deliberates (Querijero et al., 2015).

Documentary Evidence

The documentary evidence in the case of Tan Jye Yee & Anor v Public Prosecutor,

The primary exhibit in this case was a Facebook post with Tan Jye Yee and Vivian Lee eating bak kut teh with the caption "Selamat Berbuka Puasa" and a halal logo. This presentation was intended to establish the content that was allegedly objectionable to religious sensibilities, and the purpose is to demonstrate that the information had been made public.

In addition, the prosecution submitted paper copies and images of the Facebook post as supporting documentation in the court. The court was able to see the post's real content, including the image, description, and halal logo, due to this evidence.

Besides that, the documentary evidence was a Samsung notebook PC. It was confiscated during the inquiry. Original picture files, altered photographs, and digital evidence connecting the accused to the production and release of the disputed Facebook post were found during forensic analysis of the device.

Other than that, this evidence included documents from the Facebook account that was used to upload the post as well as digital data that were recovered from the computer. The evidence connected the accused to the release of the content that was the subject of the accusation and verified the content's original source.

Expert Witnesses

Several expert witnesses were involved in the Tan Jye Yee case to assist the court in understanding both the halal and technical aspects of the offence. One of the expert witnesses was Lokman Ab. Rahman from the Department of Islamic Development Malaysia (JAKIM), who provided expert testimony regarding halal certification, the use of halal logos and the halal status of food products according to Islamic principles and Malaysian halal regulations (Malay Mail,2015). He said that using a halal logo and a product typically used for non-halal ingredients has the potential to trick Muslim consumers and cause confusion about whether the product is halal or not. His testimony emphasized the need to meet the requirements for halal certification and maintain the integrity of Malaysia's halal certification system.

In this case, there were two expert witnesses from the Malaysian Communications and Multimedia Commission (MCMC). The prosecution called them up to give expert evidence after going through the digital forensic analysis of the electronic devices and online materials used in the case (Bernama, 2015). Their evidence helped the court establish the authenticity, source and ownership of the digital information

surrounding the alleged offense. He was able to recover and analyse files, images and records of online activity on the devices using digital forensic analysis. The experts found out that the image in question, which is regarded as controversial, are both original and edited versions with the reference to 'Bak Kut Teh' and a halal logo. The image was also uploaded via the Facebook account of the accused, the forensic investigation further found.

The testimonies of both expert witnesses played a significant role in supporting the prosecution's case. A JAKIM expert explained the meaning of halal and regulatory matters relating to the use of halal representations, whilst the MCMC forensic expert presented scientific and technical evidence to link the accused with the digital content. Their collective knowledge and experience contributed to the court's grasp of the halal, regulatory, and technological dimensions of the case, highlighting the intertwined nature of halal expertise and digital forensic science in the pursuit of justice and public interest.

Issues Involving Halal Forensic in Mislabeled on Bak Kut Teh

Islamic Jurisprudence

Halal is an Arabic word that means allowed, lawful or permitted. In dietary concepts, it is a term that opposite with the word haram which means unlawful or not allowed. In general, everything is halal unless it is prohibited and forbidden by a verse of the Quran. In Surah Al An'am, Allah has mentioned that what he has made haram for you (Surah Al-An'am,6:119). It is also related to one of the principles of qawaid fihiyyah which is al-Aslu fi al-Asyaa' al-Ibahah. According to Mufti of the Federal Territories, all things in this ruling are considered as halal and permissible to consume unless there is clear verse from Quran or the evidence from sunnah, ijma' or other sources of Islamic law (Rusli,2018). Besides, it does not show that Islam does not automatically consider a matter as prohibited or haram. Rather than that, the default ruling for matters which is related to daily life such as transactions, food, clothing is allowed until there is valid proof that indicates it is haram.

As mentioned earlier, case of Tan Jye Yee & Anor v Public Prosecutor posts the image of bak kut teh with the caption "selamat berbuka puasa" and present the halal logo in social media. This post has misrepresented the halal status of the food, and it is considered offensive to Muslims. The following criteria can guarantee the consumer does not involve in fraud and avoid the society to purchase doubtful food according to Shariah law.

All consumers must verify the information and avoid questionable items when the status is unclear. As mentioned in Surah Al-Hujurat verse 6, Muslims should verify all the information and take the action without check it especially when it comes from the doubtful sources. According to Imam al-Syaukani, tabayyun refers to investigate the information carefully and examine the news or reports with the deep knowledge until the truth becomes clear and it can be the evidence (Noordin,2019). The platform of social media such as Whatsapp, Facebook, Emel and others can be the place to insult someone and the spread of false news. Due to these matters, it can lead the society to division and hostility.

Next, consumers should verify halal certification. They must ensure that all products have a valid halal logo and certification. It is very important because all products that recognized by halal authorities such as JAKIM truly align with Islamic dietary requirements. Furthermore, all certified halal products must follow strict hygiene, ingredients and processing standards. For instance, all cutting boards, utensils, and equipment used in the preparation, packing, or serving of Halal food must be cleaned according to Shariah law (Anees,2024). Other than that, consumers also can access my e-halal website on the internet because the website can help consumers to check and verify halal status for each product. Plus, it can increase knowledge and awareness among consumers about halal standards and the processes. So, it can help prevent fraud and false halal claims for the products or premises.

Halal integrity is essential to ensure that Muslims eat the food is safe, legal and fulfills the Shariah standards. Two Islamic jurisprudential concepts that evidently obligate every Muslims to ascertain and be cautious towards products are Al-aslu fi al-ashya' al-ibahah and tabayyun concept. The case of Tan Jye Yee & Anor v Public Prosecutor serves a reminder on the dangers of falsely claiming halal via social media as it is likely to deceive consumers and cause public concern. Customers must always check halal certification, review product carefully and avoid any questionable items. Platforms like e-Halal and

certified halal agencies such as JAKIM play a crucial role in assisting customers in making knowledgeable judgements. Overall, these actions not only combat fraud and deception but also raise public understanding of halal standards.

Halal Management, Standard and Regulation

The case of *Tan Jye Yee & Anor v Public Prosecutor* is one of the examples that focuses on the importance of system systematic halal management, compliance with halal standards and the implementation of strict regulations to protect Muslim consumers from fraud and confusion regarding the halal status of products. In the food industry, halal does not only refer to the ingredients used but also encompasses the entire process of production, preparation, storage, handling, and marketing of products. Therefore, every business operator intending to market products as halal must ensure that all requirements set by the relevant authorities are fully complied with.

On the halal management aspect, the organization needs to have an efficient halal management system to ensure that the integrity of halal is maintained during the operation of an organization. Halal management is the process of choosing Halal approved suppliers, ensuring the authenticity of raw materials, maintaining the documentation system, training of employees, premises cleanliness and the constant check of the production process. In the present case, the problems that emerged showed that there was no correct provision for communicating the information about the halal status of products to the consumers.

Also, to ensure there are no elements of uncertainty (syubhah) or misconduct throughout the supply chain, the organisation needs to have a Halal Assurance System (HAS). This system has been developed to ensure that all materials, processes and activities used with a product always meet Shariah requirements. Failure to certify a product marketed as halal suggests an absence of good implementation of the halal assurance system as the pillar of running a food business.

The Halal Standards for Malaysia is based on internationally recognised Malaysia Standard MS1500:2019, which provides general requirements for the production, preparation, handling and storage of halal food. This standard mainly focuses on ensuring that all ingredients used in the production of a halal food product are free from any prohibited ingredients, the product is not contaminated by any impurities (najis), and the process is carried out with equipment and methods that are consistent with Shariah principles. The other main requirement of the standard is to provide clear segregation between halal and non-halal materials, to ensure cross-contamination does not occur.

It is worth noting that the halal purity of a product is fundamental to the principles outlined in Malaysia's halal standards, and that this principle is being violated by giving misleading information to the consumers. If a product is not made with any of the prohibited ingredients, it still cannot be promoted or labelled as halal without having gone through the necessary verification and certification process. This is because, unlike certifications for other products, halal certification also looks at the whole management system and business operations that are related to the product.

In terms of regulation, the Department of Islamic Development Malaysia (JAKIM), in collaboration with the State Islamic Religious Councils and the State Islamic Religious Departments certifies halal in Malaysia. Products and food premises can only bear halal logos which have been issued or accepted by relevant authorities. If you use a halal logo, a logo similar to the official halal logo or make halal claims that consumers may have been misled by, you are committing an offence and may be subject to legal action.

In the *Tan Jye Yee* case, the regulation of false or misleading representations with regard to halal status of products may be a violation of the Trade Descriptions Act 2011. It is an offence under the Act and the Trade Descriptions (Certification and Marking of Halal) Order 2011 for a person or business to describe, advertise, label, display or represent any product as halal without having valid halal certification from the competent authority. Any use of logos, symbols, statements or any form of representation that might cause consumer to think that the product is halal while it has not been officially certified would be deemed misleading and could lead to prosecution. This is not just against the consumer protection law but also against Malaysia's halal certification system.

From the Shariah perspective, false information regarding the halal status of a product is contrary to the Islamic principles of trustworthiness (*amanah*), honesty, and transparency in business transactions (*muamalat*). Islam prohibits all forms of deception and the concealment of facts that may lead consumers to make decisions based on inaccurate information. Therefore, the misuse of halal status is not only a violation of the law but also an offence from the perspective of Islamic business ethics as it violates upon consumers rights to obtain accurate information regarding the products they consume.

Health Implication

When we speak about health implications, it is referred to our environment, our daily life and routines and it is including our choices through our body and minds. It is also known as tangible and intangible ways. For example, air, water, foods and spaces. Each breath that we take connects us directly into our body. Besides, it can influence our respiratory system, our cardiovascular health and our blood pressure. Basically, it has many categories. First, direct implications, it is known as a direct result due to the exposure and the action for the people. For example, accident or the injuries from the workplace and lung damage because always smell of the smoke.

Besides that, indirect implications. Generally, it is known as secondary consequences. So, it is not directly and immediately entered our bodies. For instance, family crisis, economic downturns can affect individual life because it can lead to stress, mental health issues and others. So, it requires more support and more understanding from family, friends and society to fulfil a better life.

In this case, it is related to bak kut teh. Bak kut teh is one of the types of meat rib soup especially pork or pig which it is cooked with traditional Chinese herbs. Plus, it also reported that bak kut teh is originated in Klang (Muhamad,2023). A study has found that bak kut teh may cause liver damage. This is supported by the fact that a woman in Victoria had suffered liver damage after eating bak kut teh soup (Boisvert,2022). Other than that, soup such as bak kut teh may also be toxic to liver cells. A laboratory study by the University of Adelaide prove that food containing herbs are toxic. Individuals with pre-existing liver conditions or those on prescription medication should be alert and careful to this potential side effect (Gaskin,2022). In this case, the bak kut teh posted on social media could pose a risk to the community. It also may mislead Muslim consumers regarding the halal status of the food and create confusion about what is permissible and good for consumption in our bodies.

Conclusion

Therefore, the case underscores the necessity of having awareness about halal and communication in food products-related issues. The incident highlights the need for the consumers (in this case, Muslims) to be aware that they can be misled by the images or captions and hence undermine their trust in the halal assurance system. In terms of halal management, standards, and regulations, all information dissemination should be accurate, transparent, and respectful to halal sensitivities, both for businesses and individuals. Hence, increased awareness and adherence to the halal requirements, as well as enforcement of the applicable regulations, are crucial to ensure the integrity of Malaysia's halal ecosystem and protect consumer interests.

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