



Enhancing Legal Certainty and Institutional Models for Halal Certification in Indonesia's Food and Beverage Sector

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Abstract

The implementation of Law No. 33 of 2014 on Halal Product Assurance (Jaminan Produk Halal, JPH) in Indonesia highlights significant challenges in legal protection and institutional frameworks. These include public awareness gaps about the halal certification process, lack of compliance among certified entities, and the delayed establishment of the Halal Product Assurance Agency (BPJPH), which became operational in October 2017 but has not yet fully met its mandate. This study aims to develop an institutional model for implementing Article 4 of the Halal Product Assurance Law, focusing on the food and beverage sector in Indonesia. It also explores the philosophical underpinnings of halal principles (halalan tayyiban) in alignment with Qur'anic guidance (Q.S. Al-Baqarah: 168) and modern medical insights on health and well-being. Employing a normative-empirical legal research approach, this study utilizes descriptive qualitative analysis to synthesize regulatory frameworks, empirical findings, and philosophical insights, concluding with inductive reasoning to propose practical solutions. Findings indicate that BPJPH's implementation of the JPH Law remains suboptimal due to insufficient numbers of authorized Halal Product Institutions (LPHs). Moreover, the transition from a voluntary to a mandatory halal certification system introduces critical legal and procedural shifts, including new obligations, validity periods, and auditing requirements. These challenges underline the need for policy adjustments to ensure legal certainty and effective governance.

Keywords:

*Institutional Model;
Implementation; Halal
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INTRODUCTION

The Halal Product Assurance Agency (BPJPH) operates under the mandate of Law No. 33 of 2014 on Halal Product Assurance (JPH), carrying out its duties, main functions, and authorities.¹ However, many Indonesians remain unaware that some foods they consume, either produced industrially or non-industrially, may contain ingredients whose halal status is uncertain. This includes products explicitly categorized as halal or haram according to Islamic legal principles.

Law No. 33 of 2014 also states that “business operators who fail to maintain the halal status of products that have been certified halal shall be subject to imprisonment for a maximum of five years or a fine of up to IDR 2 billion.”² For halal products, Government Regulation (PP) No. 39 of 2021, Article 87, requires business operators to affix a halal label on certified products. Furthermore, Article 97(2) specifies that the halal label must be clearly visible, legible, and not easily removed, erased, or damaged. For non-halal products, Article 92(1) mandates that businesses producing products containing prohibited materials must include a “non-halal” label, as outlined in Article 93, which further requires the label to use distinct colors.

The BPJPH was formally established in October 2017, three years after the enactment of the JPH Law. However, until early 2020, the agency had not yet fulfilled its primary mandate of issuing halal certificates to ensure the halal status of products. Only in late 2021 did the Ministry of Religious Affairs, through BPJPH, begin implementing its duties with improved efficiency and professionalism. In addition to these regulations, further discussion is required regarding the related policies and legal norms.

Article 8(1)(a) of the law prohibits companies from producing or trading goods or services that do not comply with halal production standards, as reflected in the “halal” statement affixed on labels. This law aims to ensure that Muslim consumers are protected and can make informed decisions about the products they consume. Prior to the enactment of Law No. 33 of 2014, halal certification in Indonesia was voluntary, managed by the Indonesian Council of Ulama (MUI).

MUI’s involvement in halal certification began in 1988, following public concern over a university-led investigation reporting the widespread circulation of products potentially containing prohibited materials. To address this, on January 28, 1989 (Jumadil Awal 1409 H), MUI issued Decree No. Kep-018/MUI/I/1989, establishing the Halal Inspection Agency (LPPOM-MUI), tasked with assessing materials and production processes. The agency’s findings provided the basis for the MUI Fatwa Commission to determine a product’s halal status.

The JPH Law is rooted in constitutional provisions such as Articles 20, 21, 28H(1), and 29(2) of the 1945 Constitution of the Republic of Indonesia.³ These provisions affirm the government’s responsibility to guarantee the halal status of products consumed and used by the public. The government is tasked with organizing Halal Product Assurance through the Ministry of Religious Affairs,⁴ which functions as the executive body responsible for implementing related regulations.⁵

¹ Article 4 of Law No. 33 of 2014 on Halal Product Assurance states that “Products entering, circulating, and traded within the territory of Indonesia must be halal-certified.” This provision is further elaborated in Article 2 of Government Regulation No. 39 of 2021, which reaffirms that “Products entering, circulating, and traded within the territory of Indonesia must be halal-certified.” Furthermore, Article 140 specifies that “The obligation for halal certification applies to food, beverages, slaughtered products, and slaughtering services.” This requirement has been implemented starting from October 17, 2019, and will continue until October 17, 2024.

² Article 56 of Law No. 33 of 2014

³ The preamble of Law No. 33 of 2014 on Halal Product Assurance.

⁴ Article 1(14), 5(1-2) of Law No. 33 of 2014

For Muslims, information on whether a product is halal or haram is crucial, not only as a matter of religious observance but also as a constitutional right. The 1945 Constitution explicitly guarantees religious freedom, obliging the government to protect and facilitate religious practices. It also prohibits the enactment of regulations that hinder or contradict religious values.⁶

Currently, many food, beverage, pharmaceutical, and cosmetic products circulating in the market lack clear halal status or certification. Muslims often rely on halal labels as assurance, but these labels are sometimes misused by producers to attract consumers without proper verification by halal certification bodies. To address this issue, the government enacted Law No. 33 of 2014, making halal certification mandatory and imposing penalties on businesses that fail to comply.⁷

Despite these regulations, halal certification and labeling have so far covered only a small proportion of food, beverage, pharmaceutical, and cosmetic products due to limited public awareness of the halal assurance system. The growing complexity of food, pharmaceutical, and cosmetic industries, driven by advancements in science and technology, has increased the risk of mixing halal and haram ingredients, whether intentionally or unintentionally. Ensuring halal status requires a multidisciplinary approach, involving expertise in food science, biology, chemistry, biochemistry, industrial engineering, pharmacy, and Islamic jurisprudence.

To address these challenges, the government transitioned halal certification from a voluntary to a mandatory system through Law No. 33 of 2014. This law aims to provide legal certainty for consumers and ensure the safety, comfort, and availability of halal products. While MUI and its LPPOM initially handled halal certification, their role has been redefined with the establishment of BPJPH under the Ministry of Religious Affairs, as regulated by Presidential and Ministerial Decrees. These regulations provide a framework for BPJPH to fulfill its mandate of ensuring the halal status of products in Indonesia.⁸

RESEARCH METHODS

This study employs a descriptive qualitative research method to comprehensively analyze the implementation of halal product assurance policies and their alignment with Article 4 of Law No. 33 of 2014. The descriptive approach enables the collection and presentation of data in a detailed and systematic manner, focusing on both regulatory frameworks and empirical findings related to halal certification processes in Indonesia's food and beverage sector.

Data and information were obtained from primary and secondary sources, including statutory regulations, government reports, and scholarly publications. These were analyzed qualitatively to identify gaps in the existing legal and institutional structures of the Halal Product Assurance Agency (BPJPH). By synthesizing this information, the study provides insights into the challenges and opportunities in ensuring compliance with mandatory halal certification requirements.

The study also incorporates an inductive analytical method to derive conclusions from the

⁵ K. N. Sofyan, 'FORMULASI HUKUM DAN PENTINGNYA JAMINAN KEPASTIAN HUKUM PRODUK PANGAN HALAL DALAM HUKUM NASIONAL', *Nurani: jurnal kajian syaria'ah dan masyarakat* 15, no. 2 (17 September 2015): 47–74, <https://doi.org/10.19109/nurani.v15i2.282>.

⁶ Sofyan.

⁷ Dharu Triasih, B. Rini Heryanti, and Doddy Kridasaksana, 'KAJIAN TENTANG PERLINDUNGAN HUKUMBAGI KONSUMEN TERHADAP PRODUK MAKANAN BERSERTIFIKAT HALAL', *Jurnal Dinamika Sosial Budaya* 18, no. 2 (9 August 2017): 214–25, <https://doi.org/10.26623/jdsb.v18i2.571>.

⁸ Presidential Regulation No. 83 of 2015 concerns the Ministry of Religious Affairs; Article 1(5) of Law No. 33 of 2014

collected data, beginning with specific observations and findings before generalizing to broader implications. This approach allows for an in-depth exploration of both the legal-philosophical underpinnings of halal principles (*halalan tayyiban*) and the practical challenges faced by stakeholders, including business operators and regulatory bodies.

By combining descriptive and inductive methods, the study aims to propose practical solutions and institutional models for enhancing the effectiveness of halal product assurance, ultimately addressing consumer needs and fulfilling the objectives outlined in the JPH Law. This comprehensive methodological framework ensures that the findings and recommendations are both empirically grounded and theoretically robust.

RESULTS AND DISCUSSION

Concept of *Halal*, *Haram* and *Syubhat*

The concepts of *halal* (permissible), *haram* (forbidden), and *syubhat* (doubtful) play a central role in Islamic jurisprudence concerning food, drink, and other consumable or usable products. These three terms are interconnected and serve as the foundational principles of Islamic dietary law.⁹

The term *halal* originates from the Arabic word *halla*, *yahillu*, *hillan*, which signifies something lawful or permissible. In Islamic jurisprudence, *halal* refers to actions or items allowed by Allah, free from prohibition or harm. It denotes the freedom to engage in or refrain from certain actions without incurring sin or divine punishment.¹⁰ Scholars such as Al-Shawkani and Al-Zarkashi equate *halal* with *mubah* (permissible), implying actions that do not result in reward or sin regardless of whether they are performed or avoided. This is illustrated in the Qur'an, such as in Surah Al-Ma'idah (5:1-2), which clarifies that hunting becomes permissible after completing the state of *ihram*. The term *halal* encompasses acts and the consumption of food, drink, and other products, all of which must comply with Islamic law.¹¹

In contrast, *haram* refers to what is explicitly forbidden by Islamic law. The term derives from the Arabic root *haruma*, *yahrumu*, *hurman*, meaning prohibition. In legal terms, *haram* signifies actions or items that are impermissible and must be avoided. Scholars like Ibn Qayyim Al-Jawziyyah and Ibn Hazm emphasize that engaging in *haram* activities leads to sin and divine punishment. *Haram* extends to various aspects of life, including dietary restrictions. For example, the default ruling on meat and slaughtered animals is prohibition unless the animal has been slaughtered according to Islamic guidelines. Marine animals are deemed *halal* based on a hadith of the Prophet Muhammad (peace be upon him), affirming the purity of sea water and the permissibility of consuming its creatures. Importantly, the determination of *haram* requires clear evidence from the Qur'an or hadith, and the principle of permissibility applies unless explicitly overridden.¹²

The concept of *syubhat* occupies an intermediary position between *halal* and *haram*. The term, derived from the Arabic root *shubhu* or *shubhah*, denotes ambiguity or doubt. *Syubhat* refers to matters that are unclear or uncertain, making it difficult to determine their permissibility.

⁹ Ahmad Hidayat Buang and Siti Fatimah Hamidon, 'Halal, Haram Dan Syubhah Dalam Makanan Dari Perspektif Syariah Dan Undang-Undang', *ALBASIRAH JOURNAL* 6, no. 1 (31 December 2016): 49–61, <https://mjes.um.edu.my/index.php/ALBASIRAH/article/view/18962>.

¹⁰ Buang and Hamidon.

¹¹ Buang and Hamidon.

¹² Buang and Hamidon.

A hadith recorded by Bukhari states, "The lawful is clear, and the unlawful is clear, and between them are doubtful matters unknown to many people." Islamic scholars, including Imam Al-Ghazali and Al-Jurjani, describe *syubhat* as arising from conflicting evidence or circumstances that obscure the distinction between halal and haram. *Syubhat* reflects uncertainty resulting from overlapping characteristics of permissible and prohibited items, necessitating caution to avoid transgression.¹³

To establish clear guidelines for determining the permissibility of food and drink, Islamic scholars have developed general principles based on the Qur'an, hadith, analogical reasoning (*qiyas*), and legal maxims (*qawaid fiqhiyyah*), supported by scientific rationale. These principles include the default assumption that all food is halal unless proven otherwise; the permissibility of livestock unless deemed predatory; the prohibition of animals with sharp fangs or claws; and the impermissibility of intoxicants, harmful substances, or creatures deemed repugnant, such as insects. Marine animals are generally halal, while amphibious creatures are not. Furthermore, any food or drink with poisonous or harmful properties is forbidden. These principles provide a comprehensive framework to ensure adherence to Islamic dietary laws and ethical consumption.¹⁴

Statutory Arrangements Relating to Halal Products

Indonesia has established several legal regulations related to halal certification and labeling to protect Muslims from consuming non-halal products. However, these regulations have not fully addressed the issue comprehensively, and their implementation has often sparked debates over which institution holds the legitimate authority to issue halal certificates or labels. Most of these regulations only partially address halal-related matters, prompting the issuance of the Halal Product Assurance Law (Law No. 33 of 2014), which provides detailed provisions on halal product assurance and designates the institutions authorized to implement it.

The existing regulatory framework includes several legal instruments that, directly or indirectly, address halal matters. These include Law No. 8 of 1999 on Consumer Protection, Law No. 18 of 2009 on Livestock and Animal Health, and Law No. 36 of 2009 on Health. Additionally, Law No. 18 of 2012 on Food, Government Regulation No. 69 of 1999 on Food Labels and Advertisements, and Minister of Health Decree No. 924/Menkes/SK/VIII/1996 concerning amendments to earlier decrees on halal labeling also play a role. Despite these efforts, it was the enactment of Law No. 33 of 2014 on Halal Product Assurance that marked a significant milestone, providing a comprehensive legal basis to ensure halal product integrity and clarifying institutional roles in its administration.

Food, Drug and Cosmetic Assessment Institute of the Indonesian Ulema Council (LPPOM MUI)

The Indonesian Council of Ulama (Majelis Ulama Indonesia or MUI) serves as a non-governmental organization that accommodates Islamic scholars (*ulama*), leaders (*zu'ama*), and intellectuals (*cendekiawan*) to provide guidance, nurture, and protect Muslims throughout Indonesia. Established on the 7th of Rajab 1395 in the Islamic calendar, corresponding to July 26, 1975, in Jakarta,¹⁵ MUI was founded as a result of a national congress of *ulama*, intellectuals, and *zu'ama* from across Indonesia. This congress included 26 representatives from the provinces of Indonesia

¹³ Buang and Hamidon.

¹⁴ Buang and Hamidon.

¹⁵ Majelis Ulama Indonesia, 'Sejarah MUI – Majelis Ulama Indonesia', [mui.or.id](https://mui.or.id/sejarah-mui/), n.d., <https://mui.or.id/sejarah-mui/>.

at the time, 10 members from central Islamic organizations such as NU, Muhammadiyah, Syarikat Islam, and others, four representatives from religious departments within the armed forces, and 13 independent Islamic scholars. The congress culminated in an agreement to establish a platform for Islamic scholars and leaders to deliberate, encapsulated in the "Charter of Establishment of MUI," signed by all participants of the first National Congress of Ulama.

The establishment of MUI coincided with Indonesia's post-independence revival after 30 years of nationhood, as the country sought to redirect its focus from political struggles to the spiritual welfare of its people. Over the years, MUI has endeavored to guide Muslims in achieving a life pleasing to Allah, provide advice and religious opinions to the government and public, promote Islamic unity, and serve as a bridge between religious leaders and the government. The organization has also fostered cooperation among Islamic organizations and scholars to provide guidance to society. Based on its foundational principles, MUI has four primary functions: issuing religious rulings (fatwa) and advice to both the government and Muslim communities, promoting unity among Muslims to ensure effective representation, mediating between the government and the Islamic community, and representing Muslims in interfaith dialogues.¹⁶

Despite the absence of a formalized system for religious rulings in Indonesia's legal structure, MUI's Fatwa Commission has become a significant source of religious guidance. While a fatwa is not legally binding, it holds considerable influence among Muslims, often serving as a practical guide for religious observance.¹⁷ According to Rohadi, religious rulings are collaborative decisions involving Islamic scholars and experts in relevant fields to provide clear, consistent, and accountable guidance to the Muslim community.¹⁸ MUI's Fatwa Commission, guided by strict principles and ethical standards, issues rulings on various subjects, including worship, religious practices, health, and governance. When addressing complex issues, such as those in healthcare or medicine, the commission invites experts to ensure accuracy and comprehensive understanding.¹⁹

The issuance of fatwas on halal products, such as food and beverages, follows a similar process but involves collaboration with the Assessment Institute for Food, Drugs, and Cosmetics of MUI (LPPOM MUI). This process begins with an audit conducted by LPPOM MUI to examine and verify the ingredients and manufacturing processes of products seeking halal certification. The findings are then submitted to the Fatwa Commission for review. If necessary, the commission requests additional audits to address any uncertainties. Once satisfied, the commission issues a halal ruling, documented in an official fatwa and accompanied by a halal certificate signed by key representatives of MUI, including the Fatwa Commission and LPPOM MUI directors.²⁰

The establishment of LPPOM MUI on January 6, 1989, was a response to widespread concerns about the use of pork-derived ingredients in food products, which alarmed the Muslim community. Recognizing the need for a dedicated institution to verify the halal status of consumables in a nation with a Muslim majority population, MUI formalized LPPOM MUI through

¹⁶ Majelis Ulama Indonesia; Sopa, *Sertifikasi Halal Majelis Ulama Indonesia: Studi Atas Fatwa Halal MUI Terhadap Produk Makanan, Obat-Obatan Dan Kosmetika* (Jakarta: GP Press, 2013), 36–41.

¹⁷ Sofyan Hasan, *Sertifikasi Halal Dalam Hukum Positif: Regulasi Dan Implementasi Di Indonesia* (Yogyakarta: Aswaja Pressindo, 2014), 179.

¹⁸ Rohadi Abdul Fatah, *Analisis Fatwa Keagamaan Dalam Fikih Islam* (Jakarta: Bumi Aksara, 2006), 27; Hasan, *Sertifikasi Halal Dalam Hukum Positif: Regulasi Dan Implementasi Di Indonesia*, 179–80.

¹⁹ Bagian Proyek Sarana dan Prasarana Produk Halal Direktorat Jenderal dan Bimbingan Masyarakat Islam dan Penyelenggaraan Haji Departemen Agama, *Modul Pelatihan Auditor Internal Halal* (Jakarta: Departemen Agama, 2003); Hasan, *Sertifikasi Halal Dalam Hukum Positif: Regulasi Dan Implementasi Di Indonesia*.

²⁰ Hasan, *Sertifikasi Halal Dalam Hukum Positif: Regulasi Dan Implementasi Di Indonesia*.

its decree.²¹ Between 2005 and 2010, LPPOM MUI certified over 75,000 local and imported products as halal, reflecting growing public awareness of halal certification. Beyond domestic efforts, LPPOM MUI has played a pivotal role in setting global standards for halal certification. In collaboration with international halal certification bodies, MUI established the World Halal Council (WHC) in 1999. LPPOM MUI's directors have served as WHC presidents and secretaries-general, underscoring Indonesia's leadership in global halal certification. Currently, 41 halal certification bodies across five continents adhere to LPPOM MUI's standards.²²

LPPOM MUI was also established to support and implement the joint decree of the Ministry of Health and the Ministry of Religious Affairs issued in 1985, which mandated the inclusion of "halal" labels on food packaging. In carrying out its mandate, LPPOM MUI conducts audits and assessments of food, pharmaceutical, and cosmetic products to ensure their compliance with Islamic dietary laws. These efforts involve extensive research on raw materials, manufacturing processes, and certification protocols to uphold the integrity of halal certification.²³

Halal Product Assurance Agency (BPJPH)

The Halal Product Assurance Agency (BPJPH) has been mandated by Law No. 33 of 2014 on Halal Product Assurance. This law stipulates that products circulating in Indonesia must be guaranteed for their halal status. Consequently, the Halal Product Assurance Agency is tasked with ensuring the halal status of products that are distributed and marketed within the country. The agency's responsibilities include ensuring that products meet halal standards and overseeing their compliance in the market.²⁴

The Halal Product Assurance Agency is also supported by the duties and functions outlined in Law No. 33 of 2014, which includes responsibilities such as Halal Registration, Halal Certification, Halal Verification, providing guidance, and conducting supervision of product halal status. Additionally, the agency is responsible for cooperating with all relevant stakeholders and establishing standards for the halal status of products.²⁵

Islamic law not only governs principles of law but also outlines principles of its implementation. These principles include:

1. Minimizing burdens
2. Gradual implementation
3. Avoiding hardship

Effectiveness of the Implementation of Law No. 33 of 2014 on Halal Product Assurance by BPJPH

The Halal Product Assurance Organizing Body (Badan Penyelenggara Jaminan Produk Halal, BPJPH) is the authority in Indonesia responsible for organizing halal product assurance. The BPJPH's authority as the organizer of halal product assurance is outlined in Article 6 of the Halal Product Assurance Law (UU JPH). BPJPH's tasks and functions include: formulating and establishing halal

²¹ A fatwa decision is the outcome of a commission's deliberation on a legal issue that has been approved by the commission's members during the session.

²² Gayatri Atmadi and Sri Riris Wahyu Widati, 'Strategi Pemilihan Media Komunikasi LPPOM MUI Dalam Sosialisasi & Promosi Produk Halal Di Indonesia', *JURNAL AL-AZHAR INDONESIA SERI PRANATA SOSIAL* 2, no. 2 (2013): 87–97, <https://journal.uai.ac.id/index.php/SPS/article/view/150>.

²³ Sopa, *Sertifikasi Halal Majelis Ulama Indonesia: Studi Atas Fatwa Halal MUI Terhadap Produk Makanan, Obat-Obatan Dan Kosmetika*, 160–63.

²⁴ Badan Penyelenggara Jaminan Produk Halal, 'Sekilas Tentang BPJPH', n.d., <https://www.halal.go.id>.

²⁵ Badan Penyelenggara Jaminan Produk Halal.

product assurance policies; determining norms, standards, procedures, and criteria for halal product assurance; issuing and revoking halal certificates and halal labels for products; registering halal certificates for foreign products; conducting socialization, education, and publicity on halal products; accrediting halal inspection bodies (LPH); registering halal auditors; overseeing halal product assurance; providing training to halal auditors; and collaborating with domestic and foreign institutions in halal product assurance.

In the span of one year, starting from when BPJPH began its operations in 2018-2019, BPJPH has begun to develop several regulations to support the implementation of halal product assurance. The results of their work include the following: The Ministry of Finance's Letter No. 3/KMK.05/2019 dated January 2, 2019, concerning the Status of BPJPH as a Public Service Agency (BLU); Government Regulation No. 31 of 2019 on the Implementation of Halal Product Assurance; Minister of Religious Affairs Regulation No. 26 of 2019 dated October 15, 2019, on the Implementation of Halal Product Assurance; the training of 226 halal auditors funded by the state budget; Memorandums of Understanding (MoUs) with State Universities and Islamic Foundations (70 MoUs by October 2019) to prepare halal inspection bodies (LPH); BPJPH's establishment being challenged three times in the Constitutional Court (MK), with one lawsuit withdrawn and two others rejected by MK in decisions No. 8/PUU-XVII/2019 on February 18, 2019, and No. 49/PUU-XVII/2019 on September 25, 2019; Minister of Manpower Decree No. 266 of 2019 dated October 1, 2019, on SKKNI Halal Auditors; participation in the First International Halal Dialog in Jakarta on November 12, 2019; BPJPH's head as a representative of Indonesia at the TBT-WTO meeting in Geneva, Switzerland, on November 13-15, 2019, to address objections from WTO member countries regarding the enforcement of halal requirements for goods and services in Indonesia as mandated by Law No. 33 of 2014; and Indonesia becoming a full member of SMIIC in Mecca, Saudi Arabia, in November 2019.²⁶

Based on the data above regarding the implementation of the Halal Product Assurance Law by BPJPH, it is possible to evaluate its effectiveness. According to Soerjono Soekanto, a law can be considered effective if it meets five factors: 1) the law itself, 2) the law enforcement officers, 3) the supporting facilities or infrastructure for law enforcement, 4) the public, and 5) the cultural factor.²⁷

In the realm of law, there are three different perspectives on the applicability of legal norms: juridical, sociological, and philosophical.²⁸ From a juridical standpoint, legal norms apply when they are based on higher principles or established legal foundations. The legal basis for Law No. 33 of 2014 concerning Halal Product Assurance is found in Article 28 E, paragraph (1), and Article 29, paragraphs (1) and (2) of the 1945 Constitution of the Republic of Indonesia. These articles assert the constitutional obligation of the state to protect citizens' rights to practice their religion without interference that could disrupt the development of religious life in Indonesia. Furthermore, Article 28 J, paragraph (2) of the Constitution states that in exercising human rights and freedoms, every individual must comply with limitations established by law, solely to guarantee the recognition and respect of others' rights and freedoms while fulfilling just demands in line with moral considerations, religious values, public security, and order in a democratic society.²⁹

²⁶ Interview through correspondence with Mr. Sukoso, chairman of BPJPH via email

²⁷ Soerjono Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum* (Jakarta: PT. Raja Grafindo Persada, 2008).

²⁸ Soekanto.

²⁹ Academic Paper on Draft Halal Product Assurance Law

From a sociological perspective, legal norms are effective when they can be enforced by authorities, regardless of whether they are accepted by the public, or when they are recognized and accepted by society. The sociological basis for Law No. 33 of 2014 stems from the fact that many products circulating in society are questioned regarding their halal status. This issue arises either due to production processes that do not align with religious teachings or because of advancements in science and technology, such as genetic engineering and biotechnological processes, which raise doubts about the halal status of certain products. Recognizing this, the law was enacted to provide legal protection and certainty regarding the halal status of products consumed by Muslims in Indonesia. Halal certification and labeling have become a focal point for international trade organizations to protect Muslim consumers globally, while also serving as a strategy to address the challenges posed by the globalization of product marketing.³⁰

Philosophically, legal norms apply when they align with the highest positive values of law. The philosophical foundation of Law No. 33 of 2014 is rooted in the belief in God, as outlined in the first principle of Pancasila, "Belief in the One and Only God." For Muslims, consuming food, beverages, medicine, cosmetics, and genetically modified products is not merely to fulfill physical needs but also serves as an act of worship and obedience to Allah SWT. The Islamic teachings, as derived from the Qur'an and Hadith, clearly distinguish between halal and haram products, including genetically modified products, which may raise doubts regarding their permissibility.³¹

The effectiveness of written law is heavily influenced by the competence of law enforcement officers. In this context, the presence of capable law enforcement personnel is critical, as they need to possess the necessary skills, professionalism, and integrity to carry out their duties effectively. According to Soerjono Soekanto, the effectiveness of written law, as viewed from the perspective of law enforcement personnel, depends on several factors: the degree to which officers adhere to existing regulations, the extent to which they are permitted to exercise discretion, the examples they set for the public, and the degree of synchronization in the tasks assigned to them, which should clearly delineate their authority.³²

The term "law enforcement" is broad and extends beyond those who enforce the law within the judiciary. It includes individuals responsible for enforcing the law in other areas, such as those tasked with monitoring, investigating, or executing the provisions of the law. In this case, halal product assurance inspectors can be categorized as law enforcement officers because their duties involve examining and overseeing halal certification.

According to Article 75 of Government Regulation No. 31 of 2019, which regulates the implementation of Law No. 33 of 2014, the BPJPH (Halal Product Assurance Agency) conducts surveillance on halal products. Surveillance can be carried out independently by BPJPH or in collaboration with related ministries, agencies, and/or local governments. Surveillance tasks are assigned to halal product inspectors (Pengawas JPH), who are civil servants authorized to carry out inspections of halal products as outlined in Article 76. Article 77 details the areas under surveillance, including the certification of halal products, the validity of halal certificates, the labeling of halal products, and the segregation of halal and non-halal products in the production process.

³⁰ Academic Paper on Draft Halal Product Assurance Law

³¹ Academic Paper on Draft Halal Product Assurance Law

³² Rahma, "Teori Efektifitas Hukum | PDF", 2017, <https://www.slideshare.net/RahmaL/teori-efektifitas-hukum>.

Given that the halal certification requirement is being implemented gradually, with a five-year phase-in period from October 17, 2019, to October 17, 2024, and considering that BPJPH did not issue halal certificates until early 2020 due to a limited number of Halal Product Inspection Institutions (LPH), the enforcement mechanism has not been fully operational.³³ As a result, the effectiveness of the halal certification process has yet to be fully realized.

Sociological factors related to the availability of facilities and infrastructure play a crucial role in ensuring the effectiveness of legal processes. According to Soejono Soekanto, the effectiveness of law enforcement is also contingent on the presence of appropriate facilities and infrastructure that contribute to the smooth execution of tasks by enforcement officers. The process of halal certification involves several steps, including the appointment of a Halal Supervisor, registration with BPJPH, the selection of an LPH to test the halal status of products, submission of test results, and the issuance of a halal certificate by BPJPH based on the Fatwa issued by the Indonesian Ulema Council (MUI). These steps require collaboration with relevant ministries, agencies, and organizations to ensure a smooth process.³⁴

The collaboration between BPJPH and various ministries, including those responsible for industry, trade, health, agriculture, cooperatives, and small and medium enterprises, is essential to the effective implementation of halal certification. BPJPH has received support from these ministries, but progress in creating new legal instruments has been limited. BPJPH has also established partnerships with LPH, which are responsible for testing and examining products for halal certification. However, during the period from May 2019 to February 2020, only one LPH, LPPOM MUI, was operational, with another, PT Sucofindo, joining later.³⁵ The limited number of LPHs has hindered the ability to process all the halal certification requests.

Furthermore, BPJPH has collaborated with MUI in the certification of halal auditors, the determination of the halal status of products, and the accreditation of LPHs. International cooperation is also a key factor, as Indonesia has become a full member of the Standard and Metrology Institute for Islamic Countries (SMIIC) in Saudi Arabia, which recognizes halal labels issued by BPJPH.³⁶

The public's enthusiasm³⁷ for the implementation of Law No. 33 of 2014 is evident, as many business owners, particularly in the food and beverage sector, have sought consultations with BPJPH regarding halal certification. According to the Head of BPJPH, Sukoso, as of October 2019, a significant number of food and beverage entrepreneurs had visited BPJPH to inquire about the certification process, and thousands of businesses had registered their products for halal certification between May 2019 and February 2020.³⁸

Islamic teachings provide specific and general guidelines for the selection of halal food and beverages and the avoidance of doubtful or prohibited items. The emphasis on halal and haram in food and drink is a central aspect of Islamic law, reflecting the importance of adhering to these principles in daily life.

³³ Interview through correspondence with Mr. Sukoso, chairman of BPJPH via email

³⁴ Winarno Yudho and Heri Tjandrasari, 'EFEKTIVITAS HUKUM DALAM MASYARAKAT', *Jurnal Hukum & Pembangunan* 17, no. 1 (14 June 2017): 57, <https://doi.org/10.21143/jhp.vol17.no1.1227>.

³⁵ Interview through correspondence with Mr. Sukoso, chairman of BPJPH via email

³⁶ Interview through correspondence with Mr. Sukoso, chairman of BPJPH via email

³⁷ 'BPJPH Akui Pelaku Usaha Antusias Lakukan Sertifikasi Halal', *Republika Online*, 19 October 2019, <https://republika.co.id/share/pz1x7349>.

³⁸ Interview through correspondence with Mr. Sukoso, chairman of BPJPH via email

CONCLUSION

Based on the research conducted on the Legal Certainty and Protection Model in the Implementation of Law No. 33 of 2014 on Halal Product Assurance by BPJPH, it can be concluded that the implementation of Law No. 33 of 2014 on Halal Product Assurance by BPJPH has not been fully optimized. Since the establishment of BPJPH from 2017 to 2020, BPJPH has not maximized its duties and authority in carrying out halal certification, despite the law stating that the implementation should be carried out in stages. However, the public perceives that BPJPH has not been proactive in implementing the mandatory regulations, and, lastly, the establishment of institutions for legal protection and certainty consulting has not been maximized.

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