

## Challenges in Implementing Indonesia's Halal Product Assurance Law: An Analysis of Legal Uncertainty, Supervisory Systems, and Legal Culture

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**Abstract:** *The presence of the government, which guarantees the availability of halal products and services through the JPH, Law has not provided legal certainty for Muslims to consume halal goods and services because they are still found circulating in the market without certification. This research aims to explore the complexity of problems in implementing JPH. The method used is qualitative with a normative and empirical approach. The analysis was carried out using Lawrence Friedman's legal system theory, which is relevant to Soerjono Soekanto's legal effectiveness theory, Robert W Mockler's legal supervision theory, and Philippe Nonet and Philip Selznick's responsive theory. This research concludes: first, legal uncertainty is caused by regulatory uncertainty due to rapid regulatory changes without good coordination between stakeholders. Second, a monitoring system that has not been integrated causes technical problems to be resolved slowly. Third, legal culture, such as literacy, knowledge, and legal awareness of the community and business actors, is inadequate. This research contributes as evaluation material in the implementation of JPH because it is comprehensive by using several legal theories as a guide for problem analysis. This evaluation material will have implications for improving the Authority's performance in the future.*

## Introduction

The obligation of Muslims to consume halal products is regulated in the Quran, Surah al-Baqarah Verse 168. Business actors as suppliers of goods are obliged to ensure that their products are halal through halal certification. The use of an Islamic brand alone can reflect the halalness of the product and thus have an impact on consumer confidence in the halalness of the product (Aseri et al., 2025; Haryati et al., 2024; Hakim & Putri, 2022). Thus, halal products can instill and provide justice values for business actors, producers, distributors, and consumers (Nashirudin & Ulfah, 2024).

The issue of halal has become a major topic in the development of Islamic economics in the global world. Global development agencies such as the United Nations High Commissioner for Refugees (UNHCR) and the World

Bank are observing Islamic philanthropy as a source of funding to support the halal industry in the halal food, halal pharmaceuticals, halal cosmetics, fashion, Muslim-friendly travel, media, and Islamic-themed recreation sectors (The Global Islamic Economy report, 2023). The halal market is needed not only by the Muslim consumers but also by the non-Muslims (Akram, 2020).

This non-exclusive halal industry associates halal with consumer ethics. This means that the values promoted by the concept of halal have the same meaning and importance for Muslims and non-Muslims (Elasrag, 2016). There are three factors driving the rapid growth of the global halal market. *First*, the Muslim population is quite large and will continue to grow rapidly. In 2012, United Nations Statistics showed that the annual growth of the Muslim population was around 6.4% compared to 1.46% for the Christian population. The ratio of the Muslim and Christian populations in the world is 1:5 (Awang et al., 2014). Even in the next 20 years, the world's Muslim population is expected to increase by about 35 percent, rising from 1.6 billion in 2010 to 2.2 billion in 2030 (Cooperman et al., 2018). On the other hand, Surkes (2017) stated that between 2010 and 2050, the Muslim population is projected to have a growth rate of about 73 percent (KNEKS, 2023).

*Second*, economic growth can increase the purchasing power of Muslims. *Third*, there is potential for halal markets in non-Muslim countries and halal industry players (Azam & Abdullah, 2020). On the other hand, the growth of the halal industry as one of the indicators of the Islamic economy is driven by five factors, namely: (a) a large Muslim youth population; (b) the prosperity of Muslim consumers; (c) the centrality of Islamic values to the lifestyle and consumption patterns of Muslim consumers; (d) increased digital connectivity and e-commerce in Muslim-majority countries; and (e) the intersection of Islamic values with sustainable and ethical consumption patterns (The Global Islamic Economy Report, 2023).

The other evidence shows that in 2023, Muslim consumer spending across all halal economic sectors, such as food, pharmaceuticals, cosmetics, modest fashion, travel, and media and recreation, reached US\$2.43 trillion and is projected to increase to US\$3.36 trillion by 2028 (Kawsar, 2025). In fact, the global Muslim spending projections for halal product sectors or halal lifestyles are expected to have grown rapidly in 2022 since 2016, as shown in the following table 1:

Table 1. Global Muslim halal product spending projections (US\$ billion)

Number	Types of halal products	2016	2022
1	food and beverages	\$1,245	\$1,930
2	halal travel	\$169	\$283
3	fashion	\$254	\$373
4	halal and tourism	\$198	\$281
5	halal medicines,	\$83	\$132
6	halal cosmetics	\$57	\$82

Source: Thomson Reuters Global Islamic Economy Report 2017/2018 (Kawsar, 2025)

Table 1 shows that global Muslim spending is projected to increase across all types of halal products from 2016 to 2022. It is clear that halal has become a significant global lifestyle trend. Even countries in the ASEAN region are committed to promoting the availability of halal products in order to face the ASEAN Economic Community (AEC). It is because the majority of the population in this region (Sulaksono & Azizah, 2022). Legally, the goods and services circulating in the global market, including the AEC market, can be certified as halal by the Halal Product Assurance Organizing Body (BPJPH) or by certification bodies in each country that have been recognized by BPJPH based on established standards (Setyaningsih & Marwansyah, 2019).

The development of halal products and halal lifestyles at the national and global levels has led the Indonesian government, through the Halal Product Assurance Organizing Body (BPJPH), to ensure that products entering, circulating, and traded in Indonesia are halal certified as stipulated in Article 4 of Law Number 33 of 2014. The binding force of this law should be a certainty, but in reality, there are still products and services produced by businesses circulating in the market that are not halal certified. There is still inconsistency among businesses in maintaining the halal status of their products.

Several studies have focused on the halal theme, but they remain partial. Aceh government's policy on halal tourism, through Qanun Number 13 of 2013, has influenced the annual increase in tourist arrivals, particularly from Malaysia, except in 2020 due to the COVID-19 pandemic (Manan et al., 2023; Siregar et al., 2024; Suud et al., 2024). Rahayu and Abbas (2024) examined the regulatory policies for halal tourism and food in Aceh using the pentahelix model. In practice, government policies have not synergized with the pentahelix model of tourism and halal food product assurance. This has led to negligence in protecting consumer rights, low quality and diversity of tourist attractions, limited availability of accessibility services and quality tourism facilities, making it difficult for the government to reach potential markets (Primadona, 2025; Rahayu & Abbas, 2024). Nilam Sari examined the satisfaction of one hundred business owners in Banda Aceh with halal certification services. Several variables significantly influenced their satisfaction, namely reliability, responsiveness, certainty, empathy, tangible evidence, and price. Most business owners selling foreign products experienced multicultural discrimination in Aceh. Certification, through halal recognition, differs between countries that have partnered with Indonesia and countries that have not (Sari et al., 2025).

Furthermore, Amin has examined the emergency situation of vaccinations and medicines containing hazardous substances. The concept of emergency is used to assess the level of public need for vaccines and medicines. The permissibility of using vaccines and medicines in emergency situations of a necessary nature does not mean that non-halal vaccines and medicines containing the hazardous substances are legally permissible (Amin et al., 2024). Wicaksono highlighted the existence of LPH at UIN IAIN Jember as a representation of the government not yet involving all levels of society in driving the Halal Assurance System because there is potential for indigenous communities whose involvement in supporting the JPH system has not been

touched (Wicaksono et al., 2023). Suaidi and Sodikin has conducted a study of *Tompangan* transactions in Sumenep as a tradition and culture that has been implemented by the community for a long time. At first, it contained the meaning of togetherness and mutual help, but in the end, the practice of *tompangan* experienced a shift in meaning where *tompangan* had a negative impact on the family's sustainability (Suaidi & Sodiqin, 2025).

The halal study in article is not concerned with the halal object referred to in the JPH regulations, but rather with the context of social relations. On the other hand, Deuraseh has conducted a study focusing on the halal status of pet food, such as cat food. This theme is motivated by the trend of changing lifestyles in which keeping cats has become a necessity. According to statistics from the United States, more than half of Americans keep dogs or cats at home. Meanwhile, 45 percent of households in Romania keep cats, and 9 percent of households in Australia keep them at home. Cats live side by side with humans and are even integral to their daily lives. Therefore, the studies on the provision of halal food for pet cats are also necessary to ensure that Muslim communities living alongside pet cats maintain halal status. Legally, this is not yet regulated in the JPH legislation (Deuraseh & Asli, 2022).

Furthermore, Aam and co-author explain in their research that the complexity of JPH lies in halal governance, which covers four issues: first, infrastructure, namely basic capital, facilities and infrastructure, and human resources for the implementation of halal product assurance. Second, technical aspects, which are matters outside the JPH infrastructure. Third, regulations, which are rules or regulations in the halal sector. Fourth, interrelationships, which are the relationships between institutions that manage halal product assurance (Rusydiana et al., 2023). This research focuses on JPH governance using a social science approach. The author intends to continue this halal study with a comprehensive legal approach, employing legal system theory, legal effectiveness, legal supervision, and responsive theory as the analytical tools.

This main issue raises the following research questions: First, how do regulations govern the implementation of the Halal Product Guarantee amid the lack of legal certainty? Second, how does the Halal Product Guarantee Authority carry out its supervisory function? Third, how do Muslim communities and business actors respond to the obligation of halal certification? These three issues aim to analyze the legal complexities that pose obstacles to the implementation of Halal Product Assurance (JPH) in Indonesia.

## **Method**

This study combines normative and empirical methods to examine the issue comprehensively. The data used is primary data in the form of open questionnaires filled out randomly by regular and self-declared business actors, Halal Inspection Agencies (LPH), Halal Process Assistants (PPH), Halal Supervisors, online and offline interviews with LP3H administrators, Regional Halal Certification Service Task Forces, and BPJPH. Meanwhile, secondary data consists of regulations or legislation related to halal product guarantees.

To analyze the issues that have been formulated, the researcher uses Friedman's Legal System Theory (Friedman, 1975), which is relevant to Sorjono Soekanto's Theory of Legal Effectiveness (Abraham, 2021) to identify the factors that have prevented the creation of legal certainty. Friedman explains that the effectiveness of law is determined by three elements, namely legal substance, legal structure, and legal culture. Meanwhile, Sorjono Soekanto explains that the effectiveness and success of law are determined by the law itself, law enforcement, legal means and facilities, community factors, and legal culture.

To reveal the performance of the authorities, in this case BPJPH and its partners, the researcher used Robert W. Mockler's supervision theory (Sebastian, 2023) and Handoko's framework. Mockler explains that good supervision is supported by several elements, such as setting performance standards, designing feedback information systems, comparing actual performance with standards, determining and measuring deviations, and taking corrective action. Meanwhile, the principles of supervision are focus, exception, flexibility, objectivity, timeliness, and prevention. Handoko also pointed out that good supervision is carried out in stages: (a) setting standards; (b) setting measures for activity implementation; (c) measuring activity implementation; (d) comparing implementation with standards and analyzing deviations; and (e) taking corrective action (Handoko, 1984).

In addition, to examine the response or legal culture of the community and business actors to halal certification requirements, the researchers used Philippe Nonet and Philip Selznick's Responsive Theory (Nonet & Selznick, 2017), which explains that the laws adopted and enforced in a community are determined by the system of government. A country's political will to comprehensively implement laws, including in the administration of the JPH, can create a good legal culture.

## **Results and Discussion**

### **Confusion over Halal Product Assurance Regulation**

The confusion regarding Halal Product Assurance regulations and policies has led to legal uncertainty. It can be defined as overlapping regulations, frequently changing rules, and complex and unintegrated technical implementation standards. Although the majority of business owners understand that the products they sell must be halal, some MSMEs reject this policy, as explained in a study in the Al-Hikam journal (Asnaini et al., 2025).

Following the enactment of Law Number 33 of 2014, the administration of Halal Product Assurance was transferred from the Assessment Institute for Food, drug, and Cosmetics, the Indonesian Council of Ulama (BPPOM MUI) to the government through the Halal Product Assurance Organizing Body (BPJPH). This law mandates that the government provide legal certainty regarding the halal status of products circulating in Indonesia based on measurable standards. Given the number of businesses producing a wide range of products, from MSMEs to large enterprises, the law mandates the establishment of LPHs throughout Indonesia and even recognizes foreign halal institutions (LHLN) that meet BPJPH standards. The establishment of

government and community LPHs aims to accelerate the halal certification process, improve the accessibility of services, make them affordable, fast, and professional, and create a comprehensive halal ecosystem. Therefore, LPHs, as institutions that examine the halal status of products using standardized laboratories, are not concentrated in just one institution such as LPPOM. The establishment of LPHs under the coordination of the government and the community in accordance with national standards is a major program of BPJPH. Currently, LPPOM is one of several LPHs in the Community LPH category.

Amidst the refinement of regulations governing halal product certification, the implementation of JPH faces several issues. Among them are: (1) the conflict of authority between the state, in this case BPJPH, and LPPOM-MUI, which existed prior to the enactment of the JPH Law; (2) BPJPH does not yet have good governance, in addition to insufficient human resources readiness; (3) there are not many LPHs other than LPH LPPOM MUI, LPH PT Sucopindo, and LPH PT Surveyor; (4) halal certification is more dominant in targeting large businesses, thereby neglecting MSMEs; and (5) the growing enthusiasm of business actors to obtain halal certificates is not yet balanced with the equipment and human resources of halal service providers in provinces and regencies/cities (Rusydiana et al., 2023). This issue has caused delays on the part of the government, in this case BPJPH, in following up on technical implementing regulations, as this requires effective coordination and consolidation with the relevant parties. Tim Lindsay and co-author explain that one of the reasons for the difficulty and complexity of law enforcement in Indonesia is the complexity of processes, procedures, and coordination between relevant agencies and ministries in the formulation and enforcement of laws. Bureaucratic and political interests constantly trigger the process of law formation and enforcement (Lindsay & Butt, 2018).

On the other hand, the presence of the Ciptaker Law also causes its own complications, resulting in overlapping regulations on JPH. The self-declaration stipulated under the Ciptaker Law is considered unconstitutional because it has no binding force when linked to the principle of *lex superior derogat legi inferiori*. In addition, the Ciptaker Law does not have the legitimacy to be considered a law because it does not meet the minimum threshold of morality criteria introduced by Lon L. Fuller (Musataklima, 2021). There are several complexities or confusions resulting from the Ciptaker Law on the implementation of JPH. First, efforts to adjust and harmonize Halal Product Assurance regulations after five years of technical regulations being issued faced changes when Law Number 11 of 2020 on Job Creation was passed and implemented. Second, although Article 4 of the JPH Law remains unchanged, several amended articles regarding certification requirements may reduce the substance of the Halal Product Guarantee. For example, Article 42 of the JPH Law states that halal certificates for business operators are valid for four years from the date of issue and can be renewed. This four-year period has been changed by the Ciptaker Law to "valid forever" unless there are changes in ingredients, packaging, and other aspects. In fact, the government, through technical regulations, has already regulated the procedures for renewing halal certificates as stipulated in Articles 82-84 of Government

Regulation Number 39 of 2021 concerning the Implementation of Halal Product Guarantee. Legal norms such as this create ambiguity and legal uncertainty in the implementation of halal product assurance. Theoretically, this ambiguity and uncertainty are not inherent but are caused by disagreement in the formation of the law (Sebastian, 2023).

Third, the Ciptaker Law mandates the implementation of self-declaration in the halal certification process for micro and small businesses (MSBs) by stating that their products are halal without laboratory testing. The BPJPH SEHATI program to provide free certificates to 1 million MSME actors, on the one hand, provides relief for MSMEs but, on the other hand, leaves problems. The instruments that determine MSMEs are the amount of turnover and annual turnover. Article 6 of Law Number 20 of 2008 explains that micro businesses have capital, excluding land and business premises, of at most IDR 50,000,000 and annual turnover of at most IDR 300,000,000, while small businesses have turnover between IDR 50,000,000 and annual turnover of at least IDR 2.5 billion. If the requirement for self-declaration for MSMEs is a simple production process, then the types of MSMEs in Article 6 are irrelevant. In addition to MSMEs, there is the term “ultra-micro” as defined in Minister of Finance Regulation (PMK) Number 5 of 2020, Article 20, Paragraph 4. The maximum size of an ultra-micro business is IDR 20 million. The self-declaration domain is more appropriate for ultra-micro businesses if the requirements are simple. Due to the uncertainty of the nominal amount for MSMEs to obtain the opportunity for self-declaration, the distribution of the SEHATI Program is not on target. Based on interviews with several LP3H and Halal Process Assistants (PPH) from several regions, it is known that many business actors under the criteria of Article 6 certify their products through self-declaration. In addition to considering their business type to be MSME, in several regions of Indonesia there are those who do not yet have a Halal Inspection Agency. Meanwhile, many ultra-micro businesses have not yet obtained halal product certification.

Fourth, the absolute nature of Article 4 of the JPH Law, which ensures that all products entering, circulating, and traded in Indonesia must be halal certified, is mitigated by Article 92 of Government Regulation (PP) Number 39 of 2021 regarding “Non-Halal Information,” which was passed after the Ciptaker Law. This article renders the halal certification requirement abstract because it does not mean that non-halal products are prohibited from entering, circulating, and being traded in Indonesia. Paragraph 1 of Article 92 of PP No. 39 of 2021 explains that if a business entity produces products derived from prohibited ingredients, it is required to include a “non-halal statement” in the form of an image, mark, and/or writing on the product packaging, a specific part of the product, and/or a specific place on the product as explained in paragraph 2.

The main objective of the Omnibus Law is to streamline and reduce legal obesity and harmonize legislation. In this way, policymakers can easily make decisions because the regulations are uniform. However, this system has weaknesses that undermine the democratic process and the rule of law, particularly in terms of due process of lawmaking, such as a decline in the quality and level of trust in the parliamentary deliberation process, a decline

in public participation, and a decline in the quality of substantive debate on issues of public interest (Asshiddiqie, 2020). The main objective of the Omnibus Law is to simplify and reduce excessive regulatory burdens and harmonize legislation. In this way, policymakers can easily make decisions because the regulations are uniform. However, this system has weaknesses that threaten the democratic process and the rule of law, particularly in terms of fair legal processes in lawmaking, such as a decline in the quality and level of trust in the parliamentary deliberation process, a decline in public participation, and a decline in the quality of substantive debate on issues of public interest (KADIN, 2024).

The following is a summary of the legal complexities involved in implementing Halal Product Assurance, explained in detail in table 2.

Table 2. Complexities in Implementing JPH

No	Issue	Description
1	There is no formulation yet for the transfer and handover of the roles and functions of the BPPOM that existed prior to the Halal Product Assurance Law to the BPJPH.	BPJPH has designated BPPOM as a Halal Inspection Agency, similar to other LPHs that have been issued operational permits by BPJPH.
2	The complexity and difficulty of BPJPH coordinating and consolidating with other institutions and ministries in carrying out its roles and functions as mandated by laws and regulations.	Example: In terms of JPH supervision, BPJPH requires coordination and cooperation with the Ministry of Health, the Ministry of Industry and Trade, the Ministry of Foreign Affairs, and representatives in each region.
3	Several clauses in the Ciptaker Law have reduced and changed existing clauses in previous regulations in a short period of time, while technical regulations have been standardized by BPJPH.	Example: 1. The Ciptaker Law revokes the validity period of halal certificates issued by BPJPH for a period of four years when there are already regulations governing the certificate renewal process. 2. The Ciptaker Law allows local and foreign products containing non-halal ingredients to circulate in Indonesia on the condition that a non-halal statement must be made for these products beforehand.
4	The Ciptaker Law and its derivative regulations have not yet clarified the nominal asset criteria for MSMEs that fall into the category of businesses permitted to self-declare, thus giving rise to multiple interpretations among business actors in the field.	There are three legal norms governing the nominal value of MSME assets, namely: 1. Law No. 20 of 2008 on MSMEs explains that micro businesses have assets below IDR 50,000,000, small businesses have assets above IDR 50,000,000 to IDR 500,000,000, and medium enterprises have assets above IDR 500,000,000 to IDR 10,000,000,000 (10 billion). 2. PMK Number 193 of 2020 concerning Ultra



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Micro Financing explains that ultra micro businesses have capital below IDR 20,000,000. and 3. Government Regulation No. 7 of 2021 concerning Facilitation, Protection, and Empowerment of Cooperatives and Micro, Small, and Medium Enterprises explains that the criteria for micro enterprises are those with capital of up to IDR 1,000,000,000 (1 billion), small enterprises are those with capital of more than IDR 1,000,000,000 (1 billion); to a maximum of IDR 5,000,000,000 (5 billion), and medium enterprises have capital of more than IDR 5,000,000,000 (5 billion) to a maximum of IDR 10,000,000,000 (10 billion).

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Source: Author's creation.

### **Halal Product Assurance Institutional Authority**

Within the Halal Product Assurance system, there are several institutional bodies, each with its own functions and authorities, that collectively support the continuity of the halal certification process. The Halal Product Assurance Organizing Body, Regional Halal Product Assurance Service Task Force, Halal Inspection Body, and Overseas Halal Authority are key components that form this institutional structure. The presence of these various institutions demonstrates that halal product assurance is an organized system involving multiple coordinated entities working together to achieve the goal of protecting Muslim consumers.

#### **1. Halal Product Assurance Organizing Body**

The legal structure in the context of JPH is considered important in terms of implementation and supervision by the authorized institution, namely BPJPH. In carrying out its macro functions of implementation and supervision, BPJPH can collaborate with relevant ministries such as the Minister of Health, Minister of Home Affairs and Foreign Affairs, and Minister of Trade and Industry. In addition, it also cooperates with government and non-government institutions, community organizations, universities, the Indonesian Council of Ulama (MUI), and the general public. Meanwhile, at the micro level, the supervisory function can be carried out by BPJPH with related institutions within the Ministry of Religious Affairs, such as the Regional Halal Product Service Task Force in each region, LP3H, LPH, LHLN, Halal Supervisors, PPH Assistants, and the general public. The BPJPH and stakeholders are considered to have not yet maximized their functions in implementation and supervision.

In Indonesia, policies on the implementation and supervision of Halal Products have not been integrated between BPJPH and the agencies and institutions mandated by law as its partners, such as the Ministry of Health,

the Ministry of Industry and Trade, the Ministry of Foreign Affairs, and the JPH Service Task Force at the regional level. Difficulties and weaknesses in coordinating the involvement of the aforementioned agencies and institutions have prevented the BPJPH from maximizing its supervisory function. The elements and principles of supervision as described in Robert J.M. Mockler's theory are difficult to implement. The elements of supervision referred to are the setting of performance standards, the design of a feedback information system, the comparison of actual performance with standards, the determination and measurement of deviations, and the taking of corrective action. Meanwhile, the principles of supervision are the principles of focus, exception, flexibility, objectivity, timeliness, and prevention.

Although several efforts to establish JPH implementation standards have been made and carried out by BPJPH, such as LPH accreditation standards and the competence of human resources involved in the halal certification process, such as halal auditors, Sharia human resources, halal assistants, and halal supervisors, feedback control from JPH stakeholders and a competent information system design have not been able to enable BPJPH to ensure good supervision in the implementation of JPH. Supervision also cannot yet be carried out systematically and comprehensively as described in Handoko's theory of supervision stages, namely: (a) setting standards; (b) setting measures for activity implementation; (c) measuring activity implementation; (d) comparing implementation with standards and analyzing deviations; and (e) taking corrective action (Handoko, 1984).

The sectoral egos between ministries or state institutions also become obstacles in carrying out supervisory functions by authorized authorities because in the planning and process of regulation formation, these sectoral egos become a major obstacle (Susetio, 2013). This can be seen in the ongoing debate on the revision of Government Regulation No. 39 of 2021. A reliable source involved in the revision process explained that one of the issues in the revision relates to the obligation of every government agency to budget for halal certification costs for MSMEs. There is still no agreement among the relevant authorities on budgeting for MSMEs certification costs as a form of their involvement in halal product assurance supervision as mandated by law. Even Tim Lindsay once criticized that one of the reasons why the legislature cannot draft laws that are in line with their original objectives, such as the national legislation program, is because they are hampered by complicated processes and procedures, including coordination with relevant ministries. Bureaucratic and political interests always color the law-making process (Lindsay & Butt, 2018).

Unlike Malaysia, where the monitoring system for product assurance and halal certification has been running well, cooperation between agencies and institutions in the monitoring system is already integrated. The Halal Label is a trademark on business operators' products, similar to patents and copyrights. JAKIM, as the owner of the Halal Label, registers its logo with the Ministry of Domestic Trade and Consumer Protection based on the Trademark Law of 1976. Therefore, businesses consider the halal logo important to attract consumer confidence because their right to obtain halal products is protected. It is understandable that JPH supervision in Malaysia can be carried out

through cooperation between JAKIM and relevant ministries such as the Ministry of Domestic Trade and Consumer Protection (Musa & Jalil 2012).

## 2. Regional Halal Product Assurance Service Task Force

The Task Force, as an extension of BPJPH in implementing halal product assurance at the provincial and regency/city levels, has also been unable to perform its functions and duties properly. The strategic tasks of the Task Force in terms of designing work programs for JPH services, socialization, education, and literacy of JPH to the community, guidance and supervision of JPH at the regional level, coordinating and communicating with local governments, data collection on business actors and their associations, and reporting to the BPJPH have been explained in the Decree of the Minister of Religious Affairs (KMA) Number 82 of 2022 concerning the Provincial Halal Product Service Task Force.

Based on interviews with several task forces from Pekanbaru, Palembang, West Sumatra, Bali, and Palopo, it was explained that the socialization and supervision of JPH in the regions could not be carried out optimally by the task force because the tasks assigned to it were not its main or primary tasks. Within the structure of the Provincial Office of the Ministry of Religious Affairs, the Task Force is also not an autonomous institution like the BPJPH, but the Head of the Task Force is ex-officio the Head of Administration, who oversees the secretary and three members of the task force from the State Civil Apparatus (ASN), namely from the Islamic Guidance Division personnel at the Provincial Office of the Ministry of Religious Affairs.

This type of organizational governance limits the Task Force's ability to carry out its duties and functions because its tasks become additional tasks on top of its main duties related to religious affairs. The practice of assigning the Head of Administration to also serve as the JPH Task Force at the regional level is tantamount to dual office holding. May Lim explains that the polemic surrounding dual office holding in the context of state administration in Indonesia has implications for the poor bureaucratic culture in the process of good governance (Charity, 2016). One of the indicators of good governance in the World Bank's 1992 report booklet is the provision of effective and efficient public services. This means that the public sector plays an important role in society because, if public services are oriented towards serving citizens, the bureaucratic system will function well and corruption will be minimal (Huther & Shah, 2005). It is understandable that the dual roles of the Head of Administration of the Provincial Office of the Ministry of Religious Affairs and the JPH Task Force at the regional level have implications for the poor implementation of the JPH system in terms of socialization, education, literacy, data collection on business actors, and JPH supervision.

## 3. Halal Inspection Body

The Halal Inspection Agency is tasked with inspecting and ensuring the halal status of business operators' products and services. The working standards of the Halal Inspection Body (LPH) are regulated in accordance with the accreditation standards set by BPJPH. There are several findings in the LPH accreditation regulations: First, related to the LPH institution. The SNI

ISO/IC 17065:2012 standard requires the legality and formation of the LPH organizational structure to be affiliated with the government and established by the community. This instrument gives rise to multiple interpretations. a. Is the LPH a legal entity or a non-profit institution that provides public services? If the legality of the LPH is based on a decree from an authorized official in a government agency or state university, then the LPH is a non-profit institution that provides public services. The operational costs and salaries of LPH managers and Halal auditors are borne by the state. Meanwhile, the Community LPHs affiliated with mass organizations, private companies, private universities under the State Higher Education Institution of Incorporated Legal Entity (PTNBH), are business entities that do not function as public services. Operational costs and salaries for managers and halal auditors are borne by the LPH. Of course, LPHs that are public service entities and business entities with or without legal status differ in the fees charged to business operators. However, in reality, the fees charged to business operators who register their products with government and community LPHs are the same. b. From a legal administrative perspective, if the LPH is a public service, then the legal administration of the LPH takes the form of a decree from the administrator, Halal auditors, and Sharia Human Resources, which is possible with a decree from the authorized official. However, if the LPH is a legal entity, in addition to the assignment of the administrator, Halal auditor, and Sharia Human Resources based on a decree from the authorized official, it must also include a Business License from the Ministry of Law and Human Rights, accompanied by Memorandum of Association/ Articles of Association (AD/ART).

Specifically for LPHs under foundations, their administrative legality complies with Law No. 28 of 2004 concerning Amendments to Law No. 16 of 2001 concerning Foundations. Article 5 paragraph (1) of Law No. 28 of 2004 states that the assets of a Foundation, whether in the form of money, goods, or other assets obtained by the Foundation based on this law, are prohibited from being transferred or distributed directly or indirectly, whether in the form of salaries, wages, honoraria, or other forms that can be valued in money to the Board of Trustees, Management, and Supervisors. This means that business entities under the Foundation are under the coordination and supervision of the founders, administrators, and supervisors. The business entity manager is accountable to the supervisor. In the case of LPHs under foundations and/or LPHs at private universities under foundations, the administrative legality may include the foundation's establishment permit and the decree of the management, halal auditor, and Sharia Human Resources from the Supervisor, not the Rector's decree from the Private University because the LPH as a business entity is at the same organizational level as the university leadership, which is also a Foundation Business Entity.

Based on the author's assessment and monitoring of the results of the LPH assessors' assessments in the assessment forum assigned by BPJPH as the BPJPH assessment and accreditation team based on the Decree of the Head of BPJPH No. 154 of 2022 and the author's findings as an assessor in the field show that the issue of legality and administrative licensing of LPHs has implications for unhealthy competition between government and community

LPHs in seeking business actors as clients whose products will be inspected. In fact, PT Sucopindo's LPH conducts market analysis of halal products both in Indonesia and abroad when dealing with other competing LPHs such as LPPOM MUI. The real condition of Sucopindo's LPH, which has only been operating for 1 year, compared to LPPOM MUI, which has been operating for 30 years. PT Sucopindo implements market penetration, market development, and horizontal integration strategies in addition to being creative and innovative. Before the JPH Law was passed, halal certification was voluntary and only produced around a thousand (1000) halal auditors certified by LPPOM MUI. Hakim, Chairman of LPPOM MUI, emphasized that according to data from BPS 2019 and Kemenkop UKM 2018, Indonesia still needs 24,000 (twenty-four thousand) new halal auditors. Therefore, the Strategic Management Evaluation conducted by PT. Sucopindo used the SWOT Analysis method, considering two factors: external and internal. One of the threats in the external factor is the BPPOM MUI, which has been operating for 30 years (Hardiani & Haque, 2020).

On the other hand, competition among LPHs is determined by the amount of audit costs incurred by business actors. Business actors will seek lower audit costs and more professional management with short turnaround times in accordance with regulations. For example, there are several types of fees at LPHs, namely: LPH PT. Sucopindo, LPH LPPOM MUI, LPH UTM, and others. At PT. Sucopindo, the halal certification fee for MSMEs is IDR 350,000, while for medium and large businesses, it varies depending on the type of product. However, the fees listed on their websites are administrative fees only and do not include laboratory inspection costs, accommodation, and transportation. At LPH LPPOM MUI, although the nominal amount has not yet been determined by researchers, the cost components are already known to applicants for halal certification from the outset of online registration through the LPPOM MUI Cerol-SS23000 Online Halal Certification System. The cost components consist of professional halal auditor fees, audit fees, and halal certification fees (Nadha, 2021).

Amidst fierce competition among large LPHs in performing product inspection functions, small and newly established LPHs also lose out in competition among LPHs due to limitations in infrastructure, poor service and information systems, and high costs. Indirectly, this phenomenon of unhealthy competition results in LPH performance that is not yet optimal overall. Of course, this needs to be proven in further research. Both financial systems can be adjusted to the type and nature of the institution. If the LPH is a government-affiliated public service, then its financial system is adjusted to existing financial regulations. Meanwhile, LPHs that are business entities adjust to the financial system of their legal entity or non-legal entity business organization.

Third, regarding the operational scope of Primary and Main LPHs. Regulation of the Head of Agency (Perkaban) Number 1 of 2023 concerning LPH Accreditation Guidelines explains that the scope of LPH Pratama extends to the province, while LPH Utama, in addition to the province, can also cover foreign products that have not been certified by LHLN, which has been recognized by BPJPH through Mutual Recognition Agreement (MRA). The

absence of restrictions on the type of business in terms of asset size and business turnover in the MSME and large business categories in the scope and range of business actors can create competition between LPH Pratama and LPH Utama and LPH public services and LPH Business Entities. The LPH Pratama segment will be dominated by LPH Utama such as LPH LPPOM MUI, LPH Sucopindo, LPH Surveyor, and so on. One of the Yarsi LPH supervisors stated that Yarsi LPH, as a Primary LPH, has difficulty attracting business actors to register their products for inspection at the LPH. Meanwhile, Primary LPHs are always improving to prioritize their market segments.

#### 4. Overseas Halal Authority

Overseas Halal Authority (LHLN) is an institution in another country that has the authority to issue halal certificates and is recognized by BPJPH in Indonesia through mutual certificate recognition cooperation. This means that LHLN has the authority to conduct product and service inspections and testing as part of the halal certification process for products in their respective countries. This is regulated by BPJPH Regulation Number 221 of 2025 concerning Procedures for the Implementation of Foreign Halal Certificate Registration.. Foreign halal products whose halal certificates are issued by LHLN can enter, circulate, and be traded in Indonesia if LHLN and BPJPH have established mutual recognition and/or mutual acceptance of halal certificates. The Halal Certificate issued by LHLN is the basis for fulfilling the mutual acceptance agreement between BPJPH and LHLN as stipulated in Article 122 of Government Regulation Number 39 of 2021. Meanwhile, international cooperation on halal product assurance can be carried out through the development of Halal Product Assurance, Conformity Assessment, and Recognition of Halal Certificates as regulated in Article 46 of Law Number 33 of 2014.

The LHLN accreditation standards established by BPJPH in collaboration with the National Standardization Agency (BSN) refer to ISO/IEC 17065. After observing the results of the assessors' assessments, it appears that each LHLN has a different social, political, and religious scope. The acceptance of halal products and LHLN by governments and communities in Asia and Europe differs from that in Southeast Asia and the Middle East. In Asia, such as South Korea, as a Muslim minority country, although there is no rejection from the government regarding halal certification, the implementation of halal certification by the Korean Muslim Federation has encountered obstacles in terms of the availability of inadequate human resources and Korean culture which is at odds with Islam (Chanifah et al., 2025). Therefore, they require cooperation with other Muslim countries in the form of accepting halal standards such as Indonesia.

In Europe, for example, although the potential of the halal industry is quite large, there are many challenges faced by halal industry players. Challenges include halal standardization, where it is difficult to meet the ISO/IEC 17065 standard, lack of data, animal rights, halal not being mandatory in many Muslim countries, and others (Azam & Abdullah, 2020). The challenges faced in developing the halal industry are multifaceted,

including the lack of agreement among Muslim countries at the global level on the obligation to consume halal products. Even when the issue of the halal industry is promoted globally, it sometimes faces the issue of Islamophobia (Akram, 2020).

Islamophobia continues to rise in Europe and other regions, such as Australia, Canada, and the United States. It has become a global phenomenon with many manifestations and appears in various layers of society. Islamophobia not only affects citizens in non-Islamic countries, but has recently taken on a new form, shifting its focus to the Islamic economy, particularly halal trade. Ruiz-Bejarano explores the many expressions of Islamophobia aimed at halting the growth of the halal market, as well as the various policies and attitudes of governments and institutions when faced with the need to balance economic growth with cultural misunderstanding and hatred. Various systematic attempts to weaken the halal food industry have been found to have been carried out by several Members of the European Parliament, such as claims of cruelty to animals raised by animal rights groups, bans on halal slaughter in the meat industry, online "boycott halal" campaigns, allegations of terrorism financing, threats and other expressions of hatred that have successfully prevented many businesses from accessing the growing halal market (Ruiz-Bejarano, 2017).

In determining the accreditation and/or conformity assessment of LHLN both those owned by the government and those owned by local Islamic religious institutions, through the mechanisms of assessment, inspection, and the signing of Mutual Recognition Agreements, social, political, and religious conditions have not been taken into account. In fact, not all LHLNs can meet the ISO/IEC 17065 standard. If some of the supervision of the JPH implementation schemes described above has not been effective, then law enforcement will also encounter difficulties and obstacles. There are no definitive legal provisions governing law enforcement for JPH violations, even though Chapter XIV of Government Regulation No. 39 of 2021 explains the administrative sanctions for violations of JPH implementation. Article 6 of the JPH Law does not explicitly grant authority related to law enforcement to the BPJPH, even though letter c explains that the BPJPH has the authority to issue and revoke Halal Certificates and Halal Labels on Products.

Although sanctions for violations of the JPH Law have been regulated as legal requirements or elements (Kansil, 1989), enforcement of violations has not been carried out, so the repressive element in Philipus M. Hadjon's theory of legal protection has not been fulfilled (Hadjon et al., 2005). This means that the government has not been fully able to ensure protection of the community's needs from non-halal products and services.

### **Legal Culture of Society and Business Actors**

The Legal culture in terms of knowledge and awareness among the Muslim community regarding obtaining and consuming halal products is still low. In 2023, data from the Pekalongan City Office of Trade, Cooperatives, and Small and Medium Enterprises (DINDAGKOP-UKM) showed that out of 23,650 culinary businesses, only 50% had halal certification (Ratnasari, 2023). In 2024, out of 1,215 MSME entrepreneurs in Ampel subdistrict spread across

10 villages, namely Gondang Slamet, Urut Sewu, Candi, Ngampon, Ngenden, Selodoko, Sidomulyo, Tanduk, Ngargosari, and Banyuanyar, only 336 entrepreneurs have certified their products (Handayani, 2025). In the same year, out of a total of 25,235 businesses in Pangkalpinang City, only 2,000 businesses obtained halal certification (Aswin & Destiana, 2025).

Based on interviews with several Halal Product Process Assistance Institutions, 101 Halal Product Assistants, 18 Supervisors, and open questionnaires, it appears that the Muslim community and business actors still have low legal knowledge and awareness of the urgency of halal certification. This is due not only to issues of literacy, education, and socialization, but also to weak supervision, governance, and law enforcement systems on the part of the authorities. The study in the journal *Juris* also showed that the annual increase in the number of business actors in East Java has not been matched by an increase in their legal awareness. This low level of legal awareness is evidenced by processed data and interviews with 450 business actors (Rofiah et al., 2024). The level of legal awareness among MSMEs in Serang, Banten, also faces similar challenges, with some even misusing the halal logo. MSMEs report that administrative requirements are very complicated (Sunardi et al., 2024).

Muslim consumers and businesses still feel comfortable consuming and selling products that are not halal certified. Although Article 53, Paragraph 2, letter b of the JPH Law in conjunction with Article 144, Paragraph 2, letter e and Paragraph 3 of Government Regulation Number 39 of 2021 already gives the public the authority to monitor halal products in circulation, it is still rare for the public to file complaints and report findings of products and services that have not been certified as halal to the BPJPH as mandated by Article 53, Paragraph 3 of the JPH Law in conjunction with Article 144, Paragraph 3 of Government Regulation Number 39 of 2021.

In responsive theory, Nonet and Selznick explain that there is a significant relationship between a country's system of government and its laws (Nonet & Selznick, 2017). In an authoritarian system of government, the law is subordinate to politics. This means that the law follows politics. In other words, the law is used only to support the politics of those in power. Conversely, in a democratic system of government, the law is diametrically separate from politics. This means that the law is not part of politics, but rather the law becomes the reference point for a nation's politics. In the context of low legal awareness among the public and business actors regarding halal certification requirements in Indonesia, the regulation of JPH or halal certification has not yet become a fully-fledged political will of the government. Although the government has been present to ensure the availability of halal products and services in several laws and regulations established through the political process, their implementation has not yet become an integral part of the further political process. As a result, the push to make halal certification mandatory has not been maximized, law enforcement against violations of established regulations has not been carried out, and the needs of the public and business actors for halal products and services have not yet fully become a basic requirement as a principle of democracy.



Not only Muslim communities and businesses, but Islamic organizations also still lack a good legal culture regarding JPH. At Bintang Swalayan Ponorogo, one of the NU Economic Institutions (LPNU), food and beverage products are still being sold without halal certification. In fact, one study in the Nurani Journal explains that millennial culinary entrepreneurs prioritize branding their business over using a halal logo (Haryati et al., 2024). This issue is seen as a result of a lack of awareness among producers and supermarket owners, who do not consider government product guarantees to be important. In addition, there are no investigations or market operations carried out by the authorities, and there are no sanctions for businesses that sell goods that have not been certified as halal (Arissandi, 2020).

In Malang, public and business actors' legal awareness regarding the implementation of JPH is also low. Some food producers' products do not yet have halal products. Several restaurants with chicken as the main ingredient are quite popular, and the Spicy Chicken Ceker business also does not have a halal certificate. There are many stalls, food stalls, restaurants and the like, which at first glance only write halal, but do not have an official logo or even a halal registration number from LPPOM MUI or BPJPH. After being identified, there are several factors that cause a lack of interest from business actors and the community regarding the implementation of JPH, including: first, low knowledge of business actors, especially MSME business actors, regarding JPH based on Law No. 33 of 2014. Second, the complicated process of obtaining a halal certificate (Al-Fatih et al., 2022).

In contrast to the knowledge and legal culture of Muslim communities which are identical to Malays in Malaysia, their need to consume halal production is the main basis for legal regulation of Halal products. The Legal awareness and public knowledge of halal products are implemented based on a human rights perspective and a federalism perspective. From a human rights perspective, halal products are a standard for food security because they include universal standards. The Malaysian Muslim community has the right to obtain halal products as a form of religious freedom for brands. Of course, the community's strong desire to obtain halal products helps maintain social cohesion because the Muslim community is the largest consumer group in Malaysia. In addition, the Federal Constitution and the state Islamic Law Administration Law stipulate that halal is the state's jurisdiction in the administration of Islamic affairs. The Federal Constitution stipulates that halal is the constitutional right of all citizens including Muslims in Malaysia so that the state, in this case all states (Federal), is obliged to protect their rights (Musa & Jalil, 2012).

## **Conclusion**

Legal uncertainty in implementing Halal Product Insurance originates from overlapping regulations. Change after change in regulations is not well coordinated with stage holders so that change after change relatively quickly makes it difficult for authorities and their cooperation partners to implement and create technical regulations. As for Halal Product Insurance monitoring system has not been integrated between BPJPH and Collaboration partners as in the statutory regulations. Sector ego which has become a culture of law

formation between ministries and non-ministerial state institutions has resulted in synergy between institutions running slowly. Not only that, public and business actors' legal knowledge and awareness regarding halal certification obligations have not yet grown and been well ingrained. Legal enforcement for violations of the JPH Law and its derivative regulations also cannot be enforced even though legal norms regulate sanctions for violations.

This research contributes to evaluating the JPH implementation due to its comprehensive nature that utilizing several legal theories to guide problem analysis. This evaluation will have implications for improving BPJPH's performance in the future by increasing the involvement of all levels of society. Furthermore, the government's political will is needed to synergize the stakeholders related to the halal industry to support and accelerate the achievement of JPH's true goals.

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