

The Reform of Halal Product Assurance Supervision to Achieve Legal Certainty

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Abstract

The enactment of the Halal Product Assurance Law (Halal Law) represents Indonesia's commitment to providing protection in the form of legal certainty for its citizens in the consumption of halal products. The existence of Law Number 33 of 2014 concerning Halal Product Assurance as amended by several articles in Law Number 6 of 2023 concerning Job Creation is a manifestation of the state's role in protecting citizens of Indonesia, 85% of whose 250 million population is Muslim. Hence, supervision of halal products is important in an effort to achieve legal certainty. This study aims to explain the reform of halal product assurance supervision to achieve legal certainty through a juridical-normative method using library materials or secondary data with a comparative approach. The research results show that the Halal Product Assurance (JPH) supervisory framework in Indonesia still faces normative weaknesses in the form of regulatory misalignment, suboptimal clarity of

authority and risk-based supervisory procedures, and implementation weaknesses in institutional coordination and data integration. A comparative study with Malaysia shows that supervision must be coordinated, consistent, and capable of sustained enforcement. Therefore, JPH supervisory reform needs to be directed toward a risk-based and digitally integrated model, with clear authority, measurable risk criteria, standardized procedures, and proportional law enforcement and sanctions to strengthen legal certainty and protect Muslim consumers.

KEYWORDS: *Halal Product, Legal Certainty, Supervision.*

Introduction

Halal product assurance plays a crucial role in maintaining public trust, not only by Muslims, but also by non-Muslims, amidst the dynamics of globalization and increasing consumer awareness of halal products¹. Halal items are maintained not only for religious considerations but also for health and safety standards and product quality². Therefore, supervision of halal product assurance is very important to be carried out to achieve legal certainty³. In the context of JPH, legal certainty must be understood in a broader sense than merely the existence of laws and regulations or the issuance of halal certificates. Legal certainty must ensure that a product's halal status can be identified, verified, maintained, and enforced consistently from the production process through to the product's distribution and consumption by the public.

The state is obliged to protect Muslim consumers through a credible and accountable halal product guarantee system. In the context of positive law⁴, Halal product assurance gained legal basis through the enactment of Law Number 33 of 2014 concerning Halal Product Assurance, which was later refined through Law Number 6 of 2023 concerning Job Creation. This regulation reinforces the state's obligation, through the Halal Product

¹ Jawie Isti Atun Niza, "Penerapan Sistem Jaminan Produk Halal Sebagai Bentuk Kepastian Hukum Perlindungan Konsumen," *Jurnal Studi Islam Indonesia* 1, no. 1 (June 2023): 141–56.

² Agus Waluyo, "The Developmental Policy of Halal Product Guarantee in the Paradigm of Maqāṣid Sharī'ah in Indonesia," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 20, no. 1 (June 10, 2020): 41–60, <https://doi.org/10.18326/ijtihad.v20i1.41-60>.

³ Difanti Ameliananda Zafitriani and Karimatul Khasanah, "Kepastian Hukum Dalam Pelaksanaan Pengawasan Produk-Produk Yang Telah Bersertifikat Halal Di Indonesia," *El Hisbah (Journal of Islamic Economic Law* 4, no. 1 (2024): 14–28.

⁴ Efik YUSDiansyah, *Ilmu Negara* (Bandung: UPT Publikasi Unisba, 2022). Hlm. 3.

Assurance Agency (BPJPH), to provide protection to Muslim consumers by ensuring the halal status of the products they consume⁵. Many products currently sold lack reliable halal guarantees.⁶

The August 1, 2024 revocation of the "Coffee-Milk Flavored Bun" certificate (ID00210006483580623) exposed gaps in regulatory enforcement. BPJPH withdrew the certification because the business failed to register the variant. Unmonitored businesses easily bypass certification limits, leaving consumers to shoulder the safety risks. From the perspective of legal certainty, oversight bridges legal norms and the practical implementation of Halal Product Assurance (JPH) through mechanisms involving monitoring, inspection, corrective actions, and law enforcement that are clear, measurable, consistent, and predictable. Oversight also encompasses dimensions of both preventive and repressive legal protection, as it aims not only to prevent violations but also to ensure proportionate legal action should a violation occur⁷.

Therefore, oversight is necessary to ensure consistent compliance by businesses with halal standards, as well as to detect and prevent potential violations that could harm consumers. From the perspective of legal certainty, oversight serves to bridge legal norms with the practice of implementing the Halal Product Certification System (JPH) through mechanisms of monitoring, inspection, corrective actions, and law enforcement that are clear, measurable, consistent, and predictable. Oversight also has both preventive and repressive legal protection dimensions, as it aims not only to prevent violations but also to ensure proportionate legal action is taken should a violation occur⁸.

All this time, supervision of halal products in Indonesia has faced a number of problems, including inconsistent implementation of supervision,

⁵ Law Number 6 of 2023 on Job Creation (n.d.).

⁶ Neni Ruhaeni, Efik Yusciansyah, and Eka An Aqimuddin, 'Revisiting Indonesia Halal Tourism Policy in Light of GATS', *Journal of International Trade Law and Policy*, 23.2/3 (2024), pp. 154–67, doi:10.1108/JITLP-12-2023-0064.

⁷ Dian Adinda Harjuna, Sherlock Halmes Lekipiouw, and Yohanes Pattinasarany, "Tanggung Jawab Pemerintah Dalam Melakukan Pengawasan Sertifikasi Label Halal Di Derah," *Study Review* 3 (2025): 80–91, <https://bpjph.halal.go.id/detail/kepala-bpjph-capaian-capaian-bpjph-adalah-bagian-dari-legasi-terbaik->.

⁸ Dian Adinda Harjuna, Sherlock Halmes Lekipiouw, and Yohanes Pattinasarany, "Tanggung Jawab Pemerintah Dalam Melakukan Pengawasan Sertifikasi Label Halal Di Derah," *Study Review* 3 (2025): 80–91, <https://bpjph.halal.go.id/detail/kepala-bpjph-capaian-capaian-bpjph-adalah-bagian-dari-legasi-terbaik->.

lack of collaboration among related institutions, and weak law enforcement against violations of halal product assurance⁹. Therefore, the Halal Product Guarantee (JPH) regulations need to shift from an administrative oversight paradigm that tends to be reactive toward risk-based oversight that is preventive, corrective, and repressive on an ongoing basis. This does not necessarily have to begin with the creation of an entirely new set of regulations¹⁰, but rather with strengthening the framework of norms regarding authority, risk indicators, oversight mechanisms, data sharing, corrective actions, and the enforcement of sanctions^{11,12}. It is very important for producers and consumers to have legal certainty that guarantees halal products. With legal certainty, producers can explain the standards and procedures that must be followed, and consumers have the guarantee that the products they consume are truly halal in accordance with Islamic law¹³.

Several studies have been conducted by Seftia Wahyu Nur Efendi and Dipo Wahyoeono¹⁴, discussing changes to the Job Creation Law that are expected to accelerate the growth of the halal food industry in Indonesia in order to enhance the competitiveness of halal products in the global market. Furthermore, Hashed Mubkhot¹⁵, focusing on the Halal Product Guarantee Law, argues that government intervention is necessary to safeguard the public interest, particularly consumer protection¹⁶, regarding the halal status of a product, and the government is also required to act as a facilitator, regulator,

⁹ "The Existence of a Halal Product Assurance Organizing Body in Organizing Halal Assurance," *International Journal Reglement & Society (IJRS)* 2, no. 3 (September 30, 2021), <https://doi.org/10.55357/ijrs.v2i3.202>.

¹⁰ Muchammad Shidqon Prabowo et al., "Reconstruction of the Legal Framework for Consumer Protection in ESG-Based Digital Investment and Blockchain Technology: A Legal Study," *Lex Scientia Law Review* 10, no. 1 (May 20, 2026): 137–72, <https://doi.org/10.15294/lslr.v10i1.29090>.

¹¹ Salma Nurul Fadhilah, Panji Adam Agus Putra, and Arif Rijal Anshori, "Analisis Undang-Undang Nomor 33 Tahun 2014 Tentang JPH Terhadap Peran Pendamping Halal Self Declare Dalam Menjaga Kepastian Kehalalan Produk," *Bandung Conference Series: Sharia Economic Law* 4, no. 2 (2024): 397–403, <https://doi.org/10.29313/bcssel.v4i2.13570>.

¹² Islami A.C., Kunaifi A, and Gunawan J, "Ragam Pengukuran Kinerja Pada Usaha Mikro, Kecil, Dan Menengah (UMKM) Di Surabaya," *Jurnal Sains Dan Seni ITS*, 2017.

¹³ Seftia Wahyu Nur Efendi and Dipo Wahyoeono H, "Kepastian Hukum Penetapan Sertifikasi Halal Di Indonesia Ditinjau Dari Undang-Undang Nomor 6 Tahun 2023 Tentang Cipta Kerja," *Journal Evidence Of Law* 3, no. 1 (January 22, 2024): 44–51, <https://doi.org/10.59066/jel.v3i1.571>.

¹⁴ Nur Efendi and Wahyoeono H.

¹⁵ Hashed Mubkhot, "Factors Affecting the Sustainability of Halal Product Performance: Malaysian Evidence," *Sustainability (Switzerland)* 15, no. 3 (2023), <https://doi.org/10.3390/su15031850>.

¹⁶ Prabowo et al., "Reconstruction of the Legal Framework for Consumer Protection in ESG-Based Digital Investment and Blockchain Technology: A Legal Study."

and supervisor. Several studies have addressed halal product guarantees, but none have focused specifically on reforming oversight to achieve legal certainty. Therefore, this study places supervision and legal certainty as its primary focus, further employing a comparative legal approach between Indonesia and Malaysia. Based on this overview, the novelty of this study lies in its focus on oversight and legal certainty, as well as its use of a comparative legal approach between Indonesia and Malaysia, to identify lessons learned that can be contextually adapted to the Indonesian legal system.

Existing literature rarely tackles halal oversight reform. Efendi and Wahyoeono evaluated how the Job Creation Law balances simplified bureaucracy with certification continuity. Hosen analyzed administrative sanctions. Rusmiyati reviewed the government's role in consumer protection. These scholars overlook how structural oversight directly establishes legal certainty. Legal certainty in the halal product assurance system means more than confirming that a product has been certified; it also requires that halal status can be continuously verified, monitored, and enforced for as long as the product is on the market. Furthermore, comparative studies examining the regulatory framework, institutional arrangements, and oversight mechanisms for halal product assurance in Indonesia and Malaysia are still limited. This comparison is important because Malaysia has developed a distinctive halal governance framework with institutional and regulatory characteristics comparable to Indonesia's, but employing a different oversight approach. We position oversight reform as a legal tool to enforce halal certification. This paper compares Indonesia's framework with Malaysia's centralized system. Malaysia shares a Muslim-majority demographic but enforces halal standards through integrated institutions and trade laws. We apply juridical-normative methods to existing laws to expose normative gaps in Indonesia¹⁷. We then adapt Malaysian regulatory practices to propose accountable, risk-based oversight mechanisms¹⁸.

¹⁷ Soerjono Soekanto and Sri Mahmudji, *Penelitian Hukum Normatif, Suatu Tinjauan Singkat* (Jakarta: Raja Grafindo Persada, 2003).

¹⁸ Irwansyah and Ahsan Yunus, *Penelitian Hukum Pilihan Metode Dan Praktik Penulisan Artikel* (Makasar: Mira Buana Media, 2020).

Halal Product Assurance Supervision from a Legal Perspective in Indonesia

Article 29, paragraph (2) of the 1945 Constitution guarantees citizens the right to practice their beliefs, including the right to consume halal food¹⁹. The Halal Product Guarantee Law enforces this constitutional mandate. BPJPH administers the system to ensure market safety and hold businesses accountable. Under the framework of Law No. 33 of 2014 on Halal Product Assurance, as amended by Law No. 6 of 2023 on Job Creation, the BPJPH not only performs administrative functions in issuing halal certificates but also carries out regulatory, guidance, coordination, and oversight functions regarding the implementation of the JPH system²⁰.

With regard to oversight, the halal product oversight system is regulated by Law No. 33 of 2014 on Halal Product Assurance, as amended by Law No. 11 of 2020 on Job Creation and reaffirmed in Law No. 6 of 2023, and implemented through Government Regulation No. 42 of 2024 on the Administration of Halal Product Assurance. Within this framework, oversight is carried out by the Halal Product Guarantee Agency (BPJPH) in collaboration with relevant ministries and agencies, as well as local governments in accordance with their respective authorities. Oversight includes monitoring compliance with the use of halal ingredients, production processes, storage, packaging, distribution, labeling, and the maintenance of the Halal Product Guarantee System (SJPH).

The implementation of the Halal Product Guarantee regulations aims to provide consumers (the general public) with legal certainty regarding food products and other consumer goods. In the process of formulating and enforcing laws, various factors come into play, including the state's ideological system, political system, economic system, social and cultural systems, and the

¹⁹ Rastiawaty et al., "Tinjauan Hukum Penerapan Sertifikasi Halal Berdasarkan Undang-Undang Nomor 33 Tahun 2014 Tentang Jaminan Produk Halal," *Jurnal Ilmiah Publika* 11, no. 1 (January 29, 2023): 226, <https://doi.org/10.33603/publika.v11i1.8224>.

²⁰ Astuti Mairinda, *Berkenalan Dengan Jaminan Produk Halal Di Indonesia* (Jakarta: Guepedia, 2021).

legal system itself. The same applies to the process of applying Islamic law within the realm of national legislation²¹.

The objective of enacting the Halal Product Assurance Law is to provide customers and the broader community with legal assurance concerning food products and other consumer goods²². The process of creating and implementing legislation is influenced by various factors, including the state's ideology system and the legal system itself. The same applies to the implementation of Islamic law within state legislation.

This Halal Product Assurance Law can be implemented well if several steps below are carried out: *First*, massive socialization to various parties, especially micro and small business actors. *Second*, having a companion team formed by the government that functions to encourage and provide assistance to micro and small business actors in the halal certificate registration process. *Third*, encouragement and budget commitment from the government to encourage the provision of facilities to register halal certificates for micro and small businesses. *Fourth*, forming a supervisory team, so that this halal certification process can run transparently and accountably with minimal deviations in the halal certification process.

The Halal Product Assurance Law is based on six principles: (a) Safeguarding, (b) Equity, (c) Legal Assurance, (d) Responsibility and Openness, (e) Efficacy and Efficiency, and (f) Professionalism. These principles can be elucidated as follows²³:

- a. The principle of protection is that the association for halal product assurance seeks to safeguard the Muslim community.
- b. The idea of justice dictates that the organization of Halal Product Assurance must embody proportional justice for every citizen, signifying that the Food Organization must offer equal opportunities and resources to all citizens in accordance with their needs.

²¹ Efik Yusdiansyah and Wicaksana Dramanda, "Treaties As A Source Of National Law In The Perspective Of Constitutional Law," *PADJADJARAN Jurnal Ilmu Hukum (Journal of Law)* 10, no. 2 (2023): 234–53, <https://doi.org/10.22304/pjih.v10n2.a5>.

²² Nur Putri Hidayah et al., "Legal Protection of Indonesian Migrant Workers Affected by Covid-19," *Jurnal Cita Hukum* 10, no. 1 (April 30, 2022): 139–52, <https://doi.org/10.15408/jch.v10i1.24156>.

²³ Amelia Cahyadi, Zainal Muttaqin, and Anindya Saraswati Ardiwinata, *Hukum Pengawasan* (Bandung: Remaja Rosdakarya, 2023).

- c. The principle of legal certainty can be seen through the implementation of Halal Product Guarantee, which aims to provide legal certainty regarding the halal status of a product, as evidenced by a Halal Certificate. This ensures that businesses comply with the law and consumers receive justice through consumer protection, and serves as a form of government support for ensuring legal certainty.
- d. The principle of accountability and transparency stipulates that all activities and outcomes of Halal Product Assurance implementation must be answerable to the community, which is the ultimate sovereign authority in the state, in compliance with legislative laws.
- e. The principle of effectiveness and efficiency dictates that Halal Product Assurance is executed with suitable and efficient objectives, while minimizing resource use in a rapid, straightforward, and cost-effective manner.
- f. Professionalism in Halal Product Assurance requires the application of specialized expertise, demonstrated competence, and compliance with established ethical standards.

Indonesia must shift to a risk-based supervision model. BPJPH should mandate digital periodic reporting for raw materials, suppliers, and production changes to create a traceable compliance record. Audit frequency must align with specific risk criteria like supply chain complexity and past violations. The government must clearly define the boundaries between BPJPH, LPH, and MUI to integrate data and track supervisory decisions. BPJPH needs an enforcement matrix tying specific violations to proportionate sanctions. Overall, these reforms establish an integrated legal oversight mechanism in which risk classification determines the intensity and frequency of oversight; digital reporting provides ongoing information on compliance; verification allows BPJPH and authorized audit institutions to assess the accuracy of reported information; corrective measures provide an opportunity to address identified non-compliance; proportional enforcement ensures that sanctions are commensurate with the nature and severity of the violation; and legal review ensures that supervisory decisions remain transparent, accountable, and contestable. Through this integrated mechanism, legal certainty is operationally realized through predictability, transparency, consistency, accountability, and the ability to review actions.

Challenges of Halal Product Assurance Supervision in Indonesia

From a philosophical, legal and sociological perspective, there are several approaches to the factors underlying the challenges in supervising Halal Product Assurance in Indonesia, including²⁴:

First, various laws and regulations governing or relating to halal products do not yet provide legal certainty and guarantees for Muslims to consume or use halal products. This makes it difficult for Muslims to distinguish between what is halal and what is haram, leading to doubts about consuming or using products. This is because existing regulations only regulate the halal status of food products and do not yet address pharmaceuticals, cosmetics, biological chemicals, and genetically engineered products, or other consumer products.

Secondly, there is a lack of legislative clarity over which organization is tasked with ensuring the halal certification of items on behalf of the state. The existing system fails to delineate the authority, responsibilities, and functions associated with halal product assurance, as well as their coordination. The legal status of the MUI Fatwa remains uncertain within legal theory, and the current system has not clarified how to elevate the MUI Fatwa to national law or integrate it into a national legal framework.

Thirdly, the manufacturing and distribution of products in the domestic market are becoming progressively challenging to regulate due to advances in food technology, genetic engineering, biotechnology, and biochemical processes.

Fourthly, in contrast to the systems used in Singapore, Malaysia, and the United States, Indonesia's halal goods system lacks officially established halal standards and certifications by the government, leading to the proliferation of counterfeit halal marks that are challenging to regulate²⁵.

Fifthly, the halal product information system is insufficient as a resource for businesses and the community, failing to align with the community's knowledge and requirements about halal items.

²⁴ Sari N.P, "Tantangan Pengawasan Produk Halal Di Indonesia," *Jurnal Ekonomi Dan Bisnis Islam* 8, no. 1 (2020): 45–60.

²⁵ Ratna Sofiana, Satria Utama, and Abdur Rohim, "The Problems of Halal Certification Regarding Consumer Protection in Malaysia and Indonesia," *Journal of Human Rights, Culture and Legal System* 1, no. 3 (November 20, 2021), <https://doi.org/10.53955/jhcls.v1i3.16>.

Sixthly, the validity period of the halal certificate persists as long as there are no alterations to the composition, components, or processes of halal products, with stipulations in the event of modification²⁶.

The implementation of halal product assurance in Indonesia faces challenges on two levels, normative and practical. From a normative perspective, there is overlapping regulation between the JPH Law and the Job Creation Law, creating unclear norms. Among these are the norms regarding mandatory halal certification. Article 4 of Law 33 of 2014 states that products entering, circulating, and traded within Indonesia must be halal certified. However, the Job Creation Law then inserts Article 4A, which specifically stipulates that the obligation to obtain halal certification for micro and small businesses is based on a self-declaration of halal status. This norm is a key area of uncertainty, as the certification obligation remains, but the verification mechanism is different. This is a direct contradiction, but requires very clear normative boundaries regarding MSE criteria, product types, risk levels, mentoring, verification, and post-certification supervision. From an implementative perspective, limitations in human resources (HR) and technological infrastructure, inter-agency coordination that has not yet reached optimal levels, and ineffective law enforcement implementation. Furthermore, low legal awareness among business actors, particularly in the Micro, Small, and Medium Enterprises (MSMEs) sector, adds to the complexity of the issue. This ultimately raises concerns that Muslim consumers' rights to legal certainty regarding the consumption of halal products have not been fully met²⁷.

One of the main issues is the overlapping and ambiguous standards within the legislation. Amendments to several articles in the JPH Law through the Job Creation Law have sparked debate about their effectiveness and consistency. Shifting certification requirements create conflicting interpretations regarding whether exceptions are permitted²⁸. Businesses and consumers lose reliable standards when technical regulations contradict practical needs. Unclear rules force Muslim consumers to doubt product safety. Several practical barriers complicate implementation:

²⁶ Deviana Yuanitasari, Agus Sardjono, And Heru Susetyo, "Tantangan Regulasi Halal Untuk Pelaku Usaha Mikro Dan Kecil: Sebuah Studi Socio-Legal Di Kupang Nusa Tenggara Timur," *Acta Diurnal Jurnal Ilmu Hukum Kenotariatan Dan Ke-Ppat-An* 6, No. 2 (June 30, 2023), <https://doi.org/10.23920/Acta.V6i2.1474>.

²⁷ Efik Yusciansyah And Reni Trimelawati, "Kepastian Hukum Konsumen Muslim Dalam Perspektif Jaminan Produk Halal Dan Hukum Islam," 2025.

²⁸ Efik Yusciansyah And Reni Trimelawati.

- a. Limited Infrastructure and Human Resources. As of 2023, approximately 66 million MSMEs were active in Indonesia, yet the LPH network and the supervisory workforce remained severely constrained and understaffed. The result is a certification process that cannot keep pace with national business growth.
- b. Low Awareness of Business Actors. Small operators often view halal certification as a financial burden. They avoid the registration process because they fail to recognize its function in consumer protection.
- c. Misuse of the Halal Label. Businesses frequently misuse halal labels. Okko Roti illegally attached a halal logo to an uncertified product variant. Unauthorized labeling denies consumers accurate product information and constitutes *tadlis* (fraud) under Islamic law.
- d. Lack of Transparency and Supervision. BPJPH's supervision system remains limited in its use of technology and in how transparently it shares information with the public. Many consumers struggle to find reliable information about the halal status of specific products. In fact, legal certainty requires openness of information so that consumers can make informed decisions.

Tri Cahyanto²⁹ identifies specific operational hurdles: Overlapping jurisdictions prevent BPJPH, LPH, and LP3H from synchronizing technical regulations. The shortage of auditors delays business compliance. Post-certification oversight fails to catch products deviating from original Halal Product Specifications (SJPH).

Supervision of Halal Product Assurance in Malaysia

Since 1974, the Department of Islamic Development Malaysia (JAKIM) has been responsible for verifying the halal status of food products and Islamic

²⁹ Tri Cahyanto, "Peluang Dan Tantangan LPH Dan LP3H Dalam Pengawasan Produk Halal" (Bandung, 2025).

consumer goods in Malaysia. JAKIM and Majlis/Jabatan Agama Islam Negeri (MAIN/JAIN) are the authorized bodies responsible for halal matters in Malaysia³⁰, which also cooperate with other government agencies to enforce halal laws, such as the Kementerian Perdagangan Dalam Negeri, Koperasi dan Konsumerisme (KPDNKK), Departemen Standar Malaysia, Departemen Layanan Veteriner, Kementerian Kesehatan Malaysia (KKM), Departemen Bea Cukai Kerajaan Malaysia (KDRM), and Otoritas Lokal (PBT)³¹.

JAKIM also works closely with the Halal Industry Development Corporation (HDC), which is crucial in advancing Malaysia's halal sector and establishing the nation as a global center for halal products and services. All legislative provisions, regulations, and standards for halal enforcement in Malaysia are grounded in the halal principles and concepts derived from the Qur'an and Sunnah, as well as the views of recognized Islamic scholars³².

The laws applicable to halal enforcement include the 2011 Trade Act, the 2011 Trade Order (Certification and Halal Marking), the 2011 Trade Order (Definition of Halal), and the 2011 Trade Regulations (Fees for Certification and Halal Marking), which have further streamlined halal-related regulations in Malaysia.

Additionally, there exist other statutes that are indirectly associated with halal and encompass halal-related provisions, including the Food Act 1983, Food Regulations 1985, Animal Act 1953 (Amendment 2006), Animal Welfare Act 1962, Local Government Act 1976, Local Authority Offenses Act, Consumer Protection Act 1999, Customs Act 1967, and Shariah Criminal Offenses Act. The swift expansion of the halal industry in Malaysia has therefore resulted in the formulation of halal regulations³³.

In addition to existing legislation, Malaysia has proactively introduced the Halal Standard MS1500:2004. This provides the food industry with practical guidelines on the preparation and handling of halal food, as well as the fundamental principles of food production, trade, and business.

³⁰ Mustafa 'Affi Ab Halim and Azlin Alisa Ahmad, "Enforcement of Consumer Protection Laws on Halal Products: Malaysian Experience," *Asian Social Science*. 10, no. 3 (2014): 9–14.

³¹ Zulkifli Hassan, "Undang-Undang Produk Halal Di Malaysia: Isu Penguatkuasaan Dan Pendakwaan. Konvensyen Kebangsaan Undang-Undang: Isu Penguatkuasaan Dan Pendakwaan," *Ogos*, 2007, 1–21.

³² Norazla Wahab et al., "Undang-Undang Halal Malaysia: Isu Dan Cabaran. World Academic And Research Congress 2015 (World-AR 2015).," *World Academic And Research Congress*, n.d.

³³ Norazla Wahab et al.

These guidelines are used alongside MS1480:1999 (Food Safety in accordance with the “Hazard Analysis and Critical Control Point” system) and MS1514:2001 (Fundamental Principles of Food Hygiene). In a comparable manner, the Halal Standard MS1500:2004 serves as a practical guideline for the food industry, particularly with regard to the preparation and handling of halal food and the basic principles of food products, trade, and business³⁴.

The halal standard ensures that halal certification adheres strictly to Shariah requirements. JAKIM has been entrusted with this responsibility, overseeing the certification process and monitoring the halal industry in Malaysia.

The responsibility for developing industrial standards in Malaysia lies with SIRIM Berhad. Through its Industry Standards Committees (ISC), SIRIM Berhad has developed various standards, including MS1900:2005 Quality Management Systems: Requirements from Islamic Perspectives, or simply MS1900:2005. This standard was developed by the Technical Committee on Islamic Management under the Jawatankuasa Standard Industri bagi Standard Halal (ISCI), one of the ISCs established by SIRIM Berhad³⁵.

In Malaysia, the issuance of halal certifications recognized by the government is handled by JAKIM and JAIN/MAIN³⁶. These three agencies are the sole principal bodies authorized to issue halal certificates in Malaysia. For products intended for domestic markets, applications can be made to JAIN, while for products intended for international or national markets, applications must be made to JAKIM³⁷.

One of the main strengths of the Malaysian Halal Standard is the implementation of the Halal Assurance System (HAS), which helps ensure that the halal status of raw materials, processes and products that have been halal certified is consistently maintained and monitored³⁸. This strengthens the halal

³⁴ Mohd Al-Ikhsan Ghazali And Siti Salwa Md. Sawari, “Amalan Standard Halal Di Negara-Negara Asia Tenggara. International Journal Of Islamic And Civilizational Studies. Umran Vol. 1. No.1.” *International Journal Of Islamic And Civilizational Studies. Umran Vol. 1. No.1.* 1, No. 1 (2014).

³⁵ Mohd Al-Ikhsan Ghazali And Siti Salwa Md. Sawari, “Amalan Standard Halal Di Negara-Negara Asia Tenggara,” *International Journal Of Islamic And Civilizational Studies. Umran* 2, No. 2 (2015): 59.

³⁶ Harlida Abdul Wahab And Alias Azhar., “Halalan Tayyiban Dalam Kerangka Perundangan Malaysia,” *Kanun* 1 (2014): 103–20.

³⁷ JAKIM, “Manual Prosedur Pensijilan Halal Malaysia (Domestik) 2020,” 2020.

³⁸ Portal Halal Malaysia, “Sistem Jaminan Halal,” <http://www.halal.gov.my/v3/index.php/ms/garispenduan/sistem-jaminan-halal>, 2013.

standards applied, as Malaysia's unique and strategic geographical location supports uniform halal practices across the country.

On the enforcement side, besides JAKIM, Kementerian Perdagangan dalam Negeri dan Hal Ehwal Pengguna (KPDNHEP) is responsible for issues related to food products. KPDNHEP's objective is to promote and facilitate orderly and healthy domestic trade while protecting consumer interests. Accordingly, several legal provisions related to halal have been formulated and enforced. For instance, in 1982, a regulation was introduced requiring that all imported meat be halal³⁹.

JAKIM does not operate in isolation in enforcing halal laws in Malaysia but is supported by several other agencies, each with its own roles, jurisdictions, and legal frameworks. Other involved agencies include the MAIN/JAIN, KKM, Jabatan Perkhidmatan Veterinar (JPV), Kastam Diraja Malaysia (KDRM), and Pihak Berkuasa Tempatan (PBT). In border areas, law enforcement is also assisted by the Unit Pencegah Penyeludupan (UPP), the enforcement division of the Customs Department, and the military, which controls the movement of goods across Malaysia's maritime boundaries⁴⁰.

These enforcement laws apply only within Malaysia's territorial boundaries, with functions and jurisdictions seen as very limited in border areas. Even though the halal standard MS1500:2009 has become the official reference document for halal certification processes in Malaysia and has been well received by the global halal food industry, including in non-Muslim countries, there are still some shortcomings associated with halal quality assurance that can be improved.

One key issue contributing to challenges in managing halal quality standards through MS1500:2009 is the integrity of halal in food production operations. Comprehensively, this matter requires attention across the entire halal food supply chain, from farm to fork.

This includes the involvement of individuals such as workers, entrepreneurs, or managers, whose integrity in adhering to the established standards may be questionable. Many food entrepreneurs no longer practice the

³⁹ Syaripah Nazirah Syed Ager, "Cabaran Penguatkuasaan Undang-Undang Produk Halal Di Kawasan Sempadan Malaysia-Thailand: Satu Tinjauan," in *Proceeding 5th Muzakarah Fiqh & International Fiqh Conference (MFIFC 2019)* (Kolej Universiti Islam Selangor, 2015), 261.

⁴⁰ Syaripah Nazirah Syed Ager.

halal quality standards set by MS1500:2009 once their products have been certified halal by JAKIM. However, the International Halal Integrity Alliance (IHIA), a non-governmental organization, has been established to monitor integrity levels in implementing halal standards more efficiently⁴¹.

Another weakness is Malaysia's inability to fully accommodate different Islamic schools of thought. It is well known that Malaysia practices the Shafi'i school of thought and follows Ahl al-Sunnah wa al-Jamaah, based on the 13th Conference of the Rulers Council's decision on December 3, 1984. Accordingly, the propagation of other schools of thought should be controlled, and their activities should be limited to practice, not dissemination.

As a way forward, it is proposed that a specific law, the Malaysia Halal Act, be drafted to enhance halal-related legislation and expand JAKIM's authority as the authoritative body on halal issues, particularly in enforcement and prosecution. Additionally, the establishment of a Halal Commission to regulate and oversee all halal-related matters and to conduct regular monitoring of halal products on the market is seen as relevant. Malaysia sustains industry growth by integrating standardization, auditing, and supervision into a centralized system. Indonesia distributes oversight across multiple agencies. The Malaysian model enforces uniform audit standards and coordinates compliance directly, ensuring stronger legal certainty for product status⁴².

Indonesia mandates certification but struggles with institutional coordination and inspector capacity. Malaysian governance proves that legal certainty relies heavily on structural enforcement.

Comparative Analysis of Halal Product Supervision in Indonesia and Malaysia

Indonesia and Malaysia handle halal certification through different institutional frameworks. Law No. 33 of 2014⁴³ and the subsequent Law No. 6

⁴¹ Mohd Al'Ikhsan Ghazali, "Piawaian Halal: Kajian Perbezaan Antara Malaysia Dengan Negara Luar," *Research Project. Universiti Teknologi Malaysia* (Malaysia: Universiti Teknologi Malaysia, 2014).

⁴² M. S. Ab Talib, A. B. Abdul Hamid, and M. H. Zulfakar, "Halal Supply Chain Critical Success Factors: A Literature Review," *Journal of Islamic Marketing* 6, no. 1 (2015): 44–71.

⁴³ Law Number 33 of 2014 on Halal Product Assurance

of 2023⁴⁴ authorize BPJPH to administer the Halal Product Assurance (JPH) system. Furthermore, Government Regulation No. 42 of 2024⁴⁵, replacing the older Government Regulation No. 39 of 2021⁴⁶, defines the Halal Product Process from raw material procurement to final distribution. This legal scope allows the Indonesian government to monitor the entire supply chain continuously.

Malaysia governs halal products through trade laws. The Trade Descriptions Act 2011 and its associated Definition and Certification Orders criminalize false halal claims. JAKIM and state religious authorities manage the certification process. Consequently, Malaysia treats halal claims as legally binding trade representations subject to strict enforcement^{47,48}. Indonesian model forces all products to hold a certificate. Malaysia allows voluntary certification but aggressively regulates any business marketing itself as halal. Imported products in Malaysia must secure approval from foreign bodies recognized by JAKIM. Indonesia includes halal guarantees in its mandatory certification system, while Malaysia links halal claims to trade regulations and certification mechanisms controlled by competent authorities.

However, there is a fundamental similarity between the two systems: halal certification cannot be separated from the post-certificate oversight mechanism. In Indonesia, the scope of the Halal Product Process indicates that halal status is related to a series of ongoing processes, while Government Regulation No. 42 of 2024 stipulates business actors' obligations and oversight provisions as part of the implementation of JPH. This Government Regulation came into effect on October 17, 2024, and explicitly replaced Government Regulation No. 39 of 2021 as the latest implementing regulation following the amendment to the JPH Law through Law No. 6 of 2023. In Malaysia, the relationship between certification and oversight is more explicitly defined through the division of functions between JAKIM and the Ministry of Domestic Trade and the Ministry of Living Environment (KPDN). The KPDN's 2024 Annual Report stated that KPDN is responsible for

⁴⁴ Law Number 6 of 2023 on Job Creation (n.d.).

⁴⁵ "Peraturan Pemerintah Nomor 42 Tahun 2024 Tentang Penyelenggaraan Bidang Jaminan Produk Halal" (n.d.).

⁴⁶ "Peraturan Pemerintah Nomor 39 Tahun 2021 Tentang Penyelenggaraan Jaminan Produk Halal" (n.d.).

⁴⁷ KPDN, "Trade Descriptions Act 2011 (Act 730)," Laws of Malaysia, n.d.

⁴⁸ Malaysia, "Trade Descriptions (Definition of Halal)," 2011.

post-certification monitoring and law enforcement related to halal-related food products, goods, and services based on the Trade Descriptions Act 2011 and its implementing regulations. This law enforcement includes inspections, raids, seizures, investigations, and prosecutions.

The next comparison concerns internal halal controls. JAKIM requires international manufacturers to run an Internal Halal Committee and document raw materials. Facilities must undergo regular external audits. The Indonesian government lacks the manpower to inspect every supply chain point continuously. Adopting a risk-based internal control system turns businesses into compliance co-regulators. Internal Halal Supervisors manage reporting and material documentation. The state then verifies these internal records before applying sanctions. Malaysia empowers the KPDM to raid, seize, and prosecute businesses misusing halal labels. Certification provides no legal certainty in Indonesia without a similar post-certification enforcement arm. Divided authority under Law No. 33 of 2014 forces BPJPH, LPH, and MUI to coordinate tightly. A single compliance failure obscures which agency holds responsibility for detection, verification, and sanctions. The system requires traceable digital records to hold specific institutions accountable for supervisory failures. This reconstruction would enable Indonesia to retain the functional advantages of multi-agency governance while preventing fragmentation of authority from becoming fragmentation of legal responsibility.

Reform of Halal Product Assurance Supervision to Achieve Legal Certainty

The Indonesian House of Representatives ratified Law Number 11 of 2020 concerning Job Creation in a Plenary Meeting on October 5, 2020, and it was reaffirmed in Law No. 6 of 2023. This has the consequence of changes to the provisions of halal product certificates used by the community in Indonesia. With the ratification of Article 48, a number of differences regarding the provisions for halal product guarantees are presented⁴⁹.

⁴⁹ Abdul Hamid, Ayon Diniyanto, and Amaru Muftie Holish, "Reconstructing the Concept of Halal Product Guarantee in Realizing Justice and Benefit," *Jurnal SMART (Studi Masyarakat, Religi, Dan Tradisi)* 9, no. 2 (December 31, 2023): 260–72, <https://doi.org/10.18784/smart.v9i2.1996>.

This substantial change aims to provide convenience for micro, small, and medium enterprises (MSMEs) to obtain halal certification for their products⁵⁰. The convenience in question is that MSMEs can self-declare that their products meet the halal standards set by the Halal Certification Agency. However, there are still requirements that must be met by business actors. Only products with no risk or low risk are allowed to self-declare⁵¹.

In addition, no one can guarantee how long the production process will last⁵². It is possible that the production process will stop at any time so that the product is no longer running but the halal certificate that was made is still valid. The food and beverage production process, especially in the MSME sector, is generally not constant⁵³. The composition of the ingredients often undergoes modifications due to several factors including fluctuations in raw material prices, availability of ingredients on the market, adjustments to taste in accordance with market tastes, and periodic changes in suppliers. These changes seem small, but from a halal perspective, it is necessary to re-verify the halal status of the new ingredients⁵⁴. If the halal certificate is valid for life without a renewal mechanism or periodic reporting, the potential for violations of halal principles increases, partly because of the limited capacity of business actors in maintaining consistency, including not having neat written documentation related to the production process and use of ingredients⁵⁵. They often change suppliers or ingredients without realizing that these changes should be accompanied by re-submission for certification. These things are a big burden

⁵⁰ Rasmuddin Rasmuddin et al., "Legal Clarity for Sharia Lodging Businesses through Sharia Certification," *Jurnal Media Hukum* 31, no. 2 (July 20, 2024): 206–23, <https://doi.org/10.18196/jmh.v31i2.18635>.

⁵¹ Marsella Marsella et al., "Comparative Study of Copyright as Fiducia's Guarantee Law in Islamic Law and Civil Law Contribution Title," 2024, 1089–1101, https://doi.org/10.2991/978-2-38476-303-0_97.

⁵² Robi Krisna and Mohammad Yusuf, "Halal Ecosystem Improvement Study Reviewed of Halal Product Regulations Halal," *International Journal of Research and Review* 10, no. 2 (February 11, 2023): 339–59, <https://doi.org/10.52403/ijrr.20230243>.

⁵³ Ridwan Arifin, "Legal Analysis of Halal Product Guarantee for Development of Small and Medium Enterprises (SMEs) Business in Indonesia," *Jurnal Hukum Islam* 18, no. 1 (June 6, 2020): 121–36, <https://doi.org/10.28918/jhi.v18i1.2693>.

⁵⁴ Muhammad Aziz, Abdul Ghofur, and Niswatin Nurul Hidayati, "Regulation on the Implementation of Halal Product Assurance in Indonesia: Statute Approaches Study," *Ulul Albab: Jurnal Studi Dan Penelitian Hukum Islam* 4, no. 2 (July 13, 2021): 209, <https://doi.org/10.30659/jua.v4i2.13649>.

⁵⁵ Irwan Sugiarto and Hari Sutra Disemadi, "Consumers Spiritual Rights In Indonesia: A Legal Study Of Sharia Fintech Implementation In The Consumers Protection Perspective," *Jurnal IUS Kajian Hukum Dan Keadilan* 8, no. 3 (December 23, 2020): 437–52, <https://doi.org/10.29303/ius.v8i3.766>.

for supervisors, because without periodic reporting and audits, violations of the initial certification commitment are difficult to detect⁵⁶.

Regulatory reform through the Job Creation Law has successfully simplified certification procedures and expanded the self-declaration mechanism for micro and small businesses. However, this simplification has not been fully accompanied by a strengthened post-certification monitoring system. As a result, the implementation of halal product certification in Indonesia still places more emphasis on expediting certificate issuance than on developing a sustainable monitoring system. In this context, legal certainty is more realized at the stage of issuing halal certificates than in monitoring business compliance after the certificate is issued.

Nevertheless, the existence of an increasingly comprehensive regulatory framework does not automatically guarantee legal certainty in the implementation of halal product supervision. Legal certainty requires not merely the existence of legal norms but also clarity regarding institutional authority, supervisory procedures, standards of compliance, enforcement mechanisms, and legal remedies. Regulatory development at the statutory and governmental levels needs to be accompanied by sufficiently detailed supervisory norms capable of translating these general obligations into predictable and measurable supervisory procedures.

Reforms to the Halal Product Guarantee (JPH) oversight system following the enactment of Law No. 6 of 2023 must be directed not merely toward increasing the number of certified products, but toward ensuring that certification provides sustainable legal certainty⁵⁷. Government Regulation No. 42 of 2024 explicitly defines JPH as legal certainty regarding the halal status of a product, as evidenced by a halal certificate. However, the certificate cannot be viewed as the end point of legal certainty, as a product's halal status depends on the sustainability of its ingredients, processing, storage, packaging, distribution, and presentation. Law No. 33 of 2014 itself designates these aspects as part of the Halal Product Process and grants the BPJPH oversight authority over

⁵⁶ Hari Sutra Disemadi and Arya Salsabila Auliana Putri, "Preserving Spiritual Rights through Halal Certification for MSME Products: Voluntary vs. Mandatory," *Jurnal Mediasas: Media Ilmu Syariah Dan Abwal Al-Syakhsiyyah* 6, no. 2 (June 20, 2024): 80–99, <https://doi.org/10.58824/mediasas.v6i2.37>.

⁵⁷ Slamet Pribadi and Diana Fitriana, "Kepastian Hukum Terhadap Label Dan Sertifikasi Halal Produk Pangan Berdasarkan Undang-Undang Nomor 33 Tahun 2014 Tentang Jaminan Produk Halal," *Logika : Journal of Multidisciplinary Studies* 13, no. 02 (December 20, 2022): 202–8, <https://doi.org/10.25134/logika.v13i02.7176>.

product halal status, halal labeling, the separation of halal and non-halal products, Halal Supervisors, and other aspects of JPH. Thus, supervision functions as an institutional mechanism that transforms the legal status arising from certification into effective and sustainable legal certainty^{58,59}.

This relationship can be analyzed through six indicators of legal certainty: clarity, consistency, predictability, accountability, enforceability of rules and accessibility to recovery efforts. Clarity requires that BPJPH's authority, compliance standards, inspection procedures, and consequences of violations are clearly defined. Consistency demands that standards and supervision results be applied uniformly to similar cases. Predictability requires business actors to be able to anticipate legal consequences, both from compliance and violations. Accountability requires that every supervisory action can be traced back to the competent authority and is based on reliable standards and evidence. The enforceability aspect of the rules ensures that findings of violations can actually lead to corrective action or the imposition of sanctions. Meanwhile, accessibility to recovery efforts requires the availability of effective complaint, objection and legal resolution mechanisms for business actors and consumers. These six indicators are in line with the principle of the rule of law, which identifies transparency, clarity, stability, consistency and the ability of the law to guide behavior as the main characteristics of the legal system; legal certainty also requires that legal subjects can know the legal consequences of their actions.

Administrative failures expose structural legal uncertainty. Unclear authority leads to inconsistent standards and unpredictable penalties. Halal certificates offer zero substantive protection when consumers cannot access redress mechanisms. Conversely, supervision supported by clear authority, standard procedures, consistent enforcement of rules, effective enforcement mechanisms, and predictable redress measures will ensure that halal status remains verifiable and accountable for as long as the product is circulating in the market. Therefore, post-Law Number 6 of 2023 reforms need to shift the paradigm from certificate-oriented supervision to ongoing, risk-based

⁵⁸ Warsis Mawardi and Muchammad Ichsan, "Regulation of Halal Product Certification in The Dynamics of Indonesian Legal Politics," *Justicia Islamica* 20, no. 1 (June 25, 2023): 155, <https://doi.org/10.21154/justicia.v20i1.5336>.

⁵⁹ Muh. Nadrattuzaman Hosen, Andar Zulkarnain Hutagalung, and Muhammad Amin Suma, "Analisis Undang-Undang Tentang Jaminan Produk Halal Dan Undang-Undang Tentang Cipta Kerja (Antara Kenyataan Dan Keberlanjutan)," *Yudisia : Jurnal Pemikiran Hukum Dan Hukum Islam* 13, no. 1 (2022): 103–24, <https://repository.uinjkt.ac.id/dspace/handle/123456789/65140>.

supervision, so that the success of implementing Halal Product Assurance (JPH) is measured not only by the number of certificates issued, but also by the state's ability to consistently maintain, supervise, and enforce halal status.

Several forms of supervision as a reformulation of monitoring and accountability of business actors regarding halal product guarantees include⁶⁰:

1. Digitizing periodic reporting based on self-monitoring, where every halal-certified business entity is required to digitally complete a Halal Process Sustainability Report at least once a year. This report includes: a list of raw materials currently used; changes in suppliers; records of training or internal audits conducted; and documentation of invoices or halal certifications for materials used. This is done to raise business entity awareness of post-certification obligations, support oversight by the Halal Inspection Agency (LPH) and the Halal Product Guarantee Agency (BPJPH), and provide evidence-based data for surprise audits.
2. Enhancing the function of Internal Halal Auditors across all companies, where every business entity, especially medium- and large-scale businesses, is required to appoint at least one Internal Halal Auditor who has completed halal supervisor training from a Halal Certification Agency or Halal Inspection Agency. For MSMEs, auditors can be internal or external to the company. This supervisor is responsible for conducting quarterly internal audits, documenting changes in materials and production processes in an organized and accountable manner, and acting as a liaison between business actors and the Halal Inspection Agency.
3. Random Periodic Audits by the Halal Product Assurance Organizing Agency or an institution collaborating with the Halal Product Assurance Organizing Agency to conduct supervision.

From a legal certainty perspective, regulatory reform must establish at least five interrelated elements:

- (1) Certainty regarding institutional authority;
- (2) Objective and risk-based supervisory standards;
- (3) Standardized and transparent supervisory procedures;
- (4) Legally recognized digital audit mechanisms and data integration; and

⁶⁰ Indah Fitriani Sukri, "Implementasi Undang-Undang Cipta Kerja Terhadap Penyelenggaraan Sertifikasi Halal Dan Produk Halal Di Indonesia," *Majalah Hukum Nasional* 51, no. 1 (July 31, 2021): 73–94, <https://doi.org/10.33331/mhn.v51i1.139>.

- (5) balanced law enforcement and accessible legal remedies.

These elements are crucial to prevent arbitrary oversight, inconsistent law enforcement, and unequal treatment among business actors. They will also provide consumers with greater confidence that the halal status demonstrated by certification are always subject to continuous, accountable scrutiny.

Conclusion

The current Halal Product Assurance (JPH) framework ultimately fails to protect Muslim consumers in the long term. Existing normative gaps obscure supervisory boundaries and detach the initial certification process from ongoing compliance. Implementing agencies continue to operate in isolated silos, hampered by limited digital integration and a heavy bias toward issuing certificates over monitoring actual business practices. Drawing from the Malaysian experience, legal certainty demands highly synchronized institutional data and coordinated law enforcement. Indonesia must abandon its reactive and certificate-heavy approach to regulation. The government needs to transition toward a risk-based monitoring model supported by transparent administrative sanctions and legally recognized digital audits. True accountability requires the state to track and enforce compliance continuously. This structural shift will force businesses to uphold their halal claims permanently throughout the product lifecycle.

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All authors declared that this work is original and has never been published in any form and in any media, nor is it under consideration for publication in any journal, and all sources cited in this work refer to the basic standards of scientific citation.

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