Adagium: Jurnal Ilmiah Hukum
E-ISSN: 2985-5128
Volume 4 Number 2 (2026), pp. 1388-1401
DOI: https://doi.org/10.70308/y2843n63

Halal Certification as an Instrument of Consumer Protection and MSME Empowerment: An Islamic Economic Law Analysis of Contemporary Regulatory Challenges

Andi Muh. Shafwan Rabbani[1*], Ahmad Fauzi[2]
[12] Master's Program in Sharia Studies, Faculty of Sharia and Law, UIN Sunan Kalijaga Yogyakarta, Indonesia
*Correspondence: 24203012012@student.uin-suka.ac.id

Received: 19 August 2026	*Accepted: 18 September 2026*	*Published: 04 October 2026*

Abstrak

Penelitian ini menganalisis sertifikasi halal sebagai instrumen perlindungan konsumen dan pemberdayaan usaha mikro dan kecil dalam perspektif hukum ekonomi syariah, dengan fokus pada arsitektur kewajiban yang berlaku menjelang Wajib Halal Oktober 2026. Penelitian menggunakan metode hukum normatif dengan pendekatan perundang-undangan dan konseptual. Bahan hukum primer meliputi Undang-Undang Jaminan Produk Halal, Undang-Undang Perlindungan Konsumen, Peraturan Pemerintah Nomor 42 Tahun 2024, serta regulasi BPJPH sampai 4 Oktober 2026; bahan hukum sekunder dipilih dari literatur akademik yang relevan. Hasil penelitian menunjukkan bahwa kewajiban sertifikasi bersifat bertahap dan terdiferensiasi menurut kategori produk serta skala usaha, sementara skema pernyataan halal memberikan jalur khusus bagi UMK yang memenuhi kriteria. Sertifikat halal merupakan bukti administratif atas pengakuan kehalalan, tetapi perlindungan konsumen tetap bergantung pada pemeliharaan Sistem Jaminan Produk Halal, pengawasan pascasertifikasi, dan mekanisme pemulihan. Dari perspektif maqāṣid al-syarīʿah, perlindungan agama, jiwa, dan harta harus diseimbangkan dengan maṣlaḥah, keadilan, dan rafʿ al-ḥaraj. Artikel ini mengusulkan pengawasan berbasis risiko, integrasi pengaduan dan pemulihan konsumen, serta pembagian rekomendasi berdasarkan tingkat kewenangan hukum agar implementasi sertifikasi halal melindungi konsumen tanpa membebani UMK secara tidak proporsional.

Kata Kunci: hukum ekonomi syariah; perlindungan konsumen; sertifikasi halal; UMKM.

Abstract

This article examines halal certification as an instrument of consumer protection and micro- and small-enterprise empowerment from the perspective of Islamic economic law, focusing on the regulatory architecture that will govern the October 2026 mandatory-halal phase. It employs normative legal research using statutory and conceptual approaches. Primary legal materials include the Halal Product Assurance Law, the Consumer Protection Law, Government Regulation No. 42 of 2024, and BPJPH regulations verified through 4 October 2026; secondary materials are limited to directly relevant academic literature. The study finds that the certification obligation is phased and differentiated by product category and business scale, while the halal-declaration route provides a specific mechanism for qualifying micro and small

enterprises. A halal certificate constitutes legally recognized administrative evidence of halal status, but consumer protection remains dependent on continuing halal-assurance duties, post-certification supervision, and accessible remedies. From a maqāṣid al-sharīʿah perspective, protection of religion, life, and property must be balanced with maṣlaḥah, justice, and the removal of hardship. The article proposes risk-based supervision, integrated complaint and redress pathways, and legally tiered policy recommendations so that mandatory certification can protect consumers without imposing disproportionate burdens on micro and small enterprises.

Keywords: consumer protection; halal certification; Islamic economic law; MSMEs.

INTRODUCTION

Indonesia's halal-product regime combines religious assurance, consumer protection, market regulation, and business development. The Halal Product Assurance Law, as amended by the Job Creation legislation, establishes a mandatory-certification framework for products entering, circulating, and being traded in Indonesia, while products made from prohibited materials are excluded from halal certification but must carry non-halal information. Government Regulation No. 42 of 2024 further defines halal product assurance as legal certainty concerning a product's halal status evidenced by a halal certificate.[1] This architecture should therefore be understood neither as a blanket religious label nor as a single deadline imposed uniformly on all products, but as a staged regulatory system with differentiated obligations, procedures, and enforcement consequences.

The consumer-protection rationale is equally important. Indonesian consumers have statutory rights to comfort, security, safety, and correct information about goods and services. For Muslim consumers, halal status is a classic credence attribute: the consumer ordinarily cannot independently verify the origin of ingredients, slaughter method, processing aids, storage, or cross-contamination risks. Certification can reduce that information gap by moving verification into a legally accountable institutional process, but it cannot eliminate information risk altogether.[2] Its protective value therefore depends on the reliability of pre-certification review, the continuity of the Halal Product Assurance System (SJPH), post-certification supervision, and effective remedies when a certified product no longer corresponds to its declared status.

The October 2026 phase is central to the present analysis. Article 160 of Government Regulation No. 42 of 2024 gives micro and small enterprises producing food, beverages, slaughter products, and slaughter services until 17 October 2026 to complete the staged obligation; the same regulation sets separate timetables for other product groups, including cosmetics, certain medicines and supplements, chemical and genetically engineered products, and specified consumer goods. BPJPH has repeatedly stated that the next phase will take effect on 18 October 2026.[3] Accordingly, the legal question is not whether 'all MSMEs' become subject to an identical duty on a single date, but which products, business categories, and certification routes fall within each stage.

---

[1] Indonesia, Government Regulation No. 42 of 2024 on the Administration of Halal Product Assurance, arts. 1–3.

[2] Indonesia, Law No. 8 of 1999 on Consumer Protection, art. 4(a) and (c).

[3] Indonesia, Government Regulation No. 42 of 2024 on the Administration of Halal Product Assurance, arts. 160–161.

The regulation itself also recognises differentiated capacity. Micro and small enterprises that satisfy statutory criteria may use the halal-declaration (self-declare) route, supported by Halal Product Process assistants, rather than the ordinary inspection pathway. Peraturan BPJPH No. 5 of 2025 specifically regulates the criteria for qualifying micro and small enterprises and the assistance process.[4] This differentiation is significant because any critique of proportionality must account for the fact that Indonesian law already uses staging, facilitation, assistance, and distinct procedural routes rather than a wholly uniform compliance model.

At the same time, the compliance system has become more enforceable. Peraturan BPJPH No. 2 of 2026 regulates administrative violations, sanctions, procedures, objections, supervision, and follow-up. The regulation provides a graduated framework that can include written warnings, administrative fines, withdrawal of products, revocation of halal certificates, and other sanctions depending on the actor and violation.[5] In September 2026, the Government also publicly described preparations for October 2026 as involving targeted, risk-sensitive supervision and continued guidance to business actors.[6] The contemporary policy challenge is thus no longer simply how to expand certification, but how to coordinate facilitation, supervision, enforcement, and consumer redress in a legally coherent manner.

Previous studies have generally emphasised either market benefits or implementation constraints. Recent scholarship links halal certification to trust, market access, and competitiveness,[7] while studies of micro and small enterprises identify literacy, administrative capacity, and assistance as recurring implementation concerns.[8] Community-based research likewise shows that practical assistance can improve readiness for registration, although such findings remain locally bounded and should not be converted into national causal claims.[9] These strands are valuable but often treat consumer protection and MSME empowerment as parallel benefits rather than potentially competing regulatory objectives.

This article develops a more integrated framework. Its novelty lies in three moves. First, it reconstructs the current regulatory architecture as a differentiated system and avoids comparing unlike units such as numbers of products, enterprises, and certificates. Second, it distinguishes administrative halal assurance from consumer redress: a sanction imposed by BPJPH protects regulatory compliance

[4] Badan Penyelenggara Jaminan Produk Halal, Regulation No. 5 of 2025 on Criteria for Micro and Small Enterprises in Halal Certification through Halal Declaration and Procedures for Halal Product Process Assistance.

[5] Badan Penyelenggara Jaminan Produk Halal, Regulation No. 2 of 2026 on Administrative Sanctions for Violations in the Administration of Halal Product Assurance.

[6] Badan Penyelenggara Jaminan Produk Halal, "Perkuat Implementasi Wajib Halal Oktober 2026, Pemerintah Gelar Rakor di KSP," September 2026, https://bpjph.halal.go.id/read/perkuat-implementasi-wajib-halal-oktober-2026-pemerintah-gelar-rakor-di-ksp.

[7] Nuralika Yepsi, Ahmad Hasan Ridwan, and Ahmad Farikhin, "Sertifikasi Halal sebagai Instrumen Strategis dalam Meningkatkan Daya Saing Industri Pangan Halal Perspektif Ekonomi Islam," ISLAMICA 9, no. 2 (2025): 143–160.

[8] Amin Fathurrizqi Azis, "Urgensi Sertifikasi Halal Produk Makanan UMKM dan Dampaknya terhadap Kepercayaan Konsumen Perspektif Hukum Ekonomi Syariah," Indonesian Journal of Sharia Economic Law (IJSELAW) 1, no. 1 (2025): 70–79.

[9] Nuraini Chaniago et al., "Pentingnya Sertifikasi dan Labelisasi Halal pada Bisnis UMKM," BERDAYA: Jurnal Pendidikan dan Pengabdian Kepada Masyarakat 7, no. 2 (2025): 311–322, https://doi.org/10.36407/berdaya.v7i2.1664.

prospectively, whereas compensation for a consumer who has already suffered loss follows a separate legal pathway. Third, it operationalises maqāṣid al-sharīʿah, maṣlaḥah, justice, and rafʿ al-ḥaraj through a transparent assessment matrix and then separates policy proposals according to the level of legal authority needed for implementation.

The research therefore addresses three questions: (1) how should the current staged halal-certification obligation be legally characterised as of 4 October 2026; (2) how does halal certification protect consumers while also affecting micro and small enterprises; and (3) what regulatory reconstruction is justified by Islamic economic law and can be implemented at the administrative, subordinate-regulatory, or statutory level?

RESEARCH METHOD

This study is normative legal research. The term 'qualitative' is not used as a separate empirical design; rather, qualitative interpretation describes how legal materials are read and synthesised within a doctrinal method. The study uses a statutory approach to identify binding norms and a conceptual approach to evaluate those norms through consumer-protection theory and Islamic economic-law principles.

Primary legal materials comprise Law No. 33 of 2014 on Halal Product Assurance as amended, Law No. 8 of 1999 on Consumer Protection, Government Regulation No. 42 of 2024, Peraturan BPJPH No. 5 of 2025, Peraturan BPJPH No. 2 of 2026, Peraturan BPJPH No. 3 of 2026, and other directly relevant official instruments. The legal status and currency of regulations were re-verified through official regulatory repositories and the BPJPH portal, with a cut-off date of 4 October 2026. Official BPJPH and government releases are treated as institutional materials describing implementation, not as substitutes for primary legal rules.

Secondary materials consist of peer-reviewed journal articles and directly relevant books published mainly between 2020 and 2026. Inclusion required a substantive connection to halal certification, consumer protection, MSME compliance, post-certification assurance, or maqāṣid-based regulatory analysis. Sources on unrelated inheritance disputes, digital-art transactions, and plantation-plasma obligations were excluded even if they had appeared in the earlier bibliography because they did not support the article's legal propositions. Where an empirical study concerned a single village, city, or sample, its findings are reported only as context-specific evidence rather than national estimates.

The analysis proceeds in four stages. First, the binding legal rules are inventoried and organised by product category, business scale, certification route, supervision, and sanction. Second, consumer-protection functions are tested against information accuracy, traceability, continuing business obligations, enforcement, and redress. Third, the MSME dimension is examined through legal facilitation mechanisms rather than through unverified national cost averages. Fourth, the regulatory design is assessed using an operational matrix covering ḥifẓ al-dīn, ḥifẓ al-nafs, ḥifẓ al-māl, maṣlaḥah, justice (ʿadl), and removal of hardship (rafʿ al-ḥaraj). Prescriptive conclusions are drawn only after these steps.

This design has clear limitations. The study does not conduct interviews, surveys, enterprise audits, laboratory testing, or field evaluation of BPJPH programmes. Statements about implementation, regional capacity, literacy, and market effects are therefore normative-literature syntheses and not original

empirical findings. The study also does not attempt to estimate a national certification cost or compliance rate because available sources often measure different units—products, business actors, applications, or certificates—and are not methodologically comparable.

RESULTS AND DISCUSSION

The Staged Regulatory Architecture of Mandatory Halal Certification

The starting point is legal differentiation. Government Regulation No. 42 of 2024 maintains the general rule that products entering, circulating, and being traded in Indonesia must be halal-certified, but the obligation is implemented through stages. For medium and large enterprises, the transition period for food, beverages, slaughter products, and slaughter services ended on 17 October 2024. For micro and small enterprises in those categories, the transition ends on 17 October 2026. The regulation separately stages medicines, cosmetics, chemical products, genetically engineered products, and specified consumer goods.[10] Products made from prohibited materials are not required to obtain halal certification; they must instead carry a non-halal statement, for which Peraturan BPJPH No. 3 of 2026 now regulates form and placement.[11]

This structure answers a recurring ambiguity in public debate. 'Mandatory halal October 2026' is not synonymous with an undifferentiated obligation covering every product and every enterprise in exactly the same manner. It is a milestone at which several transition periods converge. The legal consequences therefore have to be assessed by first identifying the product category, the producer's business classification, whether the product is domestic or imported, and whether the product is intrinsically outside the halal-certification route because it uses prohibited materials.

The same differentiation appears in the certification procedure. Government Regulation No. 42 of 2024 provides a halal-declaration route for qualifying micro and small enterprises, and Peraturan BPJPH No. 5 of 2025 operationalises eligibility and assistance.[12] This route does not mean that enterprises may simply self-label. The declaration operates within a statutory framework that requires prescribed criteria, a declaration concerning halal materials and processes, assistance by authorised actors, a halal determination, and BPJPH issuance of the certificate. It is therefore better characterised as a simplified state-recognised pathway than as deregulation.

[10] Indonesia, Government Regulation No. 42 of 2024 on the Administration of Halal Product Assurance, arts. 160–161.

[11] Badan Penyelenggara Jaminan Produk Halal, Regulation No. 3 of 2026 on the Form and Procedures for Displaying Non-Halal Information.

[12] Badan Penyelenggara Jaminan Produk Halal, Regulation No. 5 of 2025 on Criteria for Micro and Small Enterprises in Halal Certification through Halal Declaration and Procedures for Halal Product Process Assistance.

Table 1. Selected Stages and Legal Differentiation under the Current Halal-Regulation Framework

Category	Relevant business/product scope	Transition endpoint / rule	Regulatory implication
Food, beverages, slaughter products and slaughter services	Medium and large enterprises	17 October 2024	Mandatory certification already effective after the transition period.
Food, beverages, slaughter products and slaughter services	Micro and small enterprises	17 October 2026	Mandatory phase becomes effective from 18 October 2026; qualifying enterprises may access the declaration route.
Food/beverage/ slaughter products from abroad	Imported products	No later than 17 October 2026, subject to the ministerial mechanism and mutual-recognition considerations	Import obligations must be read with foreign-halal recognition arrangements.
Natural medicines, quasi-drugs, supplements; cosmetics; chemical and genetically engineered products	Relevant producers/importers	17 October 2026 for specified categories	Different product groups are governed by their own staging rules.
Products made from prohibited materials	All business actors	Exempt from halal certificate; non-halal information is mandatory	Consumer protection is achieved through truthful non-halal disclosure rather than halal certification.

Source: authors' legal analysis of Government Regulation No. 42 of 2024 and BPJPH regulations in force as of 4 October 2026.

Halal Certification as Consumer-Protection Infrastructure

A halal certificate should be characterised carefully. Government Regulation No. 42 of 2024 defines JPH as legal certainty concerning a product's halal status evidenced by a halal certificate, and defines the certificate as BPJPH's recognition of a product's halal status based on the relevant written halal determination.[13] The certificate is therefore legally recognised administrative evidence within the JPH system. It is not a metaphysical guarantee and should not be treated as irrebuttable proof that no production deviation can ever occur.

That conclusion follows from the regulation's own continuing-duty model. A certified business must display the halal label, maintain the halal status of the product, segregate relevant locations and equipment, renew the certificate if materials or the halal-product process changes, and report changes to BPJPH. A certificate remains valid only while the relevant composition and process remain unchanged.[14] Consumer protection consequently depends on a chain: accurate

[13] Indonesia, Government Regulation No. 42 of 2024 on the Administration of Halal Product Assurance, art. 1 nos. 1 and 8.

[14] Indonesia, Government Regulation No. 42 of 2024 on the Administration of Halal Product Assurance, arts. 51, 88, and 90.

disclosure at application, reliable assessment, lawful halal determination, continuing SJPH compliance, traceability, surveillance, and corrective action.

This framework is well suited to the problem of information asymmetry. The consumer does not normally observe critical ingredients, processing aids, supply-chain substitutions, or cross-contamination. Certification relocates part of the verification burden to specialised institutions and creates a standardised information signal. Under the Consumer Protection Law, the right to correct, clear, and honest information is a statutory consumer right, while business actors are prohibited from trading goods that do not conform to a halal statement placed on the label.[15] The certificate and label therefore reduce information asymmetry; they do not 'solve' it once and for all.

The 2025 porcine-contamination episode illustrates why this distinction matters. In an official joint-supervision context, BPJPH reported that laboratory testing identified 11 batches from nine processed-food products containing porcine material; nine batches from seven products were already halal-certified, while two batches from two products were not certified. BPJPH ordered withdrawal of the certified products from circulation.[16] The episode should not be generalised as proof that the entire certification system failed. It instead requires an actor-by-actor inquiry: whether incorrect ingredient information was supplied; whether a material or process changed after certification; whether the business failed to maintain SJPH; whether inspection or sampling was inadequate; and whether post-market surveillance detected the problem with reasonable speed.

Responsibility must therefore track the particular failure. False or incomplete material disclosure points primarily to the business actor; an unreported post-certification change engages the continuing duties under Government Regulation No. 42 of 2024; deficiencies in inspection can raise questions concerning the responsible inspection actors; and regulatory surveillance and sanctions fall within BPJPH's statutory functions, often coordinated with sectoral regulators such as BPOM. A halal determination based on a documentary and inspection record should not automatically be equated with responsibility for a later undisclosed change. This functional allocation is essential for legal accountability.

Administrative enforcement is only one layer of protection. Peraturan BPJPH No. 2 of 2026 enables BPJPH to impose administrative sanctions and includes procedural safeguards and objections.[17] Such sanctions serve regulatory objectives: stopping unlawful circulation, restoring compliance, and preventing recurrence. They do not automatically compensate an individual consumer who has suffered financial, health, or other legally cognisable loss.

Consumer redress therefore remains important. The Consumer Protection Law imposes business-actor responsibility for compensation and allows disputes to be pursued through consumer-dispute institutions or the courts, subject to the statutory scheme.[18] A consumer may also submit complaints to the relevant regulator, but

[15] Indonesia, Law No. 8 of 1999 on Consumer Protection, arts. 4(c) and 8(1)(h).

[16] Badan Penyelenggara Jaminan Produk Halal, "Produk Pangan Olahan yang Terdeteksi Mengandung Unsur Babi (Porcine)," Siaran Pers No. 242/KB.HALAL/HM.1/04/2025, April 21, 2025, https://bpjph.halal.go.id/read/siaran-pers.

[17] Badan Penyelenggara Jaminan Produk Halal, Regulation No. 2 of 2026 on Administrative Sanctions for Violations in the Administration of Halal Product Assurance.

[18] Indonesia, Law No. 8 of 1999 on Consumer Protection, arts. 19, 23, 45, and 47.

regulatory complaint handling should be distinguished from adjudication of damages. The practical weakness is institutional fragmentation: halal supervision may result in withdrawal or revocation, while compensation requires a separate pathway. A mature JPH system should connect these pathways through referral, evidence preservation, and public information without collapsing their different legal functions.

Recent scholarship on certified products that later reveal non-halal elements similarly underlines the need to link certification, business accountability, and consumer remedies rather than treating the certificate as the endpoint of protection.[19] The regulatory objective should be truthful and continuously reliable halal information, not merely a high number of certificates issued.

MSME Empowerment: Facilitation without Diluting Accountability

Halal certification can also generate economic value. Studies associate certification with consumer trust, improved product governance, market access, and competitiveness, although the magnitude of those benefits varies by sector and should not be assumed to be uniform.[20] For micro and small enterprises, the most important legal question is whether the compliance design converts that potential value into an accessible pathway rather than a barrier to formalisation.

The present legal framework already contains mechanisms designed for that purpose. The declaration route, PPH assistance, government-supported facilitation programmes, and the right to information, education, guidance, fast service, affordability, and non-discrimination under Government Regulation No. 42 of 2024 are all relevant.[21] Academic and community-service studies report that practical assistance can improve understanding and readiness, but these findings arise from particular locations and samples and cannot establish a national effect size.[22]

The article therefore avoids presenting a single certification-cost figure as nationally representative. Costs differ according to certification route, product complexity, need for testing, business preparedness, number of product variants, and whether facilitation is available. Likewise, national progress should not be measured by juxtaposing counts of certified products against counts of enterprises, because one enterprise may register multiple products and one certificate may cover multiple items. Policy evaluation should report each unit separately: enterprises, applications, certificates, and products.

From a legal-empowerment perspective, proportionality has three elements. First, the procedure should correspond to risk and complexity: simple qualifying UMK products may use the simplified route, while complex or high-risk products justify deeper inspection. Second, assistance should precede punitive escalation where the law allows it, especially during transition. Third, simplification cannot

[19] Joy Catherine Carina Tambunan and Suherman Suherman, "Perlindungan Hukum bagi Konsumen atas Produk Bersertifikat Halal yang Mengandung Unsur Tidak Halal," Jurnal USM Law Review 8, no. 3 (2025): 2332–2350.

[20] Nuralika Yepsi, Ahmad Hasan Ridwan, and Ahmad Farikhin, "Sertifikasi Halal sebagai Instrumen Strategis dalam Meningkatkan Daya Saing Industri Pangan Halal Perspektif Ekonomi Islam," ISLAMICA 9, no. 2 (2025): 143–160.

[21] Indonesia, Government Regulation No. 42 of 2024 on the Administration of Halal Product Assurance, art. 49 and arts. 98–103.

[22] Orchidea Rachmaniah et al., "Pentingnya Pelaksanaan Audit Internal Mandiri sebelum Pengajuan Sertifikasi Halal Skema Self-Declare bagi Pelaku Usaha Mikro Kecil," Sewagati 10, no. 2 (2026): 337–357.

eliminate the enterprise's duty to provide truthful information and maintain halal status after certification. Empowerment is not exemption from accountability; it is the design of a pathway through which smaller enterprises can realistically comply.

This position is consistent with the Government's September 2026 preparation for mandatory halal implementation, which emphasised both readiness and targeted supervision based on priorities and risk.[23] Risk-sensitive supervision is especially important after 18 October 2026: scarce inspection resources should focus on products where substitution, animal-derived inputs, complex supply chains, or public-health exposure create greater consequences, while low-risk compliant enterprises should face less repetitive administrative friction.

Maqāṣid al-Sharīʿah, Maṣlaḥah, Justice, and Proportionality

The maqāṣid analysis requires more discipline than simply attaching the labels ḍarūriyyāt, ḥājiyyāt, and taḥsīniyyāt to product categories. In this article, those levels are used as an evaluative construction rather than as a claim that Indonesian positive law has formally classified products in that manner. The question is how closely a regulatory intervention protects an essential interest and how severe the consequences of non-protection are.

For ḥifẓ al-dīn, reliable halal information enables Muslim consumers to comply with religious consumption obligations under conditions in which private verification is often impossible. For ḥifẓ al-nafs, the relevance becomes strongest where halal control overlaps with sanitary integrity, slaughter, contamination, and traceability. For ḥifẓ al-māl, protection operates in two directions: consumers should not pay for a halal claim that is false, while smaller enterprises should not be subjected to unnecessary costs unrelated to the regulatory risk.[24]

Accordingly, certification of widely consumed foods, beverages, and slaughter products can implicate ḍarūriyyāt interests more directly because exposure is frequent and the religious and, in some cases, health consequences are immediate. By contrast, additional procedural intensity for low-risk goods may more often serve ḥājiyyāt—facilitating certainty and reducing difficulty—unless a specific product characteristic raises the risk. Taḥsīniyyāt considerations concern quality, ethical excellence, and market presentation after essential legality and protection are secured. This is a risk-sensitive normative classification, not a rigid taxonomy.

Maṣlaḥah and justice also require attention to both sides of the market. A rule that protects consumers but is practically inaccessible to compliant small enterprises can generate informality, while a rule that prioritises business convenience but leaves consumers unable to trust halal information undermines the very purpose of JPH. Rafʿ al-ḥaraj supports procedural facilitation where it does not negate the substantive objective of halal assurance. The declaration route is therefore normatively defensible when it reduces unnecessary procedural burden while preserving truthful declaration, assistance, determination, and continuing accountability.[25]

---

[23] Badan Penyelenggara Jaminan Produk Halal, "Perkuat Implementasi Wajib Halal Oktober 2026, Pemerintah Gelar Rakor di KSP," September 2026, https://bpjph.halal.go.id/read/perkuat-implementasi-wajib-halal-oktober-2026-pemerintah-gelar-rakor-di-ksp.

[24] Sitti Nurfaika and Musyfika Ilyas, "Kewajiban Pendaftaran Sertifikasi Halal pada Badan Penyelenggara Jaminan Produk Halal: Perspektif Maqāṣid al-Syarīʿah," Shautuna: Jurnal Ilmiah Mahasiswa Perbandingan Mazhab 2, no. 2 (2021): 449–462.

Table 2. Operational Islamic-Economic-Law Assessment Matrix

Principle	Protected interest	Assessment indicator	Regulatory implication
Ḥifẓ al-dīn	Ability to consume in accordance with religious obligations	Reliability of halal information; integrity of determination; continued compliance	Prioritise credible verification and correction of false halal claims.
Ḥifẓ al-nafs	Safety and integrity where product risks affect health or contamination	Risk profile, slaughter/process controls, traceability, surveillance	Concentrate deeper control on products and supply chains with higher consequences.
Ḥifẓ al-māl	Consumer and enterprise property interests	Misrepresentation losses; compliance cost; market access	Provide redress for consumer loss and proportional procedures for small enterprises.
Maṣlaḥah	Net public benefit	Consumer confidence, compliance feasibility, market formalisation	Choose measures that improve protection without creating avoidable exclusion.
Justice (‘adl)	Fair distribution of duties and benefits	Equal treatment of comparable actors; justified differentiation	Differentiate by risk and capacity where legally relevant, not arbitrarily.
Raf‘ al-ḥaraj	Removal of unnecessary hardship	Complexity, duplication, access to assistance	Simplify procedure and integrate services without weakening substantive halal duties.

Source: authors’ normative construction based on maqāṣid al-sharī‘ah and the current JPH regulatory framework.

A Legally Actionable Regulatory Reconstruction

A useful reconstruction must distinguish recommendations by legal authority. Some improvements are available through BPJPH’s existing administrative powers; others require subordinate regulation; still others would be more secure if placed in legislation. Treating all recommendations as if they could be implemented by a single agency would obscure the principle of legality.

At the administrative level, BPJPH can intensify risk-based supervision, publish clearer category-specific guidance, strengthen assistance mapping, improve digital status information, standardise inter-agency referral, and preserve evidence when products are withdrawn. The September 2026 coordination agenda already indicates a policy direction toward targeted supervision and guidance.[26] These measures primarily concern implementation of existing authority and do not require rewriting the core statutory obligation.

At the subordinate-regulatory level, the system would benefit from clearer service standards for complaint referral, data interoperability between halal assurance and sectoral regulators, and procedures linking a regulatory finding to

[25] Dede Al Mustaqim, “Sertifikasi Halal sebagai Bentuk Perlindungan Konsumen Muslim: Analisis Maqāṣid al-Syarī‘ah dan Hukum Positif,” AB-JOIEC: Al-Bahjah Journal of Islamic Economics 1, no. 2 (2023): 54–67.

[26] Badan Penyelenggara Jaminan Produk Halal, “Perkuat Implementasi Wajib Halal Oktober 2026, Pemerintah Gelar Rakor di KSP,” September 2026, https://bpjph.halal.go.id/read/perkuat-implementasi-wajib-halal-oktober-2026-pemerintah-gelar-rakor-di-ksp.

information that consumers need to pursue redress. The aim is not to turn BPJPH into a civil court, but to ensure that a consumer does not have to reconstruct from the beginning the same factual record already established in a regulatory investigation.

At the statutory level, lawmakers may consider whether the Halal Product Assurance Law and the Consumer Protection Law should be more explicitly connected where a certified halal claim proves materially false. A legislative amendment could clarify collective-redress pathways, evidentiary use of final administrative findings, or institutional coordination for consumer compensation. Such changes should not be created by circular letter or informal policy because they affect private rights and liabilities beyond ordinary administrative management.

The proportionality critique should also be reformulated. Current law does not simply impose the same deadline and sanction on every enterprise. It differentiates transition periods, product groups, certification routes, and the treatment of non-halal products. The more precise concern is whether implementation after the relevant deadline preserves those legal distinctions in practice and whether sanctioning decisions appropriately consider the type of violation, risk, remediation, and available procedural safeguards. Peraturan BPJPH No. 2 of 2026 provides the legal basis for a graduated enforcement model; implementation should remain consistent with that design.[27]

Table 3. Policy Recommendations by Required Legal Authority

Level	Illustrative measure	Legal rationale
BPJPH administrative policy	Risk-based supervision; clearer category guidance; assistance mapping; complaint referral; publication of corrective actions	Can be developed within existing regulatory and supervisory powers.
Subordinate regulation	Interoperable complaint/evidence protocols; service standards; structured coordination with BPOM and other sectoral regulators	Requires more formal and uniform procedures across institutions.
Statutory amendment	Explicit linkage between final JPH findings and consumer collective redress or compensation rules	Affects private rights, liabilities, and adjudicative consequences that should rest on legislative authority.

Source: authors' prescriptive legal analysis.

LIMITATIONS

This article is limited to normative legal analysis and secondary literature. It does not measure actual compliance rates, regional assistance quality, consumer loss, laboratory performance, or the economic effect of certification through original field data. Official counts of products, enterprises, certificates, and applications are not treated as interchangeable. The cut-off date for regulatory verification is 4 October 2026, before the 18 October 2026 implementation date for the next mandatory-halal phase; subsequent legal amendments or implementation measures may therefore require future reassessment.

[27] Badan Penyelenggara Jaminan Produk Halal, Regulation No. 2 of 2026 on Administrative Sanctions for Violations in the Administration of Halal Product Assurance.

CONCLUSION

Halal certification in Indonesia is best understood as a differentiated legal infrastructure for halal assurance rather than a single uniform administrative burden. As of 4 October 2026, Government Regulation No. 42 of 2024 stages obligations by product category and business scale, while the declaration route and assistance mechanism provide a specific compliance pathway for qualifying micro and small enterprises. This structure corrects the assumption that every product and every enterprise is subject to an identical deadline and procedure. A halal certificate constitutes legally recognised administrative evidence of halal status, but its consumer-protection function depends on continuing business obligations, traceability, post-certification supervision, and effective correction when factual conditions change. The 2025 porcine-product incident demonstrates the need to allocate responsibility according to the actual source of failure rather than to generalise from one enforcement episode. Administrative sanctions protect the integrity of the JPH system prospectively, whereas consumer compensation remains governed by separate consumer-protection mechanisms. From the perspective of Islamic economic law, ḥifẓ al-dīn, ḥifẓ al-nafs, and ḥifẓ al-māl support reliable halal assurance, while maṣlaḥah, justice, and rafʿ al-ḥaraj require procedures and enforcement that remain proportionate to risk and enterprise capacity. The recommended reconstruction therefore combines risk-based supervision, accessible MSME facilitation, integrated complaint and evidence referral, and a clear separation between reforms that BPJPH can implement administratively, those requiring subordinate regulation, and those that should be reserved for legislative amendment.

REFERENCES

Al Mustaqim, Dede. “Sertifikasi Halal sebagai Bentuk Perlindungan Konsumen Muslim: Analisis Maqāṣid al-Syarīʻah dan Hukum Positif.” AB-JOIEC: Al-Bahjah Journal of Islamic Economics 1, no. 2 (2023): 54–67.

Astiwara, Endy Muhammad. “Wajib Halal 2024 bagi UMKM Pangan: Kesiapan dan Strategi Adaptasi.” Journal of Social and Economics Research 6, no. 2 (2024): 1369–1384.

Atika, Nur, and Wahyu. “Relevansi Norma Syariah dan Regulasi Negara dalam Sertifikasi Halal sebagai Perlindungan Konsumsi Keluarga Muslim.” Al-Azhar Islamic Law Review (2026): 13–25.

Azis, Amin Fathurrizqi. “Urgensi Sertifikasi Halal Produk Makanan UMKM dan Dampaknya terhadap Kepercayaan Konsumen Perspektif Hukum Ekonomi Syariah.” Indonesian Journal of Sharia Economic Law (IJSELAW) 1, no. 1 (2025): 70–79.

Badan Penyelenggara Jaminan Produk Halal. “Produk Pangan Olahan yang Terdeteksi Mengandung Unsur Babi (Porcine).” Siaran Pers No. 242/KB.HALAL/HM.1/04/2025, April 21, 2025. https://bpjph.halal.go.id/read/siaran-pers.

Badan Penyelenggara Jaminan Produk Halal. “Tak Hanya Makanan-Minuman, Ini Jenis Produk yang Wajib Bersertifikat Halal Mulai 18 Oktober 2026.” June 4, 2026. https://bpjph.halal.go.id/read/tak-hanya-makanan-minuman-ini-jenis-produk-yang-wajib-bersertifikat-halal-mulai-18-oktober-2026.

Badan Penyelenggara Jaminan Produk Halal. “Perkuat Implementasi Wajib Halal Oktober 2026, Pemerintah Gelar Rakor di KSP.” September 2026. https://bpjph.halal.go.id/read/perkuat-implementasi-wajib-halal-oktober-2026-pemerintah-gelar-rakor-di-ksp.

Chaniago, Nuraini, Rachmat Ramadhan, Azizah Amelia Eka Susanti, and Rizka Agustina. "Pentingnya Sertifikasi dan Labelisasi Halal pada Bisnis UMKM." BERDAYA: Jurnal Pendidikan dan Pengabdian Kepada Masyarakat 7, no. 2 (2025): 311–322. https://doi.org/10.36407/berdaya.v7i2.1664.

Fansuri, Hamzah, Achmad Achmad, Wasman Wasman, and Edy Setyawan. Jaminan Produk Halal untuk UMKM: Cara Mudah Memahami UU No. 33 Tahun 2014 dan Dampaknya pada Daya Saing Usaha. CV Zenius Publisher, 2026.

HK, Lenny Amelia, and Tamma Zahra Agusseptiany. "Membangun UMKM Pangan Halal Menuju Desa Berdaya dan Berdaya Saing." Jurnal AbdiMU (Pengabdian kepada Masyarakat) 5, no. 2 (2025): 212–221.

Humam, Nanda Misbahul, Ainul Yaqin, and Rohman Maulana. "Perlindungan Konsumen Muslim di Marketplace: Urgensi Transparansi Sertifikat Halal Digital (Studi pada Shopee)." Al-Musthofa: Journal of Sharia Economics 8, no. 2 (2025): 102–113.

Indonesia. Law No. 8 of 1999 on Consumer Protection.

Indonesia. Law No. 33 of 2014 on Halal Product Assurance, as amended by Law No. 6 of 2023.

Indonesia. Government Regulation No. 42 of 2024 on the Administration of Halal Product Assurance.

Badan Penyelenggara Jaminan Produk Halal. Regulation No. 5 of 2025 on Criteria for Micro and Small Enterprises in Halal Certification through Halal Declaration and Procedures for Halal Product Process Assistance.

Badan Penyelenggara Jaminan Produk Halal. Regulation No. 2 of 2026 on Administrative Sanctions for Violations in the Administration of Halal Product Assurance.

Badan Penyelenggara Jaminan Produk Halal. Regulation No. 3 of 2026 on the Form and Procedures for Displaying Non-Halal Information.

Maksum, Muh. "Urgensi Sertifikasi Produk Halal Perspektif Maqāṣid al-Syarī'ah al-Ghazali." AL-MIKRAJ Jurnal Studi Islam dan Humaniora 5, no. 1 (2024): 300–311.

Marasabessy, Fachrul. "Pertanggungjawaban Hukum MUI dan Badan Penyelenggara Jaminan Produk Halal dalam Menerbitkan Sertifikat Halal Produk Haram yang Terlanjur Beredar." Islamic Banking & Economic Law Studies (I-BEST) 1, no. 2 (2022): 116–135.

Nurfaika, Sitti, and Musyfika Ilyas. "Kewajiban Pendaftaran Sertifikasi Halal pada Badan Penyelenggara Jaminan Produk Halal: Perspektif Maqāṣid al-Syarī'ah." Shautuna: Jurnal Ilmiah Mahasiswa Perbandingan Mazhab 2, no. 2 (2021): 449–462.

Pratama, Bisma Putra, and Wira Okta Viana. Hukum Perlindungan Konsumen. CV Eureka Media Aksara, 2025.

Rachmaniah, Orchidea, Yeni Rahmawati, Siti Nurkhamidah, Fahmi Fahmi, Achmad Roesyadi, Sri Rachmania Juliastuti, Mahfud Mahfud, Donny Satria Bhuana, and Andi Rahmadiansah. "Pentingnya Pelaksanaan Audit Internal Mandiri sebelum Pengajuan Sertifikasi Halal Skema Self-Declare bagi Pelaku Usaha Mikro Kecil." Sewagati 10, no. 2 (2026): 337–357.

Robbani, Shofa, Ratna Tri Oktaviani Sari, Diska Hartanti, Ratih Tri Oktaviana Sari, Sita Fatimatus Solikah, and Dhea Puput Mulyati. "Inovasi Produk Halal Berbasis Ekonomi Syariah: Studi Kasus pada Kuliner CFD Bojonegoro." Center of Economic Students Journal 8, no. 2 (2025): 745–757.

Sumarlin, Abdul, Idris Parakkasi, Cut Muthiadin, and Rahmawati Umar. "Identifikasi Titik Kritis Kehalalan dalam Produk Turunan Hewani: Pendekatan Sistematik untuk Keamanan Konsumen." AkMen Jurnal Ilmiah 21, no. 2 (2024): 145–160.

Syafitri, Mega Novita, Rania Salsabila, and Fitri Nur Latifah. "Urgensi Sertifikasi Halal Food dalam Tinjauan Etika Bisnis Islam." Al Iqtishod: Jurnal Pemikiran dan Penelitian Ekonomi Islam 10, no. 1 (2022): 16–42.

Tambunan, Joy Catherine Carina, and Suherman Suherman. "Perlindungan Hukum bagi Konsumen atas Produk Bersertifikat Halal yang Mengandung Unsur Tidak Halal." Jurnal USM Law Review 8, no. 3 (2025): 2332–2350.

Yepsi, Nuralika, Ahmad Hasan Ridwan, and Ahmad Farikhin. "Sertifikasi Halal sebagai Instrumen Strategis dalam Meningkatkan Daya Saing Industri Pangan Halal Perspektif Ekonomi Islam." ISLAMICA 9, no. 2 (2025): 143–160.