



## **Halal Certification Systems: A Comparison Between Indonesia and Turkey**

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### **Abstract**

*Ensuring the halal status of a product involves utilizing the services of a halal certification body, offering legal protection and confidence in halal product assurance for Muslim consumers. Indonesia is currently in the process of transitioning the certification authority from the non-governmental organization MUI to the government agency BPJPH under the Ministry of Religious Affairs. The halal certification mechanism through BPJPH closely aligns with the established process carried out by MUI. Similarly, Turkey has established the Halal Accreditation Authority (HAK) to guarantee the legal certainty of halal products, providing accreditation services for halal conformity assessment agencies. This study uses a descriptive method with a comparative approach. Focuses on positive legal nor governing the implementation of halal product between Halal Prodyct Assurance (JPH) and Halal Accreditation Authority (HAK). The findings reveal that in order to implement the Halal Product Assurance (JPH) system, the Indonesian government established the Halal Product Assurance Organizing Agency (BPJPH). The establishment of a globally recognized halal certification system and the removal of trade barriers in halal goods and services require the effective execution of responsibilities, as demonstrated by Turkey through the activities of the Halal Accreditation Authority (HAK). Turkey's strategy for ensuring the genuineness of halal products involves the Halal Accreditation Authority, tasked with evaluating, accrediting, and supervising the competence of halal conformity assessment bodies. This procedural framework aligns with both national regulations and international standards, incorporating additional technical regulations specified in the accreditation body's implementation documents.*

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## A. Introduction

The Halal Certification in Indonesia is officially recognized and supported by the state through the issuance of Law No. 33 of 2014 concerning Halal Item Confirmation (JPH). The obligation to eat halal and thohib foods implies that the state officially recognizes and guarantees Islamic Sharia law. Additionally, the Halal Product Assurance Agency (BPJPH), a government agency under the Ministry of Religion, now handles halal certification, replacing the Indonesian Council of Ulama (MUI). This law's enactment is bolstered by the publication of Government Regulation No. 31 of 2019 concerning Halal Item Affirmation. This guideline is supposed to give conviction and straightforwardness to halal item buyers, as well as empower the development of the halal business market in Indonesia. <sup>1</sup>

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<sup>1</sup>Sukoso, Asep A. Prihanto, and Hartono Harimurti; Muhamad Irfan Sukarna, *Ekosistem Industri Halal* (Indonesia: Departemen Ekonomi dan Keuangan Syariah Bank Indonesia, 2020), 1.

With the biggest Muslim population in the world, Indonesia is one of the nations with promising possibilities in creating halal-based items and administration affirmation as one of the drivers and new wellsprings of financial development. This is based on the 207 million Muslims who live in Indonesia (as of the 2010 census roughly 13% of the world's Muslims) and the total domestic halal product spending, which has increased to approximately USD 218.8 billion in 2017 roughly 22% of Indonesia's GDP . The State of Global Islamic Economy Report 2019/2020 notes that Indonesia is now ranked first in the world as a consumer of halal food, second in the world as a consumer of halal cosmetics, and fourth in the world as a consumer of halal medicines due to the country's growing awareness of the halal lifestyle among Indonesian Muslims. This achievement could be even better if Indonesia's status is not only known as the main consumer but also as the main producer of the national and global halal industry.

Consequently, domestic production can be relied on as an alternative to imported goods consumption, supporting the improvement of the trade balance and reducing the current account deficit.

Regarding Halal Item Confirmation and its supporting guidelines, such as Unofficial law No. 33 of 2014, Clergyman of Religion Guideline No. 33 of 2019 26 of 2019, the state is accessible in giving halal thing confirmation. Products entering, circulating, and trading in Indonesia required a Halal Certificate as of October 17, 2019. Only the BPJPH has the authority to issue and revoke halal labels and certificates. The halal authorization association is finished with the BPJPH center and the halal group at the Help of Religion's normal working environment generally through Indonesia down to the area and city levels.

The halal way of life is currently a global phenomenon, according to Hidayat and Siradj (2015), not only in nations with a majority Muslim population but

also in nations with a minority Muslim population.<sup>2</sup> Each country has its own technique with respect to affirmation. Certification services are provided by both government and non-government organizations. For example, in Malaysia, certification is carried out by a certification organization affiliated with the government and directly accountable to the government.

Certification is taken over by the state because the country declares itself an Islamic state and therefore pays close attention to halal rules and guarantees for all citizens.<sup>3</sup> Since 1965, Malaysia has implemented halal certification carried out by the Selangor Islamic Religious Department (JAIS). Meanwhile, in 1974, halal certification came under government supervision,

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<sup>2</sup>Asep Syarifuddin Hidayat and Mustolih Siradj, "Halal and Non-Halal Certificates in Industrial Food Products," *Ahkam XV Journal*, no. 2 (2015).

<sup>3</sup>Iffah Karimah, "Perubahan Kewenangan Lembaga-Lembaga Yang Berwenang Dalam Proses Sertifikasi Halal," *Journal of Islamic Law Studies* 1, no. 1 (2018): 107-31, <https://scholarhub.ui.ac.id/jils> Available at: <https://scholarhub.ui.ac.id/jils/vol1/iss1/4>.

namely the Department of Islamic Development Malaysia or commonly known as JAKIM. The Halal Management Division of JAKIM, together with the country.<sup>4</sup>

Dissimilar to Malaysia, halal accreditation in Thailand is finished by non-legislative organizations. The majority of people in Thailand are Buddhist. Despite this, halal certification is well-established, particularly in the food industry. Halal certification in Thailand has been taken over by the Central Islamic Council of Thailand (CICOT), a national association of Thai scholars. The Halal Standard Institute of Thailand, which is part of CICOT, is in charge of inspecting and certifying Thai goods.

Additionally, Chulalongkorn University in Thailand houses The Halal Science Center, a halal research facility in the Faculty of Applied Science. Despite the fact that Thailand is not a Muslim nation,

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<sup>4</sup> Herwina Rosnan et al., "Halal Certification: An Exploratory Study on Non-Certified Restaurants," *Advanced Science Letters* 21, no. 6 (2015): 1854–57, <https://doi.org/10.1166/asl.2015.6136>.

the government is in favor of halal certification due to the economic benefits it provides. Programs related to halal certification for market penetration, particularly in Muslim-majority nations, are supported by the government.<sup>5</sup>

Turkey's non-governmental organizations GIMDES (Food and Necessary Substances Inspection and Certification Research Association) and the Economic Business Institution affiliated with this association (GIMDES Halal Products Research Institute) were established to research and certify halal and healthy products, which are considered essential components of a healthy lifestyle. Food, cosmetics, and health products are among the areas of interest here. GIMDES has been laid out starting around 2005. Since Malaysia, Indonesia, and some Bedouin nations have been looking for halal testament

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<sup>5</sup> Muh. Zumar Aminuddin, "Sertifikasi Produk Halal: Studi Perbandingan Indonesia Dan Thailand," *SHAHIH: Journal of Islamicate Multidisciplinary* 1, no. 1 (2016): 27–39, <https://doi.org/10.22515/shahih.v1i1.52>.

necessities for imports for a long time, GIMDES has freed itself up to giving Halal Endorsements by getting a license from these nations in 2009 to keep Turkish items from being unfavorably impacted. Our manufacturers now have the opportunity to export their goods to these nations thanks to this procedure.

The presence of halal confirmation organizations is a method for guaranteeing the halal status of items that will be traded abroad, particularly to nations with dominant Muslim parts. Other nations occasionally do not recognize private certification agencies or those established by non-governmental organizations, and as a result, they reject them. Indonesia is currently attempting to transfer the certification agency from the non-governmental organization MUI to the Ministry of Religion's BPJPH.<sup>6</sup>

### 1. Legal Basis of Syar'i and Positive Law

<sup>6</sup> Agus Mulyono and Yahya Rachmana Hidayat, "IMPLEMENTASI KEBIJAKAN SERTIFIKASI HALAL," *RES PUBLICA: JOURNAL OF SOCIAL POLICY ISSUES* 1, no. 1 (2022): 1-10.

Islam is a perfect religion so there is not a single activity in human life that cannot be found in the provisions of law in Islam. Even though we don't know the secret or wisdom behind these Islamic teachings, the existence of Islamic law is essentially a great gift for mankind. The existence of Islamic law is not intended to burden humans, on the contrary, the existence of Islamic law requires convenience and glory for humans.

وَلَقَدْ كَرَّمْنَا بَنِي آدَمَ وَحَمَلْنَاهُمْ فِي الْبَرِّ وَالْبَحْرِ وَرَزَقْنَاهُمْ مِنَ الطَّيِّبَاتِ  
وَفَضَّلْنَاهُمْ عَلَى كَثِيرٍ مِمَّنْ خَلَقْنَا تَفْضِيلًا

"And verily We have glorified the children of Adam, We have carried them on land and in the sea, We have given them sustenance from the good things and We have increased them with perfect superiority over most of the creatures that We have created" ( QS Al Isra' 70).

يُرِيدُ اللَّهُ بِكُمْ الْيُسْرَ وَلَا يُرِيدُ بِكُمْ الْعُسْرَ

"Allah wants convenience for you, and does not want hardship for you" (Surah Al-Baqarah: 185).

Thus, among the privileges of Islamic law, because it comes from Allah, the God who created life, the one who knows all things that are best for His creatures. Because of that, people who have faith should welcome this call with firm belief that God does not allow or forbid anything, unless there is good or mafsadah (damage) that we must avoid. As mentioned in a rule of fiqh. Including in relation to consuming food, Islam provides the best direction to consume everything that is lawful and good.

Islam also prohibits humans from consuming anything that is clearly forbidden either because it is dirty, dangerous or for other reasons for which we do not know the lesson.

هُوَ الَّذِي خَلَقَ لَكُمْ مَا فِي الْأَرْضِ جَمِيعًا

"He is Allah, who made everything on earth for you" (Surah Al Baqoroh [2]: 29)

So based on this verse, a lesson can be drawn that in principle all food and drink are legally permissible for consumption, unless there is a

prohibition from both the Al Quran and As Sunnah. Further in QS Al Baqoroh [2]: 168, Allah commands us to consume halal and good food. In line with this principle, it is also explained in QS Al Baqoroh (2/172); QS Al Ma'idah (50/ 88); and also QS An Nahl [16]: 114.

يَا أَيُّهَا النَّاسُ كُلُوا مِمَّا فِي الْأَرْضِ حَلَالًا طَيِّبًا وَلَا تَتَّبِعُوا خُطُوَاتِ الشَّيْطَانِ إِنَّهُ لَكُمْ عَدُوٌّ مُبِينٌ

"O people, eat what is lawful and good from what is on earth, and do not follow the steps of the devil; because in fact the devil is a real enemy to you" (QS Al Baqoroh [2]: 168).

In relation to explaining this verse, Sheikh Wahbah Zuhaili in his commentary Al - Wajiz provides an explanation that the original law of all existing things is permissible, the law is good for eating or using, and that there are two kinds of things that are forbidden from it; First, what is forbidden because of its essence, namely that which is dirty which is the opposite of what is good (tayib), second, which is forbidden because it is associated with

something, namely what is forbidden because it is related to the rights of Allah or human rights, namely what is the opposite of what is lawful. Furthermore, the meaning of tayib can be interpreted as everything that is holy, not unclean and not disgusting that is shunned by the human soul. Thus, these food (and drink) substances are good, not harmful to their bodies and minds (Tafsir Ibn Kathir 1/482, Aisarut Tafâsir 1/70).

الأصل في الأشياء الإباحة ما لم يرد دليل التحريم

*“What Allah has made lawful in His Book is lawful, and what He has made lawful is unlawful; while what He keeps silent is forgiven (permitted). Therefore, accept God's favor, for verily God will never forget at all.”*

Because the law of the origin of food is permissible, then most of the food is lawful for us to consume. Only a small part of it is then categorized as unlawful by the Shari'a and everything has been explained by the Shari'a law. As for matters that are still

unclear as to what is halal and what is unlawful, then this is what is categorized as doubtful. In a rule of fiqh mentioned.

*“The original law of everything is permissible, until there is evidence showing its prohibition.”*

## 2. The Reality of Halal and Haram

Halal is something that is permissible according to the provisions of Islamic law, while haram is anything that is prohibited according to the provisions of Islamic law. The legal status of halal and haram can be attached to objects or actions. There are actions that are prohibited according to Islamic law to do, there are also objects that are prohibited to be consumed according to the provisions of Islamic law. If it is associated with food and drink, halal food is food that is permitted by the Shari'a to consume it, while unlawful food is food that is forbidden by the Shari'a and results in sin for the perpetrator. In essence, what justifies and forbids is Allah, namely As Shari'a. Only Allah has the right to

determine the halal or haram of an object. The role of the Ulama is limited to formulating, describing and conveying.

For a person obeying Allah's decree is a form of obedience, even though obedience is only based on belief without knowing the wisdom of Allah's decree. Haram food consumed will have a broad influence on various aspects of life, including the following:

- a. It's a sin
- b. It harms the body, that is, destroys the physical growth and intelligence of the mind
- c. Influence human nature and behavior
- d. Being a cause of rejection of deeds of worship and prayer

That's why for every Muslim, seeking halal is an obligation as well as a necessity, as a manifestation of human obedience in carrying out God's laws which is a manifestation of faith. Those who fulfill it mean that they have been obedient to Allah, so that for him is a reward from Allah and violation of the rules of Shari'a is rebellion and deserves punishment.

### **3. Halal Haram Provisions**

Allah commands us to pay attention to everything we consume, both the halal aspect, safety and nutritional content. "So humans should pay attention to the goods that are consumed and used (QS 'Abasa 24). That's why in carrying out orders, every Muslim should understand the halal and haram provisions of the food he consumes, so that he is not mistaken in choosing the product he consumes.

In general, discussions of halal-haram relating to food, drink and medicine are divided into two, namely internal factors and external factors. Internal factors are factors related to the substance of the object. The external factors are factors related to other aspects outside the substance of the object. A clearer division of this matter is shown in the image below.





Figure 1. Division of Criteria for Haram Food

#### 4. Positive Legal Basis

The State of Indonesia is a country that is based on Pancasila, based on the principle of Belief in the One and Only God, guaranteeing the lives of the people to lead a life in accordance with the teachings of the religion they adhere to. The Constitution of the Republic of Indonesia recognizes and guarantees this religious life as stated in Article 29 of the 1945 Constitution which is based on God.

The role of the state in guaranteeing Muslim consumers to consume halal products has actually been embodied in many laws and regulations. These regulations were even before the Halal Product Guarantee Law (UU-JPH) was discussed in the DPR.

This shows that regulation of halal products has actually been needed for a long time both in the context of protecting Muslim consumers, as well as the circulation of goods related to export and import activities. Some of these regulations are as follows:

- a. Law Number 18 of 2012 concerning Food
- b. Law Number 36 of 2009 concerning Health
- c. Law Number 8 of 1999 concerning Consumer Protection
- d. Government Regulation Number 69 of 1999 concerning Food Labels and Advertisements
- e. Presidential Instruction (Inpres) of 1991 concerning Improvement of Guidance and Supervision of Production and Distribution of Processed Foods
- f. Decree of the Minister of Health of the Republic of Indonesia Number 82/Menkes/SK/I/1996 concerning the inclusion of the words "Halal" on food labels.

- g. Decree of the Minister of Health of the Republic of Indonesia Number 924/Menkes/SK/VIII/1996 concerning Amendments to Kepmenkes No.82/Menkes/SK/I/1996.

In the next phase, through Law Number 33 of 2014 concerning Guarantees for Halal Products (UU-JPH), the Government has strengthened and regulated various halal regulations which have so far been spread across various laws and regulations. The existence of UU-JPH is a legal umbrella (umbrella provisions) for regulation of halal products in Indonesia. Laws and regulations on halal product guarantees aside from being aimed at providing protection and guarantees to consumers, are also useful for producers in providing guidance on how to process, process, produce and market products to the consumer public, as well as how to make information on halal products to consumers. Prior to the enactment of the UU-JPH, halal certification was still voluntary. Meanwhile,

through UU-JPH, halal certification is an obligation (mandatory) that must be fulfilled by producers. Therefore, the status of products that enter, circulate and trade in the territory of Indonesia must be halal certified.

UU-JPH mandates that products that must be halal certified are not only limited to food, medicine and cosmetics but also include chemical products, biological products, genetically engineered products, as well as consumer goods that are used, used or utilized by the public. Furthermore, as the person in charge of the halal product guarantee system (SJPH), the Government assigned the Ministry of Religion to form the Halal Product Assurance Organizing Body (BPJPH) which is located under and is responsible to the Minister of Religion.

## **5. Regulations Related to Halal Product Assurance**

- a. SKB Minister of Health and Minister of Religion of the Republic of

- Indonesia Number: 924/Menkes/SK/VIII/19  
427/Menkes/SKB/VIII/1 96 concerning  
985 – No. 68 of 1985 Amendments to the  
concerning the Inclusion Decree of the Minister of  
of the words "Halal" on Health of the Republic of  
Food Labels, dated Indonesia Number  
August 12, 1985. 82/Menkes/SK/I/1996  
concerning the Inclusion  
of Halal Writing on Food  
Labels, August 30, 1996.
- b. Instruction of the  
President of the Republic  
of Indonesia No. 2 of  
1991 concerning  
Improvement of Guidance  
and Supervision of  
Production and  
Distribution of Processed  
Foods, ratified on June  
12, 1991.
- c. Law Number 23 of 1992  
concerning Health,  
passed on September 17,  
1992.
- d. Decree of the Minister of  
Health of the Republic of  
Indonesia Number  
82/Menkes/SK/I/1996  
concerning the Inclusion  
of the Writing "Halal" on  
Food Labels, ratified on  
January 24, 1996.
- e. Decree of the Minister of  
Health of the Republic of  
Indonesia Number
- f. Republic of Indonesia  
Law Number 7 of 1996  
concerning Food was  
ratified on November 4  
1996, then revised into  
Law Number 18 of 2012  
concerning Food, ratified  
on November 16 2012.
- g. Republic of Indonesia  
Government Regulation  
Number 69 of 1999  
concerning Food Labels  
and Advertisements,  
signed on July 21, 1999.
- h. Republic of Indonesia  
Law Number 8 of 1999  
concerning Consumer  
Protection, passed on  
April 20, 1999.
- i. Decree of the Minister of  
Religion of the Republic  
of Indonesia No. 518 of

- 2001 concerning this time still do not guarantee Guidelines and legal certainty, so it needs to be Procedures for Inspecting regulated in a statutory and Determining Halal regulation. Therefore, this Law is Food, and No. 519 of the culmination of the history of 2001 concerning the regulation of halal product Implementing Agency for guarantees in Indonesia. Halal Food Inspection Previously, regulations regarding dated 30 November 2001. halal product guarantees were
- j. Republic of Indonesia only attached to the Food and Health Law. Now it has been Law Number 33 of 2014 compiled in a law that specifically concerning Guarantees regulates Halal Product Assurance for Halal Products, in Indonesia. At the time this law ratified on October 17, 2014. came into effect, all laws and
- k. RI Government regulations governing JPH were Regulation Number 31 of declared to still be valid as long as 2019 concerning they did not conflict with the Regulations for provisions in this law. Implementing Law
- Number 33 of 2014 Based on this Law on JPH, concerning Guarantees the implementation of JPH is for Halal Products, carried out by the Ministry of Religion by establishing a Halal Product Guarantee Agency (BPJPH) which is located under ratified on April 29, 2019. and is responsible to the Minister of Religion, and can form

**6. Republic of Indonesia Law Number 33 of 2014 concerning Guarantees for Halal Products, ratified on October 17, 2014.**

Regulations regarding the halal guarantee of a product at

Based on this Law on JPH, the implementation of JPH is carried out by the Ministry of Religion by establishing a Halal Product Guarantee Agency (BPJPH) which is located under and is responsible to the Minister of Religion, and can form representatives based in the regions. Provisions regarding the duties, functions and organizational structure of BPJPH are regulated in RI Presidential

Regulation Number 83 of 2015 concerning the Ministry of Religion. This was followed up by the Minister of Religion with PMA RI Number 42 of 2016 concerning the Organization and Work Procedure of the Ministry of Religion, which stated that in order to carry out its duties in carrying out government affairs in the field of religion, the Ministry of Religion held the function of implementing halal product guarantees, namely in the BPJPH organization.

The JPH Law requires all products that enter, circulate and trade in the territory of Indonesia to be halal certified. So that the guarantee of halal products which was originally voluntary has now become mandatory. However, this obligation is valid for 5 (five) years.

Since this law was promulgated, namely in 2019. Of course this is not something that is easy, because until now there are still very many products circulating and traded in the territory of Indonesia that have not pocketed a Halal Certificate. Therefore, the next paragraph

explains that the obligation to be halal certified is regulated in stages.

**7. Government Regulation of the Republic of Indonesia Number 31 of 2019 concerning Regulations for Implementing Law Number 33 of 2014 concerning Guarantees for Halal Products**

The regulation regulates in more detail the procedures for implementing halal product guarantees which include the halal certification process, product scope, roles and cooperation between

ministries/agencies/agencies including international cooperation, stages of implementation and

JPH Supervision. The scope of halal product guarantees is presented in the figure below. Several important matters regulated in PP 31/2019 include:

- 1) Obligation of halal certification for products that enter, circulate, and are traded in the territory of Indonesia and do not yet

have halal certification from the Indonesian Ulema Council (MUI). The obligation for halal certification is exempted for products originating from non-halal materials, and for these products business actors are required to provide non-halal information (Article 2):



Figure 2. Scope of Halal Product Assurance

2) Procedure for Processing Halal Products (Article 43):

The following figure is a number of things that must be considered in the production chain of halal products



Figure 3. Halal Product Production Chain Standard

3) The implementation of the mandatory halal certification is carried out in stages with the main priority on products in the form of food and beverages and taking into account certain considerations. For products that have previously had halal certificates, the halal certificates are declared to remain valid until the specified time limit (Articles 67, 72 and Article 82)



Figure 4. Obligation of Halal Certification on Products Gradually

8. Establishment of Halal Product Assurance Organizing Agency (BPJPH)

The Halal Product Assurance Organizing Body (BPJPH) was established based on the halal product guarantee law (UU 33, JPH, 2014) which was inaugurated by the Minister of Religion on October 11, 2017 attended by the Chairman of the MUI and the Indonesian Parliament. BPJPH is an Echelon 1 government agency assigned to administer halal product guarantees. In implementing JPH, BPJPH adheres to the management of the Public Service Agency (BLU) system. BPJPH is under the Minister of Religion and is responsible to the minister of religion.

According to Article 6 of UU-JPH, BPJPH's authority in administering halal product guarantees includes:

- a. formulate and determine JPH policies;
- b. determine JPH norms, standards, procedures and criteria;
- c. issue and revoke Halal Certificates and Halal Labels on Products;
- d. registering Halal Certificates on foreign products;
- e. conduct socialization, education, and publication of Halal Products;
- f. conduct accreditation of LPH;
- g. register Halal Auditor;
- h. supervise JPH;
- i. conduct Halal Auditor coaching; And
- j. cooperate with domestic and foreign institutions in the field of implementing JPH.

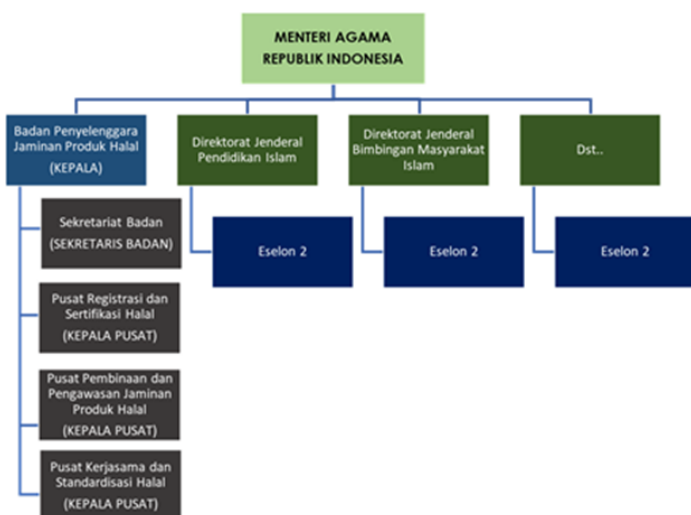


Figure 5. Structure of the Ministry of Religion of the Republic of Indonesia

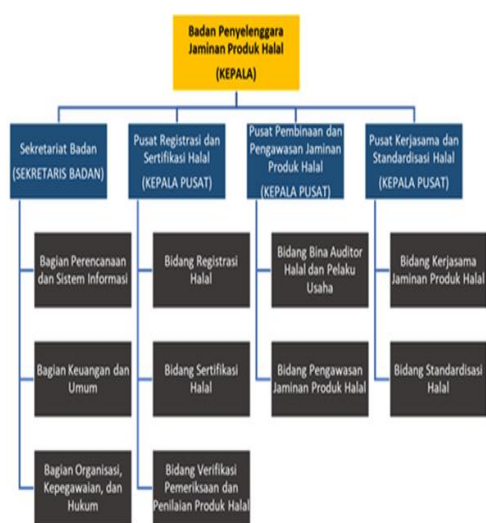


Figure 6. BPJPH structure of the Ministry of Religion of the Republic of Indonesia

In addition, the government has issued Government Regulation (PP) No. 31 of 2019 concerning Regulations for Implementing Law No. 33 of 2014 concerning Guarantees for Halal Products. The implementing regulations contain various arrangements related to the implementation of halal product guarantees, namely the Halal Inspection Agency (LPH) which is in charge of auditing halal products.

## 9. Halal Inspection Agency (LPH)

Halal Inspection Agency, hereinafter abbreviated as LPH, is an institution that carries out

inspection and/or testing activities on product halalness. The role of LPH in the JPH Law is to examine or anatomy the contents of a product in use. LPH is regulated in PP 31/2019 as many as 13 articles, from Article 31 to 42. For example, parties that can establish LPH are the central, regional and/or community governments. While the community in question is an Islamic religious institution that has a legal entity. LPHs established by the government are in Ministries/Agencies, local governments, state universities, state/regional owned enterprises.

The establishment of an LPH established by the government and/or the community must meet several requirements. Starting from the necessity to have an office and its equipment; accredited by BPJPH; have at least 3 halal auditors. Then have a laboratory or cooperation agreement with other institutions that have laboratories. The establishment of LPH by the government and/or the community is proven by



documents in the form of certificates of property rights, building use rights, and sales and purchase deeds. Then, a certificate and certification of LPH accreditation from BPJPH. In addition, a certificate of having a halal auditor, attached a statement of willingness to become a halal auditor and a certificate. Laboratory accreditation certificate from a non-structural institution carrying out governmental tasks in the field of accreditation, or a letter of cooperation agreement with an institution that has an accredited laboratory. LPH accreditation is given by BPJPH. An application for LPH accreditation is submitted by a work management unit related to the implementation of halal product guarantees accompanied by supporting documents.

#### 10. National Standardization Body (BSN)

BSN has duties and responsibilities namely fostering, developing and coordinating activities in the field of standardization nationally. Meanwhile, the implementation of

the duties and functions of the National Standardization Body in the field of accreditation is carried out by the National Accreditation Committee (KAN). KAN has the task of establishing accreditation and providing considerations and suggestions to BSN in establishing an accreditation and certification system. KAN provides accreditation for Halal Certification Institutions (hereinafter referred to as LSH). Halal Certification Institutions can fulfill the requirements in SNI ISO/IEC 17065:2012 "Conformity assessment - Requirements for product, process and service certification bodies" which is an identical adoption of ISO/IEC 17065:2012.

#### 11. Halal Auditors

Law (UU) No. 33 of 2014 concerning Halal Product Guarantee (JPH) states, there are two halal actors, namely halal auditors from halal inspection agencies and the second is halal supervisors from companies that have received halal certificates, which so far the LPPOM MUI is

called as Internal Halal Auditor (AHI). The JPH Law also states that the two professions must have the competence or ability to handle the field they are working on, as evidenced by a Competency Certificate.

Auditors are people appointed by LPH after going through a competency, quality and integrity selection process and are assigned to carry out halal audits. The appointment of a Halal Auditor by LPH as referred to in article 14 paragraph (2) of the JPH Law must meet the following requirements:

- a. Indonesian citizens;
- b. are Muslim;
- c. education at least bachelor degree 1 (one) in the field of food, chemistry, biochemistry, industrial engineering, biology, or pharmacy;
- d. understand and have broad insights regarding halal products according to Islamic law;
- e. prioritizing the interests of the people over personal and/or group interests; And

f. get a certificate from MUI.

Indonesia until 2018 still lacks around 25 thousand halal auditors. Opportunities for academics to become halal auditors are very open. The duties of a halal auditor according to article 15 of the JPH Law include:

- a. examine and review the materials used;
- b. examine and review the product processing process;
- c. examine and review the slaughter system;
- d. researching product locations;
- e. researching equipment, production space, and storage;
- f. check the distribution and presentation of products;
- g. examine the halal guarantee system of business actors; And
- h. report the results of inspection and/or testing to LPH.

## **12. Halal Supervisor**

UU no. 33 of 2014 concerning Halal Product Guarantee, states that the Halal Supervisor is the

person responsible for the Halal Production Process (PPH). The duties of the Halal Supervisor according to Law No. 33 of 2014 states, Article 28 reads, the Halal Supervisor has the duty, responsibility and authority to:

- a. supervising PPH in the company;
- b. determine corrective and preventive actions;
- c. coordinating PPH; And
- d. accompany the Halal Auditor from the Halal Inspection Agency (LPH) during the inspection.

The scientific qualifications of a halal supervisor are having an understanding of the halal production process from start to finish and understanding Halal Product Assurance System standards such as raw materials, production processes, facilities and internal audits. While the requirements for halal supervisors according to Law no. 33 of 2014 Article 28 paragraph 2 namely being Muslim and having broad insight and understanding of Islamic law regarding halal. Halal Supervisors must have

competence in accordance with their duties and authorities. Halal supervisors have competence covering three aspects, namely knowledge, skills and attitude. For this reason, the Halal Supervisor must go through a series of competency test processes and professional certification. The presence of a halal supervisor is urgently needed by Small and Micro Enterprises (SMEs).

### **13. Standardization and Certification**

Standardization is an effort to unify processes or conditions so that there is uniformity of goods and/or services produced by following the requirements to achieve a common goal so that they can be used as a standard of comparison. Halal standardization aims to provide security for consumers. Halal is determined based on sources from the Al Quran and As Sunnah, and scientific studies based on Islamic law. While certification is a process to achieve a predetermined standard. Halal certification is a form of

recognition of activities to achieve halal standards.

Halal certification for products and services aims to provide legal certainty regarding halal status, so that consumers can be reassured when consuming them. The continuity of the halal production process is guaranteed by the producer by implementing the Halal Product Assurance System. The halal certification process involves certain institutions or bodies. Products and services that have been declared halal will receive a halal certificate issued by BPJPH as a government agency. Halal Certificate is a certificate stating the halalness of a product in accordance with Islamic law. This Halal certificate is a requirement to obtain a permit for the inclusion of a halal label on product packaging from the authorized government agency. In accordance with Law 33 JPH, the issuance of halal certificates and halal labels is carried out by BPJPH, the Ministry of Religion.

The official document known as halal certification grants

producers and sellers of particular goods permission to place the halal logo on their products and at the point of sale. It is not necessary to be aware of a product's halal status in order to use a halal logo. One should go through still up in the air by the approved office. Enrollment and halal affirmation of necessity in every nation will change, yet the primary prerequisites will be the equivalent since they started from the Quran and hadith. It is no longer possible to negotiate halal certification for food products, but this primary process can serve as the foundation for the primary requirements for protection in various nations. This study focuses on based on this background: "Halal Certification Systems: A Comparison Between Indonesia and Turkey".

## **B. Method**

This study uses a descriptive method with a comparative approach. Comparison halal maintenance between two countries that have the majority of Muslims in common. Until a

picture of halal maintenance between the two countries is obtained. Focuses on positive legal norms governing the implementation of halal product guarantees in Indonesia and Turkey. This research is normative legal research that focuses on rules or principles in the sense that law is thought of as a norm or rule derived from legislation, court decisions, or well-known legal doctrines. The data collected in this research can be in the form of legal materials such as legislation, legal doctrines or teachings written in books, journals, papers, magazines, legislative session reports, court decisions, and so on. In short, this data is sourced from documents or literature study activities.<sup>7</sup>

## **C. Results and Discussion**

### **1. Comparison in The Implementation Of Halal Certification In Indonesia And Turkey.**

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<sup>7</sup> Khairul Bahri Nasution, "The Concept of Property Rights in Islamic Fiqh (A Philosophical Analysis of Property Arrangements in Islam)," *Islamic Circle* 1, no. 2 (2020): 80–91.

Halal certification is an important aspect of Islamic law, which mandates that certain foods and products be prepared and consumed in accordance with specific guidelines. In many countries around the world, including Indonesia and Turkey, there are regulations in place to ensure that halal certification is enforced and adhered to.

Indonesia is the largest Muslim-majority country in the world and has a population of over 270 million people. In 2014, Indonesia implemented a new Halal Law, which established the framework for halal certification in the country. The law requires that all products sold in Indonesia that are intended for human consumption must be halal-certified. This includes food, beverages, and medicines. The law also established the Halal Product Assurance Agency (BPJPH) to oversee the implementation of the certification process.

The halal certification process in Indonesia involves several steps. First, the producer of the product must apply for halal

certification from the BPJPH. The application must include a detailed description of the product and its ingredients. Once the application is received, the BPJPH will conduct an audit of the production facility to ensure that the product is being produced in accordance with halal guidelines. If the audit is successful, the product will be certified halal.

The certification process in Turkey is similar to Indonesia's, with the Turkish government playing a central role in enforcing halal guidelines. In 2016, Turkey passed a new Halal Law, which established the framework for halal certification in the country. The law requires that all food, beverage, and medicine products sold in Turkey must be halal-certified. The law also established the Turkish Accreditation Agency (TURKAK) to oversee the implementation of the certification process.

The halal certification process in Turkey begins with an application from the producer of the product. The application must include a detailed description of

the product and its ingredients. Once the application is received, TURKAK will conduct an audit of the production facility to ensure that the product is being produced in accordance with halal guidelines. If the audit is successful, the product will be certified halal.

Both Indonesia and Turkey require that halal certification be renewed periodically. In Indonesia, halal certification must be renewed every five years, while in Turkey it must be renewed every two years. Additionally, both countries have established penalties for companies that violate halal certification regulations. In Indonesia, violators can face fines and even imprisonment, while in Turkey, violators can face fines and revocation of their halal certification.

In conclusion, halal certification is an important aspect of Islamic law and is enforced through regulations in countries such as Indonesia and Turkey. These regulations require that all food, beverage, and

medicine products sold in these countries be halal-certified and that companies comply with strict guidelines to ensure that their products are produced in accordance with halal requirements. Failure to comply with these regulations can result in penalties and revocation of halal certification. As a result, the halal certification process is taken very seriously in these countries and is an essential aspect of ensuring that consumers have access to products that are produced in accordance with their religious beliefs.

With 87.18 percent of its Muslim population, the country with the largest Muslim population in Indonesia has a relatively high demand for halal products.<sup>8</sup> The Arabic word "halal" means permissible, legal, and in accordance with Islamic law, also known as "Sharia." According to Ma'ruf Amin, the term "halal" can be used to refer to items that

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<sup>8</sup> Fatmawati, "Perlindungan Hak Atas Kebebasan Bergamadan Beribadah Dalam Negara," *Konstitusi* 8, no. 4 (2011): 489–520.

Muslims are permitted to consume, such as food, beverages, and pharmaceuticals.<sup>9</sup>

Additionally, the Global Agricultural Information Network (2017:2) explains the definition of halal:

*As a term, "Halal Food" has been gaining importance among the food and foreign trade sectors in Turkey over the past ten years. While "Halal" is an Arabic word that means lawful or permitted, "Halal Food" refers to food that has been prepared according to Islamic dietary laws, as defined in the Koran, and is free from pork products, alcohol, and certain other ingredients.*<sup>10</sup>

Halal certification ought to back up a Muslim's need for halal products. However, halal certification has not been granted to all Indonesian products. According to Ramlan and Nahrowi (2014), the abundance of products without halal labels or non-halal

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<sup>9</sup> Amin, Ma'ruf. "Fatwa Produk Halal Melindungi dan Menentramkan." *Pustaka Jurnal Halal* (2010):79.

<sup>10</sup> Maria Gul et al., "International Halal Industry And Its Impact On Global Halal Market (A Historical Review And Future Business Prospect)," *Journal of Positive School Psychology* 2022, no. 7 (2022): 5890–5907, <http://journalppw.com>.

information has an impact on Muslim consumers.<sup>11</sup>

There were 59,951 businesses in the last eight years (2011-2018) based on certification data from LPPOM MUI. These businesses have produced 727,617 goods in Indonesia, of which 69,985 are halal-certified (LPPOM MUI). This indicates that the remaining products lack halal certification and that only 9.6 percent of them have been certified. This does not mean that they are prohibited, but it could indicate that they have not been submitted for halal certification. Consequently, to guarantee that adherents of Islam can love and practice their religion, the public authority has a commitment to provide insurance and affirmation of the halal status of items coursing and consumed by people in general,

The government of Indonesia established the Halal Product Guarantee Organizing Agency, or

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<sup>11</sup> Ramlan and Nahrowi, "Halal Certification as the Application of Business Ethics in Efforts to Protect Muslim Consumers," *Ahkam* 14, no. 2 (2014): 145-154.

BPJPH, to manage the Halal Product Guarantee, or JPH, in the country. BPJPH has the authority, in JPH management: Formulate and establish JPH policies;

- a. Establish norms, standards, procedures, and criteria for JPH;
- b. Issue and revoke Halal Certificates and Halal Labels for products;
- c. Register Halal Certificates for foreign products;
- d. Conduct socialization, education, and publication of Halal Products;
- e. Accreditation of LPH (Halal Certification Body);
- f. Register of Halal Auditors;
- g. Conduct supervision of JPH;
- h. Provide guidance to Halal Auditors; and
- i. Collaborate with institutions both within and outside the country in the field of JPH management.

Thus, the existence of a halal certification body is a way to ensure the halal status of products to be exported, especially to countries with a majority Muslim population. Private



certification bodies or those established by non-governmental organizations are sometimes not recognized by other countries and may face rejection. Currently, Indonesia is starting to transfer halal certification from the non-governmental organization, MUI, to BPJPH, an organization of the Ministry of Religious Affairs. Similar to MUI's halal certification process, which consists of five main stages, BPJPH's mechanism for halal certification is similar. The following are the five stages (Hayyun Durrotul, 2019):

- 1) Registering and providing the necessary documentation;
- 2) The submitted requirements will be looked at by BPJPH;
- 3) Conducting reviews and item examinations;
- 4) Submitting the investigation results to MUI to give a fatwa; and
- 5) Issuing a halal certificate in the event that the audit is successful.<sup>12</sup>

For now, products that have not been certified are not immediately subject to legal sanctions. However, they will be given socialization and guidance and given the opportunity to register their products for halal certification. Therefore, halal certification will be carried out gradually over the next five years.

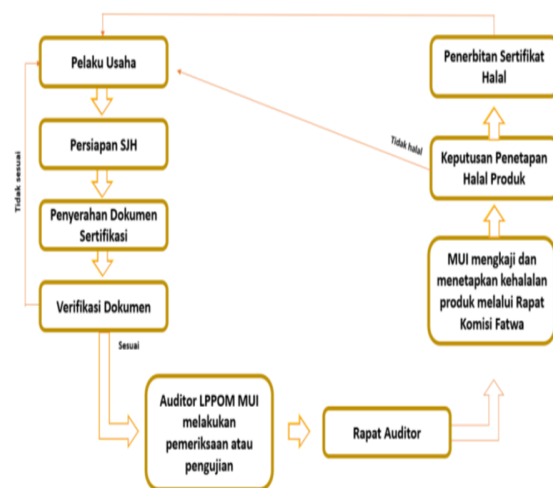


Figure 7. Certification Mechanism by MUI

After the establishment of BPJPH, the certification process has undergone several changes as outlined in the diagram below. The BPJPH certification process is as follows:

<sup>12</sup> Faridah Hayyun Durrotul, "Sertifikasi Halal Di Indonesia : Sejarah

Perkembangan, Dan Implementasi," *Journal of Halal Product and Research*, 2 (2019): 75.

- 1) Business operators submit an application for certification and attach the required documents,
- 2) BPJPH verifies the submitted documents,
- 3) An audit and product inspection is conducted by LPH,
- 4) The results of the inspection are submitted to the MUI for issuing a fatwa,
- 5) A halal certificate is issued if the audit is passed.

additional Halal certification process value in Turkey, in order to guarantee the legal certainty of halal products (Global Agricultural Information Network, 2017: 2). As per the Turkish Service of Economy, the foundation of the new Halal Certification Authority is important to satisfy the need for halal items and documentation for the developing Muslim population around the world, which is currently assessed at 1.8 billion individuals.

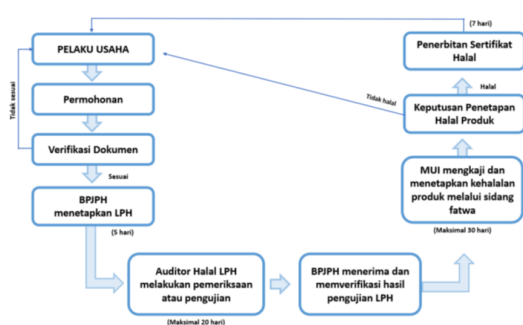


Figure 8. Certification Mechanism by BPJPH.

Meanwhile, the Turkish government established the Halal Accreditation Authority (HAK) on November 18, 2017, with the intention of providing halal accreditation services to halal conformity assessment bodies and replacing the previous body that was a part of the larger Turkish Accreditation Authority on

The successful execution of HAK's errands is vital in building a universally perceived halal confirmation framework and beating specialized boundaries to exchange halal items and administrations. As a result, the Standards and Metrology Institute for Islamic Countries (SMIIC), an affiliated organization of the Organization of Islamic Cooperation (OIC), is the best venue for this system's establishment and regulation. It should be noticed that the volume of guaranteed halal exchange can be increased by diminishing specialized exchange hindrances

through the expanded viability of OIC/SMIIC Norms, ready with the commitments of OIC part nations, and the acknowledgment of a fit license plot. Subsequently, HAK's activities are pointed toward lessening existing halal exchange boundaries to uncover the genuine capability of halal exchange.

Regarding the duties and authorities of the halal product assurance organizing agency in Turkey, the relevant Ministry for the new Halal Accreditation Authority is the Ministry of Economy. According to the Law on the Establishment, Duties and Authorities of the Halal Accreditation Body, the following are the tasks of the Halal Accreditation Authority:

- a. Determine and implement halal accreditation criteria and related actions, provide halal accreditation services to halal conformity assessment bodies established in Turkey and abroad;
- b. Within the extent of its capabilities, address Turkey in global and provincial

license associations and associations, become an individual from them, take part in their administration, or become a focal point of these associations, sign two-sided or multilateral shared acknowledgment

arrangements, lay out contacts and help out halal certification establishments and associations in nations that don't have certification bodies;

- c. Carry out a wide range of scientific and technical investigations regarding halal accreditation. Engage in actions that emphasize the significance of halal accreditation; In this regard, hold national and international congresses, seminars, and other similar gatherings or organize education, research, and publications;
- d. In the context of managing the operations of the organization; acquiring solutions; acquiring, selling,

renting, and supervising the development of real estate;  
 e. Completing other legal obligations.

In the mechanism of halal product assurance organization in Turkey, namely the Halal Accreditation Authority (HAK), aims to assess, accredit, and monitor the halal conformity assessment body's competence against national regulations, international standards, and other technical regulations regulated in the implementation documents of the accreditation body. In this regard, the Halal Accreditation Authority (HAK) evaluates and monitors the conformity of halal assessment bodies to national and international standards, as well as its own rules and procedures. For the halal accreditation process, the review, assessment, approval, and monitoring procedures towards the conformity of the assessment body to the halal accreditation demanded by HAK are carried out in accordance with the OIC/SMIIC Halal Standards and other relevant ISO standards.

As mentioned above, there are implementation documents released by HAK for specific procedures, besides the relevant standards, and all applicant bodies are required to meet the requirements defined in these documents.

Aspect	BPJPH (Indonesia)	Halal Accreditation Authority (Turkey)
Organizational Structure	Government agency under the Ministry of Religious Affairs	Government-established entity
Certification Process	In transition from MUI, aligns with established MUI processes	Evaluates, accredits, and supervises halal conformity assessment bodies
Legal Framework	Operates within Indonesian government's legal framework	Aligns with national regulations and international standards
International Standards	Follows international standards for halal certification	Complies with international standards for halal conformity assessment
Implementation Documents	Adheres to additional technical regulations specified in	Ensures compliance with relevant technical

	implementa tion documents	regulations in implemen ta tion documents
Objective	Ensure halal status of products, following government regulations	Provide legal certainty for halal products through accredita tion services
Role in Removing Trade Barriers	Contributes to the establishe ment of a globally recognized halal certification system	Aims to eliminate trade barriers in halal goods and services through accredita tion

**2. Regulations Regarding The Implementation Of Halal Certification In Indonesia And Turkey.**

The issuance of regulations with respect to halal items is important for the work made by the State to provide legitimate insurance and legal conviction for halal item confirmation for Muslim customers. The assurance of halal item legitimate assurance is confirmed by a halal endorsement got by presenting a halal testament application to the Indonesian halal item administrative organization, the Halal Item Confirmation

Coordinating Organization (BPJPH), as commanded by the Halal Item Assurance Regulation. The Ministry of Religion is where the Halal Product Guarantee Agency (BPJPH) is located. Before the order of the Halal Item Assurance Regulation, the halal item administrative organization was the Indonesian Board of Ulama's Food, Medication and Beauty care products Evaluation Establishment (LPPOM MUI) as a local area association.<sup>13</sup> In Indonesia, the following regulations govern halal product assurance:

- a. Ministry of Health and Ministry of Religion of the Republic of Indonesia Decree No. 427 / Menkes / SKB / VIII / 1985 - No. 68 of 1985 concerning the Inclusion of the Word "Halal" on Food Labels, dated August 12, 1985.
- b. Presidential Instruction of the Republic of Indonesia

<sup>13</sup> Syafrida, "PERAN MASYARAKAT DALAM PENYELENGGARAAN JAMINAN PRODUK HALAL DI INDONESIA," *National Journal of Law* 21, no. 1 (2020): 173.

- No. 2 of 1991 concerning the Improvement of Guidance and Supervision of Processed Food Production and Circulation, enacted on June 12, 1991.
- c. Law No. 23 of 1992 concerning Health, enacted on September 17, 1992.
- d. Minister of Health of the Republic of Indonesia Decree No. 82 / Menkes / SK / I / 1996 concerning the Inclusion of the Word "Halal" on Food Labels, enacted on January 24, 1996.
- e. Minister of Health of the Republic of Indonesia Decree No. 924 / Menkes / SK / VIII / 1996 concerning the Amendment to the Minister of Health of the Republic of Indonesia Decree No. 82 / Menkes / SK / I / 1996 concerning the Inclusion of the Word "Halal" on Food Labels, dated August 30, 1996.
- f. Law No. 7 of 1996 concerning Food enacted on November 4, 1996, later revised as Law No. 18 of 2012 concerning Food, enacted on November 16, 2012.
- g. Government Regulation of the Republic of Indonesia No. 69 of 1999 concerning Food Labels and Advertisements, signed on July 21, 1999.
- h. Law No. 8 of 1999 concerning Consumer Protection, enacted on April 20, 1999.
- i. Minister of Religion of the Republic of Indonesia Decree No. 518 of 2001 concerning Guidelines and Procedures for Halal Food Inspection and Determination, and No. 519 of 2001 concerning the Implementation Agency for Halal Food Inspection, dated November 30, 2001.
- j. Law No. 33 of 2014 concerning Halal Product Guarantee, enacted on October 17, 2014.
- k. Government Regulation of the Republic of Indonesia No. 31 of 2019 concerning

the Implementation of Law No. 33 of 2014 concerning Halal Product Guarantee, enacted on April 29, 2019.

The guideline in regards to halal item confirmation at present actually doesn't give legal assurance, in this way it should be controlled in regulation. As a result, Law No. The culmination of Indonesia's history of halal product regulation is Law No. 33 of 2014 regarding Halal Product Guarantee. Previously, only the Food and Health Law contained regulations regarding halal product assurance. It is now contained in a single, specifically regulated law.

#### **D. Conclusion**

To ensure the halal status of products for Muslim consumers, obtaining certification through a halal certificate organization is a crucial method. Prior to the establishment of Indonesia's Halal Product Assurance Agency (BPJPH), non-governmental organizations like MUI were responsible for providing assurance for halal products. The

process of affirming halal items through BPJPH closely resembles the procedures previously conducted by MUI.

Concurrently, the Turkish government has instituted the Halal Accreditation Authority (HAK) to deliver halal accreditation services to halal conformity assessment bodies, ensuring the legality of halal products. Effectively carrying out HAK's responsibilities is imperative to establish a globally recognized halal certification system and overcome technical barriers in the trade of halal goods and services. HAK's objective is to assess, accredit, and oversee the conformity of halal conformity assessment bodies to national, international, and other technical regulations specified in the accreditation body's implementation documents.

Acquiring a halal certificate from Indonesia's Halal Product Assurance Agency (BPJPH), mandated by the Halal Product Assurance Law (Law No. 33 of 2014), signifies the legal certainty of halal products. Similarly, in

Turkey, the Halal Item Confirmation is regulated by the Halal Accreditation Authority (HAK), as outlined in Regulation No. 7060 published in the Authority Periodical on November 18, 2017. HAK specializes in halal accreditation within Turkey and globally, aiming to lead in the field and represent Turkey internationally as the sole authorized body to accredit halal conformity assessment bodies.

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