Journal of Indonesian Legal Studies
Vol. 11 Issue 1 (2026) 325-358
ISSN: 2548-1584 (Print) 2548-1592 (Online)
DOI: https://doi.org/10.15294/jils.v11i1.41884
Online since: July 14, 2026

Journal of
INDONESIAN
LEGAL STUDIES
https://journal.unnes.ac.id/journals/jils

Halal Certification: The Gap between Administrative Compliance and Consumer Protection

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Abstract

Halal certification in Indonesia is regulated under Law No. 33 of 2014 on Halal Product Guarantee (*Jaminan Produk Halal,* JPH). Initially voluntary, certification is now mandatory for all products circulated, marketed, and traded in Indonesia. This study analyzes Indonesia's halal certification policy from a consumer protection law perspective. Although current policies emphasize increasing the number of halal-certified businesses, oversight of halal production through the self-declaration mechanism relies largely on the honesty of business actors, creating risks of Sharia compliance violations and undermining consumers' spiritual rights. The research employs a normative-empirical legal approach. Secondary data were obtained from the JPH Law, its implementing regulations, and the Consumer Protection Law, while primary data were collected through field research involving business actors. The findings show that despite mandatory certification requirements, compliance remains low and law enforcement is weak. The study contributes by examining legal harmonization and enforcement effectiveness in safeguarding Muslim consumers' right to halal products. From a consumer protection perspective, the current halal certification regime does not fully meet the standards required under the Consumer Protection Law. The self-declaration mechanism weakens consumer protection by reducing regulatory oversight and prioritizing ease of doing business over rigorous certification. Moreover, the absence of strict liability provisions and compensation for immaterial or spiritual losses indicates that halal regulation is still treated primarily as an economic instrument rather than a mechanism for protecting fundamental consumer rights. At the UMKM level, implementation often reflects pseudo-compliance, with halal labels used mainly as marketing tools rather than evidence of genuine Sharia compliance.

KEYWORDS *Halal Certification, Administrative Compliance, Consumer Protection*

Introduction

The halal industry constitutes a multisectoral integration that applies halal and *thayyib* principles and forms an interconnected value chain.[1] At present, the halal industry has emerged as a rapidly growing sector at both local and global levels. In the global arena, halal product assurance has become an integral part of supply chain management, requiring a high degree of transparency and accountability.[2] The Indonesian government has responded to this development through the establishment of halal product assurance regulations, as evidenced by the enactment of Law Number 33 of 2014 on Halal Product Assurance (Halal Product Assurance Law). Article 4 of this Law explicitly mandates that all products entering, circulating, and being traded within the territory of Indonesia must be halal-certified. Consequently, all business actors in Indonesia, both large-scale enterprises and Micro, Small, and Medium Enterprises (*Usaha Mikro, Kecil, dan Menengah*/UMKM), are required to comply with this certification obligation. This halal certification program was

[1] Hendry Ferdiansyah, "Pengembangan Pariwisata Halal Di Indonesia Melalui Konsep Smart Tourism," *Tornare* 2, no. 1 (2020), https://doi.org/10.24198/tornare.v2i1.25831.

[2] Marco Tieman and Maznah Che Ghazali, "Halal Control Activities and Assurance Activities in Halal Food Logistics," *Procedia - Social and Behavioral Sciences* 121 (2014): 44–57, https://doi.org/10.1016/j.sbspro.2014.01.1107.

further reinforced by Law Number 11 of 2020 on Job Creation, which also reaffirms the mandatory nature of halal certification for all business actors, including UMKM.

The urgency of establishing halal certification as a national program and legal obligation in Indonesia has a fundamental basis that is multidimensional, covering theological, legal, and economic aspects. Theologically and legally, the main basis for this policy is the protection of Muslim consumers (religious mandatory). This is considering Indonesia's demographics as the country with the largest Muslim population in the world, reaching around 87% of the total population.[3] From the perspective of Islamic law, consuming halal and *thayyib* products is an absolute obligation. Therefore, the state has a constitutional responsibility to provide protection, security, and certainty for the Muslim community. The logical consequence of this responsibility is government intervention to transform the nature of halal certification from voluntary to mandatory, in order to guarantee legal certainty for all products circulating in Indonesia.

From an economic perspective, the government has an explicit vision to make Indonesia the world's number one producer of halal products (World Halal Hub). To achieve this vision, halal certification is a strategic tool to increase the competitiveness of national products, both in the domestic and international markets. This halal certification program is also expected to encourage the growth and quality of UMKM products. Moreover, the UMKM sector is currently a major contributor to Indonesia's Gross Domestic Product (*Produk Domestik Bruto*/PDB). With this halal certification program, UMKM are required to ensure that their products meet halal standards and quality as international product standards. This will open up wider market access for UMKM to also enter the global market. This certification requirement is also a response to global competition, where many products from non-Muslim countries are already proactively obtaining halal certificates to enter the halal market in Indonesia and globally.

The halal certification requirement will be implemented in stages based on the priority scale of existing sectors. It will begin with the food and beverage sector and then continue to the pharmaceutical, cosmetics, and other sectors. The halal certification requirement in the food and beverage sector was initially scheduled to take effect in 2024, but the government has decided to postpone it until October 2026. The postponement of the halal certification program is

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3 Afif Humaida, dkk, Potensi Industri Halal di Indonesia sebagai Negara Berpenduduk Muslim Terbesar, *Aghniya Jurnal Ekonomi Islam*, Vol. 6, No. 1 (2024), 12.

due to several factors, including the unpreparedness of UMKM for the halal certification process, resulting in certification achievements falling far short of the target. As of May 2024, only around 4,418,343 products have been certified halal, or only around 44.18% of the target previously set by the government, which is 10 million products. [4]In addition, a more important factor is the lack of legal and administrative protection for UMKM. The postponement is intended to prevent UMKM from immediately facing legal or administrative sanctions if they do not have a certificate by the specified date. The government recognizes that if enforced, many businesses would suffer legal losses. This would also affect the fulfillment of consumer rights regarding halal products, thereby violating consumer rights as stipulated in the Consumer Protection Law.

The halal industry also includes halal tourism. In order to support a halal climate in Indonesia, halal tourism also needs to be integrated so that it can contribute to the achievement of this target. The need for integration can be seen from tourism regulations that still do not explicitly regulate halal tourism. Article 5 paragraph (a) of Law Number 10 of 2009 as amended by Law Number 18 of 2025 concerning Tourism, can be seen that this article does not include provisions related to halal tourism. The article only mentions that the principle of tourism is to uphold religious norms and cultural values as a manifestation of the concept of living in balance between humans and God Almighty, between humans and other humans, and between humans and the environment.[5]

Then, Article 14 (1) of the Tourism Regulation governs the provision of tourism-related accommodation, which includes tourist destinations, travel and transportation services, food and beverage services, accommodation provision, and the planning of recreational and entertainment events. This article remains unclear and general in nature.[6] Regulations and explanations regarding halal tourism goods and services are still limited. These regulations emphasize that the government must play a role in providing legal certainty to develop the tourism sector. This is in line with the direction of the RPJMN and RPJPD 2025–2045 policies, which prioritize the strengthening of the halal industry,

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[4] Sekretariat Kabinet Republik Indonesia, "Percepat Sertifikasi Halal, Pemerintah Perluas Kewenangan Penetapan Kehalalan Produk", *Online News,* May 15, 2024. Retrieved from https://setkab.go.id/percepat-sertifikasi-halal-pemerintah-perluas-kewenangan-penetapan-kehalalan-produk/

[5] Rully Putra Jaya and Hidayat Hidayat, "Perlindungan Hukum untuk Wisatawan Muslim Di Indonesia Berdasarkan Peraturan Perundang Undangan dan Hukum Islam," *Thesis.* (Jakarta: Institut Ilmu Al-Qur'an (IIQ) Jakarta, 2023).

[6] Jaya, and Hidayat, p. 150.

halal UMKM, halal exports, the halal ecosystem, and Islamic finance as national priorities. In addition to the government's role in providing legal certainty, business actors in the halal industry are also responsible for complying with business practices and competency standards as stipulated in the legislation. In this case, business operators meet competency standards through professional certification, while to meet business standards, business operators are required to have business certification from an authorized institution.[7]

In positive law construction, the issue of halal is closely related to Law Number 8 of 1999 concerning Consumer Protection (*Undang-Undang Perlindungan Konsumen*/UUPK). Article 4 of the UUPK explicitly mentions consumers' rights to comfort, security, and safety in consuming goods and/or services, as well as the right to accurate, clear, and honest information. Therefore, if there is a discrepancy between the halal label and the contents of the product, it is not only a violation of sharia law, but also a serious violation of consumer rights.[8] To that end, halal certification must be positioned as a form of preventive and repressive legal protection to safeguard consumer rights from harmful information asymmetry.

Although halal certification requirements are clearly stipulated in regulations, the reality on the ground shows that there are still many violations related to halal products. These violations include the distribution of products with fake halal labels, uncertainty regarding the halal status of imported products, to the compliance of UMK actors in carrying out the halal product process. These violations occur because consumer trust is often abused by producers who use halal labels solely as a marketing gimmick without substantial compliance in the production process. The gap between das sollen (what should be regulated by law) and das sein (the reality on the ground) is a critical point that requires in-depth evaluation.

The complexity of violations and problems surrounding halal certification is exacerbated by the fact that legal sanctions for violators are not yet optimal. This has caused Indonesia's halal policy to be caught between facilitating ease

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[7] A Mulyono and Y R Hidayat, "Implementasi Kebijakan Sertifikasi Halal Di Indonesia," *Res Publica: Journal of Social Policy Issues* 1, no. 1 (2022): 4, https://intropublicia.org/index.php/rp/article/download/8/8.

[8] Vironika Usmi et al., "Hak Atas Informasi Bagi Konsumen Terhadap Labelisasi Halal Dan Non Halal Pada Industri Kuliner," *Indonesian Journal of Law and Justice* 2, no. 1 (2024): 9, https://doi.org/10.47134/ijlj.v2i1.3173. *See also* Naisha Aluna Prameswari, Kai Alexander Wijaya, and Ayla Seraphina Maharani. "Halal Certification Governance and Consumer Protection in Indonesia's Digital Marketplace". *The Indonesian Journal of Islamic Legal Modernism* 1, no. 1 (2026): 61-90

of doing business and maintaining strict consumer protection. Therefore, a legal analysis is needed to determine the extent to which the mandatory halal policy can be integrated with universal consumer protection principles without hindering the economic objectives of the program. The lack of literature discussing the evaluation of the effectiveness of administrative and criminal sanctions in the JPH Law on consumer protection is the basis for the urgency of this research.

Based on this background, this study aims to examine regulations on halal policies for products circulating in society from the perspective of consumer protection law. This study offers novelty by reviewing legal harmonization and the effectiveness of law enforcement in protecting the rights of Muslim consumers to halal products as mandated in the JPH Law. The results of this study are expected to contribute theoretically, especially to the development of consumer protection law, and can be used as practical recommendations for the government as a policy maker to create an integrity and equitable halal ecosystem.

The research design used in this study is combines normative legal analysis with empirical research. This approach was chosen because normative legal analysis alone is not sufficient; the issue of halal is not only a matter of legal text, but also involves economic behavior and public trust, which require an empirical approach. This approach also aims to analyze the gap between halal product assurance regulations (Law No. 33 of 2014 and its amendments in the Job Creation Law) and their implementation in the field, particularly among business actors in relation to consumer rights. The nature of this research is descriptive-analytical, which aims to systematically describe the legal and social facts related to halal compliance, then analyze them to find prescriptive solutions, therefore, this study discuss whether the halal certification policy has provided protection for Muslim consumers.

Legal Basis for National Halal Certification Policy

In the halal industry, halal certification is carried out in accordance with the procedures stipulated in Law Number 33 of 2014 concerning Halal Product Guarantee. [9] In accordance with applicable regulations, all elements contributing to the development of halal tourism, including hotel accommodations, dining centers, travel agencies, and tourist areas, are required

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[9] Yutli Heriyanti and Aminoel Akbar, "Politik Hukum Pemerintah Dalam Undang-Undang Nomor 33 Tahun 2014 Tentang Jaminan Produk Halal Terhadap Perkembangan Hukum Islam Dan Hukum Adat," *Jurnal Pahlawan* 5, no. 1 (2022): 34.

to obtain official certification guaranteeing the halal status of products distributed within the territory of the Republic of Indonesia. The regulation on Halal Product Guarantee has undergone several changes, as stipulated in Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation into Law. The halal certificate referred to in Article 48 of the regulation, as referred to in Article 48 of the law, is a recognition of the halal status of a product issued by the Halal Product Guarantee Agency (*Badan Penyelenggara Jaminan Produk Halal*/BPJPH) based on a written halal fatwa or a determination of the halal status of a product by the Indonesian Ulema Council (*Majelis Ulama Indonesia*/MUI), or its equivalent.[10] The provisions governing the supervision of halal product manufacturing in the JPH Law are contained in Articles 24-29 of the JPH Law.

1. Article 24 explains that business operators are required to appoint a halal supervisor at each production facility. The halal supervisor is tasked with internally supervising the Halal Product Process (*Proses Produk Halal*/PPH).
2. Article 25 explains that halal supervisors are required to prepare PPH implementation reports. These reports form the basis for supervision by halal auditors and BPJPH.
3. Article 26 explains that halal supervisors are required to accompany halal auditors during inspections. This is to ensure that the audit process is carried out in accordance with halal standards.
4. Article 27 explains that BPJPH supervises halal products circulating in the community. This supervision is carried out periodically to ensure business actors' compliance.
5. Articles 28–29 regulate the authority of BPJPH in conducting supervision.

Article 24 regulates the Obligations of Halal Supervisors. The substance of Article 24 explains that business actors are required to appoint halal supervisors at each production facility. The aim is to ensure internal supervision of the PPH. [11] However, PPH supervision faces obstacles related to the competence of halal supervisors, such as a lack of knowledge about halal

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[10] Indah Fitriani Sukri, "Implementasi Undang-Undang Cipta Kerja Terhadap Penyelenggaraan Sertifikasi Halal Dan Produk Halal Di Indonesia," *Majalah Hukum Nasional* 51, no. 1 (2021), https://doi.org/10.33331/mhn.v51i1.139.

[11] Salihah Khairawati et al., "Kendala Sertifikasi Halal Pada UMKM Di Indoneisa," *Jurnal Akuntansi, Manajemen Dan Ilmu Ekonomi (Jasmien)* 5, no. 02 (2024): 242–56, https://www.journal.cattleyadf.org/index.php/Jasmien/article/view/1018.

certification procedures.[12] Therefore, training and certification standards for halal supervisors must be standardized to improve human resource qualifications.[13] thereby minimizing the risk of inaccurate internal reports.

Article 25 regulates the reporting of PPH implementation. The substance of Article 25 stipulates that halal supervisors are required to prepare PPH implementation reports. The purpose of this regulation is to provide official documents that can be verified by halal auditors and BPJPH. In practice, the weakness of this article is that reports are still manual, prone to manipulation, and there is no integrated digital system for real-time monitoring. Currently, the SIHALAL information system is used. This information system is used by business actors when registering for halal certification. The Halal Information System (SIHALAL) is a platform created with the aim of facilitating the halal certification process for UMKM food and beverage business actors.[14] The information system has not been able to meet the requirements for reporting the implementation of PPH. Currently, the validity of reports depends on the integrity of halal supervisors.

Article 26 regulates the assistance of halal auditors. The substance of Article 26 is that halal supervisors are required to assist halal auditors during inspections. The purpose of this article is to ensure that the audit process is carried out in accordance with halal standards. The weakness of this regulation is the potential for conflicts of interest because supervisors come from within the company. In addition, there is a possibility that auditors will have difficulty obtaining objective information if supervisors are not transparent.

Article 27 regulates the supervision of halal products in society. The substance of this article is that BPJPH supervises halal products circulating in the community. The aim is to ensure that products circulating are in accordance with halal certificates. The weakness of the provisions in Article 27 is that BPJPH's supervisory capacity is limited compared to the number of products

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[12] Anom Sigit Suryawan, Shuji Hisano, and Joost Jongerden, "Negotiating Halal: The Role of Non-Religious Concerns in Shaping Halal Standards in Indonesia," *Journal of Rural Studies* 92, no. October 2019 (2022): 482–91, https://doi.org/10.1016/j.jrurstud.2019.09.013.

[13] Sifa Aprilia and Anita Priantina, "Analisa Strategi Peningkatan Sertifikasi Halal Sektor Kuliner Di Bangka Selatan," *International Journal Mathla'ul Anwar of Halal Issues* 2, no. 1 (2022), https://doi.org/10.30653/ijma.202221.46.

[14] Kiki Fibrianto et al., "Sosialisasi Dan Pendampingan Sertifikasi Halal Melalui SIHALAL Pada UMK Makanan Minuman Di Desa Wonorejo Kabupaten Malang," *Jurnal Abmas Negeri (JAGRI)* 5, no. 1 (2024), https://doi.org/10.36590/jagri.v5i1.844.

on the market. In addition, supervision is more reactive (after reports of violations) than proactive.

Article 28 regulates the authority of BPJPH in supervision, whereby BPJPH has the authority to conduct joint supervision with relevant ministries/institutions. The purpose of this regulation is to strengthen inter-agency coordination in halal supervision. The weakness of the provisions of Article 28 is that coordination between agencies is often slow and bureaucratic, and there is an overlap of authority.

Article 29 regulates administrative sanctions. BPJPH may impose administrative sanctions for violations. This is intended to deter non-compliant businesses. The weakness is that administrative sanctions are more dominant, while criminal enforcement is rarely carried out. Thus, the deterrent effect is minimal and violations may be repeated.

TABLE 1. Structured Analysis Table of JPH Law Supervision Provisions (Articles 24–29)

Article	Provision (Substanc	Regulatory Objective	Weaknesses /Field Obstacles	Proposed Reform
24	Business operators are required to appoint a halal supervisor at each production facility to oversee the Halal Product Process (PPH) internally.	To ensure continuous, embedded internal supervision at every stage of the production process.	The halal supervisor at the UMK is the UMK's owner, so there is potential for abuse.	There is a separate competent halal supervisor.
25	Halal supervisors are required to prepare PPH implementation reports as official documents for verification by halal auditors and BPJPH.	To provide an official, verifiable paper trail (traceability) for auditing and compliance verification.	Reports are still manual, prone to manipulation, and heavily reliant on individual integrity. Furthermore, the current SIHALAL system only facilitates registration, not real-time monitoring.	Upgrade and integrate real-time digital PPH reporting modules into the SIHALAL platform to eliminate manual manipulation and enable remote monitoring.
26	Halal supervisors are required to accompany halal	To ensure the audit process is carried out smoothly,	Potential for conflicts of interest because supervisors are company	Establish a strict code of conduct for assistance during audits

Article	Provision (Substance)	Regulatory Objective	Weaknesses /Field Obstacles	Proposed Reform
	auditors during inspections.	transparently, and in accordance with halal standards.	employees, creating a risk of non-transparent or biased information sharing.	and implement independent data cross-checking mechanisms for auditors.
27	BPJPH conducts periodic supervision of halal products circulating in the community.	To ensure that products available in the market remain consistently compliant with their issued halal certificates.	BPJPH's supervisory capacity is disproportionate to the massive volume of market products; supervision tends to be reactive (responding to complaints) rather than proactive.	Expand BPJPH's supervisory team capacity and transition to a proactive, technology-driven random sampling and market monitoring system.
28	BPJPH has the authority to conduct joint supervision with relevant ministries and institutions.	To strengthen inter-agency coordination for more comprehensive and holistic halal product market monitoring.	Joint supervisory bureaucracy tends to be slow, and there is still overlapping of the obligations and authorities of stakeholders.	Formulate a streamlined joint SOP (Standard Operating Procedure) to cut red tape and clearly delineate the boundaries of authority between stakeholders
29	BPJPH is authorized to impose administrative sanctions for compliance violations.	To create a deterrent effect, ensuring business actors remain committed to maintaining halal integrity.	Administrative sanctions are too dominant while criminal enforcement is rarely executed, resulting in minimal deterrent effects and a high risk of repeated violations.	Harmonize administrative sanctions with strict criminal enforcement or substantial financial penalties for severe and repeated violations.

Source: Law No. 33 of 2014 on Halal Product Guarantee (*Jaminan Produk Halal*, analyzed and summarized by Authors.

Based on the details of this article, it can be seen that there are still gaps in the supervision of the halal product process, namely that there are no regulations regarding certification standards for halal supervisors. In addition, the supervision is still manual and does not use information technology systems that can monitor every business actor carrying out the halal production process. This means that the halal production process is not properly and comprehensively supervised, thereby potentially infringing on the rights of Muslim consumers to consume halal products.

According to Siagian, supervision is the overall effort to observe the implementation of operational activities to ensure that these activities are in accordance with the plans that have been set beforehand.[15] Efforts to observe and ensure that activities are in accordance with the plans that have been set beforehand should be regulated and stipulated so that they can be achieved as expected. In this case, the supervision of the halal product process is not comprehensively regulated. Based on the results of an analysis of regulations concerning the implementation of halal guarantees for Muslim consumer rights, the supervision carried out has not been able to provide comprehensive consumer protection because the provisions in the JPH Law have not regulated supervision standards.

Consumer Protection for Halal Products in the UUPK

The next legal framework is based on Law Number 8 of 1999 concerning Consumer Protection (UUPK). Article 2 of the UUPK stipulates that consumer protection is based on the principles of benefit, fairness, balance (both in terms of material and spiritual rights), consumer safety and security, and legal certainty. The balance of material rights as consumers of halal products means that consumers obtain tangible benefits in the form of safe, high-quality products that are in line with the economic value paid, while business actors obtain proportional profits. Meanwhile, spiritual balance refers to respect for the religious, cultural, and ethical values held by Muslim consumers. This includes the availability of halal food that does not conflict with sharia principles, consumer safety and security, and legal certainty. The principle of

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[15] P. Siagian Sondang, *Filsafat Administrasi* (Jakarta: Bumi Aksara, 2011).

balance requires that products provide material and spiritual benefits to consumers.[16]

From a normative perspective, there are regulations supporting the protection of Muslim consumers. Article 4 letter c and Articles 8-9 of Law No. 8 of 1999 concerning Consumer Protection (UUPK) discuss the prohibition of misleading information, including false halal labels. Criminal penalties of up to five years and fines of two billion rupiah are stipulated in Article 62 of the law. Meanwhile, Law No. 33 of 2014 on Halal Product Guarantee contains provisions regarding the obligation of halal certification for food and beverage products, except for products that are explicitly defined as non-halal. The use of illegal practices in the application of halal labels, as regulated in Articles 4 and 25 of the JPH Law, shows that a small number of actors are not complying with these provisions. This is highlighted by a number of findings that show that the implementation of halal certification requirements is still overshadowed by inadequate compliance issues.

The UUPK explicitly states that the principle of balance is one of the main references in consumer protection efforts. Article 2 of the UUPK states that all consumer protection measures must be based on the principles of benefit, fairness, balance, security, safety, and legal certainty.[17] The official explanation of this provision specifies that balance in the context of consumer protection is formulated to harmonize and maintain the interests of consumers, business actors, and the government in parallel, both from a material and spiritual perspective.

The concept of spiritual rights encompasses human rights in the spiritual or religious dimension. This concept recognizes that individuals have the right to practice their religion or spiritual beliefs in accordance with their personal beliefs and needs. Spiritual rights involve freedom of religion and belief, as well as the right to practice religious or spiritual practices without discrimination or pressure from others. This concept emphasizes the importance of respecting freedom of religion and freedom of belief as fundamental rights of every

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[16] Parningotan Malau and Irene Svinarky, "Analisis Perspektif Hukum Pengurusan Sertifikasi Halal Dalam Upaya Perlindungan Konsumen," *JUSTITIA : Jurnal Ilmu Hukum dan Humaniora* 7, no. 3 (2020): 549.

[17] Alfina Maharani and Adnan Darya Dzikra, "Fungsi Perlindungan Konsumen Dan Peran Lembaga Perlindungan Konsumen Di Indonesia : Perlindungan, Konsumen Dan Pelaku Usaha (Literature Review)," *Jurnal Ekonomi Manajemen Sistem Informasi* 2, no. 6 (2021): 662.

individual. It also includes the right to worship, practice religious rituals, and follow spiritual teachings.[18]

The spiritual aspect in Article 2 of the Consumer Protection Law emphasizes that consumers have spiritual rights that must be protected. This provision has the potential to provide comprehensive spiritual protection for consumers, but its fundamental weakness lies in its rigid and normative nature in its translation into mandatory operational articles.[19] Therefore, the meaning of "spiritual" is reduced to a set of unbound philosophical terms, even though it is not translated into concrete terms that touch on rights, sanctions, or a structured framework for dispute resolution. As a result, the spiritual aspects of consumers, especially in halal transactions that should be most protected, risk being neglected, because the norms that are expected to serve as instruments of protection are not translated into binding positive norms.

Article 4 of the UUPK broadly regulates consumer rights, including the right to comfort, security, safety, accurate information, advocacy, and compensation. These rights are formulated within a material and administrative framework, but lack recognition of the spiritual dimension that is highly relevant in the context of Muslim consumers, such as the right to halal products that underlies every transaction.[20] The service, in this case, highlights the inconsistency between the spirit affirmed in Article 2 of the UUPK and the concrete implementation presented in Article 4 of the UUPK. Therefore, Muslim consumers find themselves without clear laws when spiritual rights, such as the availability of truly halal products, are ignored or violated. In practice, the presence of invalid halal labels leaves consumers powerless except to file fraud lawsuits limited to aspects of information violations, not to insults to their beliefs. This inconsistency leaves protection of the spiritual dimension, which should underpin aspects of legal justice, as a moral claim, without binding regulatory power. In other words, although the UUPK formally recognizes consumer rights, neglected rights, namely spiritual rights, prove that

[18] Zeehan Fuad Attamimi, Hari Sutra Disemadi, and Budi Santoso, "Prinsip Syariah Dalam Penyelenggaraan Bank Wakaf Mikro Sebagai Perlindungan Hak Spiritual Nasabah," *Jurnal Jurisprudence* 9, no. 2 (2019): 32, https://doi.org/10.23917/jurisprudence.v9i2.8897

[19] Musataklima, "Self-Declare Halal Products for Small and Micro Enterprises: Between Ease of Doing Business and Assurance of Consumer Spiritual Rights," *De Jure: Jurnal Hukum Dan Syar'iah* 13, no. 1 (2021): 32–52, https://doi.org/10.18860/j-fsh.v13i1.11308.

[20] Putu Gede Prema Sena, Anak Agung Sagung Laksmi Dewi, and Ni Made Puspasutari Ujianti, "Akibat Hukum Peredaran Informasi Yang Tidak Sesuai Pada Kemasan Produk Makanan," *Jurnal Analogi* 4, no. 2 (2022): 151–55.

moral impetus in law does not always lead to normative recognition that can be enforced and upheld.

Furthermore, Article 8 of the UUPK prohibits business actors from including misleading information, including on labels that incorrectly state halal status. However, this provision is only perceived as an act of providing "false information," without placing the violation in the realm of deeper spiritual rights. This means that when consumers suffer spiritual losses due to their religious beliefs being misrepresented, they have no legal basis to demand recognition, let alone restitution for spiritual losses. Therefore, the principle of balance, although symbolically formulated in a spiritual context, does not materialize when the formulation is transferred to more operational articles. On the other hand, business actors can avoid serious sanctions as long as it cannot be shown that concrete losses, whether material or physical, have occurred. This legal paradigm ultimately reduces the significance of provisions that are commonly expected to protect Muslims, turning them into a purely economically measurable mechanism that does not demonstrate a comprehensive understanding of protection.

Article 18 of the UUPK prohibits the use of standard clauses that are detrimental to consumers, such as unilateral risk transfer. However, the application of this article is not relevant to combating unilateral halal claims without certification. This practice is not a clause in a contract that holds liability; rather, it is a misleading promotional statement, so it is not covered by Article 18. This loophole confirms that the UUPK does not have an operational article that interprets spiritual benefits as part of consumer protection. Producers or marketers can use the "halal" label without basis, while consumers have no legal means to prevent or remedy such spiritual violations. As a result, Muslim consumers are forced to rely on other certification systems that are not strongly regulated in consumer protection law.[21] Such as including the word halal without permission from the authority authorized to carry out halal certification, writing "*no pork no lard*" on product packaging and so on.

Article 62 of the UUPK does indeed provide a strict penalty of up to five years' imprisonment and a maximum fine of two billion rupiah for business actors who violate the regulations. However, these sanctions only apply to violations related to security, safety, or misleading information. Spiritual losses are not mentioned at all. As a result, the use of fake halal labels is often not

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[21] Ardiansyah, "Penerapan Asas Keseimbangan Dalam Klausula Baku Ditinjau dari Prespektif Perlidungan Konsumen," *Tadulako Master Law Journal* 5, no. 2 (2021): 184–96.

considered a serious violation as long as it does not cause material losses. Consequently, the spiritual and religious aspects of consumers who are harmed are neglected.[22] This situation highlights the gap between the ideal spirit of consumer protection and criminal law practices that are still limited in scope. As long as spiritual losses are not recognized as a form of violation, consumer protection will always be half-hearted, leaving Muslim consumers vulnerable to fraudulent practices by businesses.

The impact can already be felt. Nowadays, there are more and more UMKM products circulating with fake halal labels, some of which are listed without official certificates, some business actors simply claim halal with unilateral statements, and some halal product production processes are not properly supervised. Muslim consumers who feel aggrieved are limited in their options, because legal channels only provide recourse for information, not for damaged worship.[23] This is the loophole left by the UUPK, because there are no legal instruments that guarantee spiritual aspects. As a result, the public has begun to doubt halal labels, the reputation of the halal industry has been tarnished, and the market, which should be based on trust, is slowly weakening. Ironically, the principle of balance actually mandates spiritual protection. However, because the legal instruments do not support this, the ideal remains on paper. If this condition is allowed to continue, Indonesia's halal industry risks losing its integrity, and ultimately its global competitiveness will also be eroded.

Consumer protection reforms need to be directed towards implementation. First, Article 4 should be expanded by adding the right of consumers to obtain products that are in accordance with their religious beliefs. This addition will operationalize the spiritual principle contained in Article 2, so that it does not remain an abstract norm, but becomes a concrete right that can be enforced. Second, Article 8 needs to be revised so that violations of a product's halal status are considered violations of spiritual rights, not merely misleading information. This change will provide stronger legal certainty for halal claims and make the halal label an instrument of consumer protection, not just a commercial symbol. Third, Article 18 of the UUPK needs to be expanded to include unilateral halal statements without official certification as harmful

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[22] Sena, et.al. "Akibat Hukum Peredaran Informasi Yang Tidak Sesuai Pada Kemasan Produk Makanan".

[23] Rohama Ubainahum, Anzu Elvia Zahara, and G.W.I Awal Habibah, "Analisis Peran Digitalisasi Marketing Sertifikasi Halal Dan Product Knowledge Bagi Kemajuan Ekonomi Kreatif," *Kompak :Jurnal Ilmiah Komputerisasi Akuntansi* 17, no. 2 (2024): 89–104, https://doi.org/10.51903/kompak.v17i2.2009.

clauses. Thus, business actors can no longer use halal claims arbitrarily without a valid legal basis. Through these steps, the principle of balance will no longer be just a slogan, but will exist as a legal product that protects consumers comprehensively.[24] Consumers receive both economic and spiritual protection, while businesses are encouraged to take responsibility for maintaining the authenticity of halal labels. The consequences are not only administrative, but also substantive, as they directly touch on aspects of consumers' fundamental beliefs.

Consumers cannot be understood solely in terms of changing norms, but must also include aspects of law enforcement. Without reinforcement at the implementation stage, existing norms will remain mere discourse. In this case, Article 62 of the UUPK is important to be expanded so that spiritual losses, such as the use of fake halal labels, are treated as serious criminal offenses. Such an affirmation is necessary because spiritual losses touch on the dimension of Muslim consumers' worship and cannot be equated with material losses alone.

In addition to expanding criminal norms, dispute resolution institutions must also play an active role. The Consumer Dispute Resolution Agency (*Badan Penyelesaian Sengketa Konsumen*/BPSK) should have a special unit authorized to handle halal disputes.[25] This institution should have members who are competent in Islamic economic law so that the dispute resolution process is not only legally valid but also valid under sharia law. Through this mechanism, the principle of balance contained in the UUPK can be realized in concrete terms. With these reforms, consumers will receive protection in both economic and spiritual aspects. Business actors will be more orderly due to the existence of clear rules. The state will also be present as a guarantor of justice in line with the religious values of society. Conversely, without these reforms, the UUPK will remain imbalanced. This will result in the normative recognition of spiritual rights, but without the power to defend them in practice.

Article 2 of the UUPK does indeed emphasize the balance between material rights and spiritual rights. However, this principle stops at the level of general norms because it is not followed by rules explaining how spiritual rights

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[24] Yustina Dhian Novita and Budi Santoso, "Urgensi Pembaharuan Regulasi Perlindungan Konsumen Di Era Bisnis Digital," *Jurnal Pembangunan Hukum Indonesia* 3, no. 1 (2021): 46–58, https://doi.org/10.14710/jphi.v3i1.46-58.

[25] Fatkhul Wahab and Moh. Ihsan, "Perlindungan Konsumen Dalam Industri Halal: Tinjauan UU No. 8 Tahun 1999 Dari Perspektif Hukum Islam," *Journal of Islamic Finance and Syariah Banking* 2, no. 1 (2024): 43–57, https://doi.org/10.63321/jifsb.v2i1.57.

should be applied by business actors.[26] In practice, the absence of implementing regulations renders this principle unenforceable. Businesses ultimately lack clear guidelines for integrating spiritual values into their services. As a result, the halal guarantee that should be present in the consumer experience often only appears in symbolic form. Without technical rules that break down the principle of balance stipulated in Article 2 of the UUPK, the fulfillment of consumers' spiritual rights becomes half-hearted. In fact, this situation creates loopholes that can harm consumer rights. The spiritual rights promised normatively are never truly protected because operational regulations are not available. In the context of a globally competitive halal industry, this situation is a serious weakness. Therefore, strengthening supervision, law enforcement, and consumer education is very important to make halal protection more concrete and not just remain at the level of discourse.

Article 4 of the UUPK clearly recognizes consumers' rights to comfort, security, and safety. However, spiritual rights such as product halalness, availability of facilities for worship, and sharia transparency in services have not been explicitly regulated. In the context of the halal product process, fulfilling spiritual rights cannot be interpreted merely as avoiding actions that hurt beliefs. These rights require sharia guarantees that can be clearly measured and verified. Studies on consumer protection in the field of halal show that Muslim consumers need transparent information about product composition, product manufacturing processes, and valid certification evidence. Furthermore, halal standards should be viewed as an integral part of inherent consumer rights. However, in practice, protection of spiritual aspects is often positioned as complementary, while material rights receive more attention and legal enforcement. This condition creates an imbalance that affects the overall quality of consumer protection.[27]

Article 8 of the UUPK essentially prohibits business actors from providing misleading information, including statements that are not in accordance with the facts. However, this regulation does not specifically address claims of halal status. In other words, there is still ample room to use halal labels without official certification. This practice can be seen in food products that easily attach halal claims without going through a credible audit process. The absence of more detailed regulations has a direct impact on weak supervision. Imported

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[26] Maharani and Dzikra, "Fungsi Perlindungan Konsumen Dan Peran Lembaga Perlindungan Konsumen Di Indonesia: Perlindungan, Konsumen Dan Pelaku Usaha (Literature Review)."

[27] Hayyun Durrotul Faridah, "Sertifikasi Halal Di Indonesia: Sejarah, Perkembangan, Dan Implementasi," *Journal of Halal Product and Research* 2, no. 2 (2019): 68.

products without halal labels are still widely available on the market, while law enforcement against violations in this area rarely shows effective results.[28] This fact reveals a regulatory loophole that allows businesses to exploit consumers' spiritual sensitivities solely for profit, without facing any meaningful sanctions. The implementation of this principle of balance is an effort to prevent tourism businesses from focusing solely on profit without considering the spiritual comfort of Muslim tourists. For example, hotels or restaurants in halal tourist destinations must not only provide physically adequate accommodation and meals, but also ensure the halal status of ingredients, appropriate serving processes, and an environment that supports worship practices. Thus, consumers will experience complete satisfaction, both in terms of economic utility and spiritual security.

From a consumer protection law perspective, achieving a balance between the material and spiritual interests of consumers is the basis for legal certainty, in accordance with the mandate of the UUPK. If one aspect, for example the spiritual aspect, is neglected, such as a halal product process that does not comply with regulations, then the consumer's right to safety and comfort under Article 4 of the UUPK will be deemed violated. Therefore, the implementation of comprehensive halal standards, supported by an official certification scheme and efficient monitoring mechanisms, must be seen as a basic requirement for realizing the principle of balance in the halal industry sector in Indonesia.[29]

The principles of fairness and balance impose restrictions that the halal industry cannot be solely profit-oriented, but must also meet the needs of Muslim consumers in a balanced manner, just as it does for non-Muslim consumers.[30] The principles of security and safety in the halal industry include ensuring that all products and services consumed are free from elements prohibited by Islamic law, thereby protecting consumers from harm both physically and in terms of their beliefs. Although these principles have been

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[28] Ramlan Ramlan and Nahrowi Nahrowi, "Sertifikasi Halal Sebagai Penerapan Etika Bisnis Islami Dalam Upaya Perlindungan Bagi Konsumen Muslim," *AHKAM: Jurnal Ilmu Syariah* 14, no. 1 (2014): 145–54, https://doi.org/10.15408/ajis.v17i1.1251.

[29] Nora Maulana and Zulfahmi, "Potensi Pengembangan Industri Halal Indonesia Di Tengah Persaingan Halal Global," *Jurnal Iqtisaduna* 8, no. 2 (2022): 149, https://doi.org/10.24252/iqtisaduna.v8i2.32465.

[30] Naeli Mutmainah, Hisam Ahyani, and Haris Maiza Putra, "Tinjauan Hukum Ekonomi Syariah Tentang Pengembangan Kawasan Industri Pariwisata Halal Di Jawa Barat," *Al-Mawarid Jurnal Syariah Dan Hukum (JSYH)* 4, no. 1 (2022), https://doi.org/10.20885/mawarid.vol4.iss1.art2.

regulated in general terms, the UUPK does not explicitly regulate the implementation mechanism in the halal industry.[31]

Indonesia's position at number 3 in the Global Islamic Economy Indicator (GIEI) 2025 shows great opportunity. This is inseparable from the fact that Indonesia is at the forefront as the country with the most halal food consumers globally, but it is not yet a major exporter.[32] This raises questions regarding halal industry standards, certification, and supervision, meaning that the principle of legal certainty, which is one of the pillars of Article 2 of the UUPK, has not been fully realized for Muslim consumers. As a result, consumers' rights to comfort, safety, and services that are in line with their religious beliefs may not be optimally protected.

The halal industry emerged due to the need for goods or services where, within the halal industry, halal assurance mechanisms are systematically organized to meet the needs and comfort of Muslims while adhering to sharia norms.[33] The main component in the concept of halal food assurance is the provision of food that is guaranteed to be halal, in accordance with Islamic teachings. As the country with the largest Muslim population, Indonesia has great potential to develop the halal industry.[34] However, legally speaking, the Consumer Protection Law has not been explicitly adopted at the national level. Therefore, consumer protection specifically for Muslim consumers does not provide certainty regarding their rights to receive services that comply with certain religious teachings. Currently, 26 provinces have included Islamic economic policy formulations in their 2025–2045 Regional Long-Term Development Plans, while 17 provinces have formulated the same in their Preliminary Draft Regional Medium-Term Development Plans (RPJMD).

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[31] Basyirah Mustarin, Andi Nurfajri, and Nur Aisyah, "Perlindungan Konsumen Terhadap Kesadaran Produk Makanan Halal Di Wilayah Minoritas Studi Kolaborasi Hukum Positif Dan Hukum Islam," *El-Iqthisadi Jurnal Hukum Ekonomi Syariah Fakultas Syariah Dan Hukum*, 2024, https://doi.org/10.24252/el-iqthisady.vi.51760.

[32] Herianti Herianti, Siradjuddin Siradjuddin, and Ahmad Efendi, "Industri Halal Dari Perspektif Potensi Dan Perkembangannya Di Indonesia," *Indonesia Journal of Halal* 6, no. 2 (2023), https://doi.org/10.14710/halal.v6i2.19249.

[33] Temmy Wijaya et al., "Pariwisata Halal Di Indonesia: Kajian Terhadap Fatwa Dewan Syariah Nasional Majelis Ulama Indonesia (DSN-MUI)," *TRILOGI: Jurnal Ilmu Teknologi, Kesehatan, Dan Humaniora* 2, no. 3 (2021): 284–94, https://doi.org/10.33650/trilogi.v2i3.3078.

[34] Maulana and Zulfahmi, "Potensi Pengembangan Industri Halal Indonesia Di Tengah Persaingan Halal Global."

These steps provide opportunities to strengthen regulatory harmonization between the central and regional governments.[35]

Consumer protection law in Indonesia is regulated by Law No. 8 of 1999, which guarantees the right to safety, information, comfort, and certainty regarding the products and services consumed. In the halal industry, such as halal tourism, this includes the provision of alcohol-free halal food and ensuring that travel services do not violate sharia norms.[36] However, Muslim consumers still face uncertainty because there are no specific regulations that explicitly regulate halal tourism standards. This creates a legal vacuum that affects the trust and comfort of Muslim tourists. As a legal instrument, Law Number 33 of 2014 concerning Halal Product Guarantee requires products, including food and beverages, to have halal certification. Meanwhile, Law No. 8 of 1999 concerning Consumer Protection provides a legal basis for bringing business actors to court in the event of consumer rights violations. However, the harmonization between these two regulations is still weak, resulting in inadequate law enforcement, which requires simplification of regulatory instruments and stronger law enforcement.

This reflects the commitment to strengthen the halal industry in the 2025–2029 National Medium-Term Development Plan, which includes 49 cross-sector activities to strengthen the halal industry, halal UMKM, halal exports, and the halal ecosystem.[37] An empirical review of restaurants in Banda Aceh shows that although one of the objectives of the Halal Product Guarantee Law is to provide comfort and certainty regarding halal products, the reality on the ground is different. The study found that only one of 47 restaurants in the city had an official halal label, indicating weak certification implementation and low awareness among entrepreneurs regarding the protection of Muslim consumers.[38] Although laws and institutions such as the BPSK are available as

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[35] Reni Saptati D.I, "Kuatkan Infrastruktur Ekonomi Syariah Hingga Ke Daerah," *Media Keuangan MK+*, April 16, 2025. Retrieved from https://mediakeuangan.kemenkeu.go.id/article/show/kuatkan-infrastruktur-ekonomi-syariah-hingga-ke-daerah

[36] Pandu Pamungkas, "Tinjauan Literatur Mengenai Keberlanjutan Kebijakan Pariwisata Halal Di Indonesia," *Jurnal Pariwisata Tawangmangu* 3, no. 1 (2025), https://doi.org/10.61696/juparita.v3i1.634.

[37] Fahath Haikal Aziz, "Peran Halal Value Chain Dalam Penguatan Ekosistem Industri Halal Di Indonesia: Pendekatan Strategis," *At-Tijary Jurnal Ekonomi Dan Bisnis Islam* 2, no. 1 (2025): 13.

[38] Fithri Mawaddah, and Junia Farma. "Signifikansi Peran Pemerintah dalam Pemyelenggaraan Jaminan Produk Halal di Aceh." *Al-Iqtishadiyah: Ekonomi Syariah Dan Hukum Ekonomi Syariah* 8, no. 2 (2022): 80-93.

channels for complaints, consumers remain inadequately protected due to inadequate supervision and weak enforcement of sanctions.

Another issue is the increasing number of fake halal labels, which puts Muslim buyers in a difficult position because they trust these labels as a guarantee that the products are truly sharia-compliant.[39] The regulations in the JPH Law are still not strictly enforced, and many people are not even aware of their existence. This shows that monitoring efforts must be improved and halal certification must be made more transparent in order to truly protect Muslim buyers.[40] From an Islamic law perspective, consumer protection should not be limited to legal documents, but must also be based on business ethics. Fairness, accountability, and transparency are the foundations. Studies on the halal sector continue to remind us that ethics must be the guide in every business transaction. When a business actor betrays consumer trust with fake halal certification or halal product processes that do not comply with regulations, they not only violate applicable laws but also deeper moral laws according to Islam. The role of the government as a regulator and facilitator is very important in developing a legally protected halal industry. Normative studies show that the government needs to prepare legal instruments that specifically regulate halal tourism, including clear definitions, service standards, certification, and law enforcement mechanisms. Without these instruments, Muslim consumers will continue to face legal uncertainty even though their presence brings significant economic potential nationally.

Ensuring that Muslim consumers receive Muslim-friendly services and products is both an ethical obligation and a legal requirement. Muslim consumers should have the opportunity to inquire about the halal status of food and ensure a Muslim-friendly environment that respects their beliefs.[41] Therefore, businesses must provide halal products that comply with Islamic principles. The principles of the rule of law and legal order are the main pillars for the development of the halal industry. Legal certainty does not only mean the availability of regulations but also consistent, transparent, and responsive

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[39] Hilma Harmen et al., "Analisis Dampak Sertifikasi Labelisasi Halal Terhadap Perkembangan Umkm Di Bangkalan," *Jurnal Masharif Al-Syariah: Jurnal Ekonomi Dan Perbankan Syariah* 9, no. 3 (2024).

[40] Agung Cahyo Widodo, Rudiana Rudiana, and Yayan Nuryanto, "Pengawasan Jaminan Produk Halal (JPH) Oleh Badan Penyelenggara Jaminan Produk Halal (BPJPH)," *JIIP - Jurnal Ilmiah Ilmu Pendidikan* 7, no. 10 (2024), https://doi.org/10.54371/jiip.v7i10.6186.

[41] Wahab and Ihsan, "Perlindungan Konsumen Dalam Industri Halal: Tinjauan UU No. 8 Tahun 1999 Dari Perspektif Hukum Islam."

implementation of consumer complaints. Violations such as the provision of non-halal food in Muslim areas, false labeling, or halal product processes that do not comply with regulations must be handled through effective legal mechanisms, either through the Consumer Dispute Settlement Agency (*Badan Penyelesaian Sengketa Konsumen*/BPSK) or the general court system. Case records in various regions show the need to increase law enforcement capacity at the local level.[42]

A comparative study in the halal food sector shows similarities in regulatory requirements between the halal industry and halal tourism. Both require a legal framework that is both preventive and corrective.[43] Recommendations from the halal food sector, such as strengthening law enforcement oversight and consumer education, can be adapted across sectors to build a halal tourism ecosystem that is safe and legally secure. The involvement of stakeholders, including tourism associations, Muslim communities, academics, and religious institutions, plays an important role in formulating realistic, credible, and easily monitored standards. Community participation, especially through mechanisms for reporting halal violations, will strengthen the protection of Muslim consumers. Through solid collaboration, the halal industry will not only become a regulatory burden but will develop as a sustainable and competitive collective commitment.

In the Draft Amendment to Law No. 8 of 1999 on Consumer Protection, it is necessary to explicitly regulate definitions, minimum service and product standards, uniform certification mechanisms, and strict sanctions. In addition, regulations must integrate national and regional rules, strengthen the capacity of supervisory agencies, improve consumer literacy, and provide responsive and transparent complaint mechanisms. These recommendations will create a sustainable and continuous consumer protection framework that respects and promotes sharia-compliant service and product standards for the halal industry. As a result, Indonesia will strengthen international investor confidence and create a strategic advantage in the halal industry.[44]

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[42] Haris Maizae Putra, *Dinamika Regulasi Sertifikasi Halal Terhadap Pertumbuhan Usaha Mikro Di Indonesia*, ed. M.S Dr. Dedah Jubaedah (Malang, Indonesia: Putra Surya Santosa, 2023), 20.

[43] Isti Fatonah, Agus Trihartono, and Abubakar Eby Hara, "Industri Makanan Halal: Perbandingan Indonesia Dan Malaysia," *Global Focus* 3, no. 2 (2023): 110–23, https://doi.org/10.21776/ub.jgf.2023.003.02.3.

[44] Herianti, Siradjuddin, and Efendi, "Industri Halal Dari Perspektif Potensi Dan Perkembangannya Di Indonesia."

From a sharia economics perspective, one of the halal industries, namely halal tourism, offers different opportunities to strengthen domestic and international travel flows, attracting Muslim tourists and ethics-conscious tourists who seek compliance with high moral standards.[45] These opportunities can be optimally realized in a situation of legal certainty that protects consumer rights and reduces exploitation risks. The halal industry depends on the interaction between spiritual enthusiasm, high-quality service, and an adequate legal system. The sustainable development of a halal-oriented industry requires regulatory synergy that integrates the protection of Muslim consumer rights and guarantees service certainty for consumers.[46]

Practical Analysis of Halal Certification Implementation and Consumer Protection Compliance Aspects

Law No. 33 of 2014 concerning Halal Product Guarantee (JPH) is the main legal basis for halal certification requirements in Indonesia. All products distributed and traded for public consumption must have a halal certificate. In practice, the halal certification process can be carried out through two mechanisms, namely the regular route and self-declaration, as stipulated in Government Regulation No. 39 of 2021 concerning the Implementation of Halal Product Guarantee (JPH), which was later updated by Government Regulation No. 42 of 2024. In general, the regular route is used for products that have complex processes and high halal risks, with strict audits and generally intended for large businesses. Meanwhile, the self-declare route is intended for UMKM with simple processes, and is faster, cheaper, and easier. This is as stated in the Minister of Religious Affairs Regulation (*Peraturan Menteri Agama*/PMA) No. 20 of 2021 concerning Halal Certification UMKM Actors. This PMA specifically details the procedures and criteria for the self-declare pathway that can be used by UMKM whose products are considered low-risk and have simple production processes. It also regulates the assistance mechanism by PPH companion and verification by BPJPH.

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[45] Muhamad Zuhud, "Memperkuat Ekonomi Masyarakat Melalui Eksistensi Pariwisata Islam Di Indonesia," *SIWAYANG Journal: Publikasi Ilmiah Bidang Pariwisata, Kebudayaan, Dan Antropologi* 3, no. 2 (2024): 80, https://doi.org/10.54443/siwayang.v3i2.1567.

[46] Sukaris Sukaris, Aries Kurniawan, and Moh. Dian Kurniawan, "Strategi Pengembangan Wisata Desa Yang Berkelanjutan," *Jurnal Manajerial* 10, no. 01 (2023): 17, https://doi.org/10.30587/jurnalmanajerial.v10i1.4751.

However, in practice, several UMKM still face technical, administrative, and material compatibility challenges. The Self-Declare policy, which was intended to accelerate certification, has instead become the biggest loophole in practice. The halal certification program is not just an administrative requirement to obtain distribution permits, but as a standard of spiritual quality. The research results show the challenges in maintaining consistency in halal product processes after obtaining halal certification tend to be operational in nature. Obstacles that arise include difficulties in consistently obtaining raw materials that meet halal standards, as well as the need to continuously maintain product quality, such as taste, cleanliness, and packaging. This situation will certainly have an impact on consumers. Halal labels issued through this process have the potential to be invalid according to sharia law. Consumers become victims of the official state logo which turns out not to be based on a halal product process that does not comply with regulations.

Unlike large industrial sectors that have an internal Halal Product Assurance System (*Sistem Jaminan Produk Halal,* SJPH) and are periodically audited during the halal certification process, supervision of UMK, especially after obtaining halal certification, is very weak. Research shows that BPJPH's supervision is conducted through two methods: one-time supervision (based on reports) and another periodic supervision (where BPJPH maps out which businesses require supervision). Furthermore, supervision is based on the commitment of business actors to be honest in carrying out halal product processes. Another concern is that large industries have ISO-certified production standards, but these standards are sometimes absent in the UMK industry, potentially exposing UMK to violations in the halal product process.

The BPJPH's monitoring system for practices after the issuance of halal certification is currently inadequate and unable to reach all UMK in real time. As a result, halal certificates are misinterpreted as being free from supervision. This situation can cause fatal losses for consumers. Consumers buy products based on their trust in the halal logo, but the products they receive have in fact been contaminated with non-halal ingredients.

Based on field studies of UMK practices, the implementation of halal certification has experienced dynamics between administrative compliance and halal substance fulfillment. In addition, a significant gap was found between the objectives of the regulation and the reality of its implementation. Practices in the field show a phenomenon of pseudo-compliance, which actually weakens consumer protection. This empirical reality also confirms that the implementation of halal certification programs at the grassroots level, especially in the UMKM sector, is still trapped in administrative formalism. The consumer protection envisioned by the Consumer Protection Law has been reduced to merely displaying a logo, without adequate guarantees of process integrity. This situation calls for a reevaluation of policies that are not only oriented towards certification targets, but also towards ensuring the spiritual security of consumers.

Legal Analysis of Consumer Protection in National Halal Certification Policy

Legally, Law No. 33 of 2014 (JPH) has confirmed the mandatory principle of halal certification for all products circulating in Indonesia. However, this legal certainty has been distorted by the phasing policy (grace period), which continues to change, particularly after the issuance of Law No. 6 of 2023 (UU Cipta Kerja) and Government Regulation No. 39 of 2021. The government has granted leniency in the form of postponing the halal obligation for UMKM, which was previously to be implemented in October 2024 but has now been postponed to October 2027. This postponement has created a temporary legal vacuum. During this postponement period, Muslim consumers have lost their normative right to obtain halal product guarantees. Therefore, from a legal perspective, this regulation can be considered to prioritize ease of doing business over the certainty of consumer protection as mandated by Article 4 letter a of Law No. 8 of 1999 (the right to comfort, safety, and security).

In addition, the Ease of Doing Business (EoDB) also provides a halal certification mechanism for UMK through a self-declaration mechanism that facilitates the certification of UMK products by obtaining a halal product certificate. The Self-Declaration pathway demonstrates a degradation in standards in the halal certification process. With this self-declaration pathway, halal certification is no longer strictly based on laboratory inspection/testing by a Halal Inspection Institution (LPH). Instead, a statement from the business actor, accompanied by a Halal Product Process Assistant (PPH), whose qualifications are not equivalent to those of a professional halal auditor, is sufficient. This regulation actually lowers the standard of legal proof from scientific evidence (laboratory evidence) to administrative claims (unilateral claims).

The self-declaration process imposes responsibility on business actors for material accuracy, even though they likely have low Sharia literacy, limited understanding, or simply assume that their products comply with Sharia law. This weakens the caveat venditor doctrine and forces a return to caveat emptor, where consumers ultimately must be more careful and ensure substantive halalness, not just the halal logo. This makes consumer protection increasingly difficult and inconsistent with the current direction of consumer protection law development, which prioritizes caveat venditor.

Furthermore, from a regulatory perspective, when business actors make errors in declaring halal products, such as products that turn out to be haram (forbidden), current regulations do not clearly define who is responsible for civil liability. For example, whether it is the PPH Companion, the BPJPH, or the business actor. The unclear vicarious liability of the state in self-declaration cases is one potential loophole in the current law. Thus, this demonstrates that the principle of legal certainty stipulated in Article 2 of the Consumer Protection Law is not being implemented. In implementing consumer protection, both businesses and consumers must obey the law and obtain justice, and the state must guarantee legal certainty.

When comparing the JPH Law with the UUPK, there is a discrepancy in the philosophy of sanctions for halal certification violations. The JPH Law and its derivative regulations place greater emphasis on administrative sanctions, such as written warnings, administrative fines, and revocation of certificates for violators. Administrative sanctions are state-oriented (oriented towards compliance with the state), not victim-oriented (oriented towards victims/consumers). The losses suffered by Muslim consumers in cases of halal standard violations by business actors are immaterial and transcendental (sin/invalid worship). The JPH Law, as the positive law currently in force, does not provide a clear compensation scheme for consumers who accidentally consume haram products due to manufacturer negligence or labeling errors. Meanwhile, Article 19 of the Consumer Protection Law regulates compensation, but proving spiritual losses in civil law in Indonesia is still very difficult to accept in court without specific implementing regulations (lex specialis) in halal regulations.

Based on Lawrence M. Friedman's legal system theory, a legal system in its actual operation is a complex organ consisting of interacting substances, structures, and cultures.[47] The law enforcement system is integrally a unity of various subsystems (components) consisting of "legal substance," "legal structure," and "legal culture." [48]When examined using legal system theory, the

[47] Lawrence M Friedman. 2013. *Sistem Hukum Perspektif Ilmu Sosial.* Bandung: Nusa media. Hal. 16.

[48] Barda Nawawi Arief. *2018. Pendekatan Keilmuan dan Pendekatan Religius dalam Rangka Optimalisasi dan Reformasi Penegakan Hukum (Pidana) di Indonesia.* Semarang: Badan Penerbit Universitas Diponegoro.Hal. 45.

halal certification policy through the self-declaration pathway presents problems that can be broken down into three subsystems.

Legal substance subsystem: The Consumer Protection Law (UUPK) regulations do not fully protect the rights of Muslim consumers. This is evident in only one article, Article 8 paragraph (1) letter h, which explicitly stipulates that "prohibited acts are those where business actors do not comply with the provisions of halal production, as stated in the "halal" statement." This principle of balance regarding the protection of consumers' spiritual rights is enshrined in the UUPK, and should be outlined in other articles of the UUPK. Legal structure subsystem: Based on interviews, BPJPH conducts routine and periodic supervision as mandated by the JPH Law. However, in its implementation, supervision through the self-declaration pathway allows for potential misuse by business actors. The supervisory mechanism should be carried out intensively throughout the halal product process. For example, through digital self-reporting every time a halal product process is carried out, or the provision of an inherent and objective supervisor at the MSE. Legal culture subsystem: Business actors' awareness that halal certification is not merely a label to increase sales and expand marketing, but also a form of respect and a manifestation of consumers' spiritual rights. Therefore, it is necessary to provide understanding and education to business actors because so far the initial process of applying for halal certification through the self-declaration pathway is accompanied by a PPH assistant. During the implementation of the halal product process without the assistance of a PPH assistant, UKM actors have the opportunity to commit abuse. These three problems show that the halal certification policy through the self-dealer pathway still needs improvement, both in terms of the legal substance subsystem, legal structure, and legal culture, so that halal certification is not only in the form of including a halal label but more deeply involves the honesty and sincerity of business actors in producing products in order to provide protection for the spiritual rights of consumers.

Conclusion

Halal products have become one of the growing industrial sectors today. This development is based on economic factors that place the halal industry as one of the potential sectors, especially for Muslim-majority countries such as Indonesia. In addition, legally, the halal industry is also encouraged as an effort to fulfill the rights of Muslim consumers to food and beverage needs and other services that comply with Sharia provisions as they believe. Currently, the government has seized the opportunity presented by the halal industry with the issuance of Law No. 33 of 2014 concerning Halal Product Guarantee (JPH) along with supporting regulations and other derivatives. The birth of this regulation certainly forms the basis for the halal certification obligation for all products circulating and traded in society. From the perspective of consumer protection law, at first glance, these regulations are quite in line with and support the objectives of consumer rights protection as stipulated in Law No. 8 of 1999 concerning Consumer Protection. This is particularly true in terms of fulfilling consumers' rights to obtain information and services regarding a product based on their religious beliefs or spiritual rights. However, the implementation of halal certification requirements as mandated in the JPH Law still raises several issues, such as a gap between administrative compliance and halal substance, which leads to problems in protecting consumer rights.

Based on legal analysis, the results of this study indicate that the national halal certification policy in Indonesia is currently in a transitional phase, namely from voluntary to mandatory, as stipulated in Law No. 33 of 2014 concerning Halal Product Guarantee (JPH). Based on a legal review from a consumer protection perspective, the current national halal certification policy regulations are not yet fully capable of providing optimal consumer protection as mandated by Law No. 8 of 1999 concerning Consumer Protection. Normatively, there is a weakening of consumer protection standards through the Self-Declare mechanism. Current regulations prioritize economic objectives by providing ease of doing business by reducing certification requirements, which should be strict, to mere administrative compliance. The absence of rules regarding strict liability and compensation for immaterial (spiritual) losses suffered by Muslim consumers shows that the current positive law still views the issue of halal as merely an economic commodity, rather than an effort to fulfill fundamental consumer rights. In addition, empirical evidence shows that the implementation of halal certification policies at the UMK level has led to pseudo-compliance. Halal labels are often used merely as a marketing tool without any requirement for consistent integrity in the production process. Furthermore, the limited Sharia literacy of business actors, weak post-market surveillance, and the disruption of the traceability of raw material use make the halal logo vulnerable to misuse. As a result, the state indirectly legitimizes information uncertainty that harms consumers' rights to product safety and comfort.

Therefore, the self-declaration policy needs to be responded to by strengthening the supervision of the halal product process (PPH). The supervisory mechanism stipulated in the JPH Law is strengthened with the hope that the inconsistency of PPH provisions with what has been declared by business actors does not become a potential injury to the spiritual rights of consumers. The integration of regulations that have a bias towards protecting the spiritual rights of consumers through comprehensive supervision with collaborative involvement from various stakeholders as a form of law enforcement, the use of information technology that helps with supervision and supports easy tracking of the halal nature of the production process,as well as ongoing awareness initiatives of business actors and consumers, allows this sector to develop in a sustainable, safe, and competitive environment. The halal industry does not merely show a temporary trend, but reflects real protection of the rights of Muslim consumers and a true recognition of religious awareness.

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Acknowledgment

This research is funded by the Indonesian Endowment Fund for Education (LPDP) on behalf of the Indonesian Ministry of Higher Education, Science and Technology and managed under the EQUITY Program (Contract No.4311/B3/DT.03.08/2025), under grant number 18.11.11/UN37/PPK.RO1/2025.

Funding Information

Funded by LPDP via EQUITY Program

Conflicting Interest Statement

The authors declare that there are no conflicts of interest regarding the publication of this article.

Generative AI Statement

None.

Cite this article as:

Fibrianti, Nurul, R. Benny Riyanto, Ubaedul Mustofa, Shopia Clara Beauty Kusumawardhani, and Anik Novita. "Halal Certification: The Gap Between Administrative Compliance and Consumer Protection". *Journal of Indonesian Legal Studies* 11, no. 1 (2026): 325-358. https://doi.org/10.15294/jils.v11i1.41884