



1st AMDI INTERNATIONAL CONFERENCE ON COLLABORATIVE RESEARCH AND INNOVATION FOR SDGS (AMDI-CRIS 2025)

"Collaborative Innovations for Sustainable Development: Integrating Education, Human Resources, Tourism, Infrastructure, and Environmental Solutions"

Proceeding homepage: cris.amdi.or.id

Legal Challenges in Enforcing Halal Product Guarantees in Indonesia

Mulkan Hamid^a, Saidin^b, Idha Aprilyana Sembiring^c, Jelly Lepiza^d

^a Students PhD, Faculty of Law, Universitas Sumatera Utara, Medan, Indonesia, Email: mulkanhamid070580@gmail.com

^b Professor, Faculty of Law, Universitas Sumatera Utara, Medan Indonesia, Email: saidin@usu.ac.id

^c Lecturer, Faculty of Law, Universitas Sumatera Utara, Medan, Indonesia, Email: idhaapriyana@usu.ac.id

^d Lecturer, Faculty of Law, Universitas Sumatera Utara, Medan, Indonesia, Email: jelly@usu.ac.id

* Corresponding author: mulkanhamid070580@gmail.com



KEYWORD	ABSTRACT
halal product assurance, law enforcement, consumer protection, halal certification, legal certainty.	Halal product assurance is an important instrument in providing legal protection for consumers, especially the Muslim community in Indonesia. The presence of Law Number 33 of 2014 concerning Halal Product Assurance serves as the legal basis for the implementation of halal certification, which aims to ensure legal certainty regarding the halal status of products circulating in society. However, in its implementation, there are still various legal challenges that affect the effectiveness of enforcing halal product guarantees. This research aims to analyse the legal challenges that arise in the enforcement of the halal product assurance system in Indonesia and to examine the factors that affect the effectiveness of its implementation. The research method used is the normative legal research method with a legislative approach and a conceptual approach. The legal materials used consist of primary, secondary, and tertiary legal materials that are analysed qualitatively. The research results show that the main challenges in enforcing halal product guarantees include regulatory disharmony, limited institutional capacity, the complexity of halal certification procedures, and the low level of compliance among business actors. Moreover, coordination among the institutions involved in the implementation of halal product assurance still requires strengthening so that the monitoring and law enforcement systems can operate effectively. Therefore, it is necessary to strengthen regulations, enhance institutional capacity, and optimise supervision to achieve legal certainty and consumer protection in the halal product assurance system in Indonesia.

1. Introduction

Halal Product Assurance is an important part of Indonesia's national legal system, aimed at providing legal certainty, consumer protection, and increasing the added value of products in both domestic and global markets (Supriyadi et al. 2024). As a country with the largest Muslim population in the world, the demand for halal products is not only a religious issue but also closely related to economic, trade, industrial, and consumer protection aspects. Therefore, the state has a constitutional obligation to ensure the implementation of an effective, fair, and sustainable halal product assurance system (Fansuri et al. 2025). Regulations regarding halal product assurance have undergone significant developments with the introduction of regulations mandating halal certification for products circulating in Indonesia. This policy fundamentally aims to create clear legal standards, enhance consumer trust, and strengthen the competitiveness of business actors. However, in practice, the enforcement of halal product guarantees still faces various legal challenges, both normative and implementational.

From a normative perspective, there is still potential for disharmony in legislation, unclear norms, and overlapping authority among institutions involved in the implementation of halal product assurance. This condition has implications for legal uncertainty for business actors and law enforcement officials in carrying out certification and

supervision obligations (Gruner 2014). In addition, regulations regarding administrative and criminal sanctions for violations of halal obligations have not fully provided a deterrent effect and have not been implemented consistently. From the implementation side, legal challenges also arise in the form of limited institutional infrastructure, a lack of halal auditor human resources, and low levels of awareness and compliance among business actors, especially micro and small enterprises. The certification process, which is considered complex and requires certain costs, often becomes a barrier in itself, potentially leading to practices of evading legal obligations. On the other hand, the mechanisms for monitoring and enforcing the law against products that are not halal-certified or falsely labelled as halal are still not optimal (Amid 2024).

Moreover, the dynamics of trade globalisation and the development of digital technology further add to the complexity of enforcing halal product guarantees (Rasyidah, Azizi, and Kholis 2025). The circulation of imported products, cross-border transactions through digital platforms, and increasingly complex supply chains demand an adaptive and integrated legal oversight system. Without strengthening the legal and institutional framework adequately, the objective of implementing halal product assurance to provide legal certainty and consumer protection is potentially not maximally achieved. Based on these conditions, it is important to conduct an in-depth study of the legal challenges in enforcing halal

product guarantees in Indonesia, both from regulatory, institutional, and law enforcement practice aspects. This study is expected to provide theoretical and practical contributions in formulating strategies to strengthen the halal product assurance legal system to be more effective, responsive, and just (Mohamad Karudin et al. 2025).

2. Method

This research is a normative legal study (juridical normative), which focuses on the examination of legal norms governing the enforcement of halal product guarantees in Indonesia. This research aims to examine the legal challenges that arise from both the substantive legal aspects, legal structure, and legal culture in the process of enforcing the halal certification obligation. The collection of legal materials was conducted through library research, which involved tracing and examining legislation, legal literature, scientific journals, official documents, and court decisions relevant to the research problem. In addition, the search for legal materials is also conducted through electronic legal databases to obtain current and comprehensive information. The analysis of legal materials is conducted qualitatively using a descriptive-analytical method, which involves outlining, interpreting, and evaluating legal provisions related to the enforcement of halal product guarantees. The conclusion in this study uses the deductive method, which

involves drawing conclusions from general legal norms to specific issues related to legal challenges in the enforcement of halal product guarantees in Indonesia.

3. Results and Discussion

Legal Challenges in Enforcing Halal Product Guarantees in Indonesia

The enforcement of halal product guarantees in Indonesia is part of the state's efforts to provide legal protection and legal certainty for consumers, especially the Muslim community. The implementation of the halal product assurance system is based on Law Number 33 of 2014 concerning Halal Product Assurance, which involves various institutions such as the Halal Product Assurance Organising Agency (BPJPH) and the Indonesian Ulema Council (MUI). However, in practice, there are several legal challenges that affect the effectiveness of its enforcement.

a. Complexity of Regulations and Disharmony of Rules

One of the main challenges is the ongoing overlap and disharmony of regulations between halal product assurance regulations and regulations in other fields such as consumer protection, trade, health, and industry. This creates ambiguity in the authority between institutions and has the potential to cause a conflict of norms. From the perspective of legal theory, this condition can weaken the principle of legal certainty (*rechtzekerheid*)

and the effectiveness of the national halal policy implementation (Suhartini et al. 2024).

b. Institutional Capacity Limitations

The enforcement of halal product guarantees requires strong institutional support, both in terms of human resources, infrastructure, and monitoring systems. The limited number of halal auditors and halal inspection agencies causes the certification process to often experience delays. This situation affects business operators, especially MSMEs, who struggle to meet halal certification obligations on time (Hanim and Noorman 2023).

c. Challenges in Enforcing Legal Sanctions

Law enforcement against violations of halal certification obligations also faces obstacles, including: a. Weak field supervision mechanisms, b. Lack of coordination among law enforcement officers, c. Suboptimal implementation of administrative and criminal sanctions. In practice, violations are often resolved through an administrative approach, making the law enforcement power less effective in creating a deterrent effect.

d. The Low Legal Awareness of Business Actors

Many business operators still view halal certification as an administrative burden, rather than a legal obligation and an economic

added value. The low level of halal legal literacy causes the compliance rate to still be suboptimal. In fact, from the perspective of legal compliance theory, the success of law enforcement is not only determined by sanctions but also by the awareness and legal culture of the society (Meares 2000).

e. The Challenges of Globalisation and International Trade

In the era of free trade, imported products entering Indonesia must meet national halal standards. However, the differences in halal standards between countries create issues with the mutual recognition of foreign halal certificates. This implies the need for the harmonisation of halal laws at the international level to avoid trade barriers while still maintaining domestic consumer protection (Sakti 2023).

f. Digitalisation and Supervision of Halal Products

The development of electronic commerce (e-commerce) also poses new challenges in the supervision of halal products. Products sold online often do not clearly display halal certification information, making supervision and law enforcement difficult. The state is required to develop a technology-based monitoring system to ensure transparency of halal information for consumers. Normatively, this challenge indicates that the enforcement of halal product guarantees is not only related to

the substance of the law but also involves the legal structure and legal culture as outlined in the legal system theory. Therefore, strengthening the enforcement of halal product guarantees needs to be carried out through: a) Harmonisation of regulations and strengthening coordination between institutions, b) Increasing the capacity of auditors and halal inspection institutions, c) Consistent enforcement of legal sanctions, d) Legal education for business actors and the community, e) Strengthening international cooperation in halal standards.

4. Conclusion

Based on the study of legal challenges in the enforcement of halal product guarantees in Indonesia, it can be concluded that the halal product guarantee system normatively has a strong legal basis through Law Number 33 of 2014 concerning Halal Product Guarantees, which aims to ensure legal certainty regarding the halal status of products in circulation and to provide protection to consumers. The implementation of this system is carried out by various institutions that have their respective authorities, including the Halal Product Assurance Organising Agency as the administrator of halal certification, the Indonesian Ulema Council as the party that issues halal fatwas, and halal inspection agencies that conduct audits on products. However, in practice, the enforcement of halal product assurance law still faces various challenges. First, there is still

disharmony in regulations and overlapping authority among the institutions involved in the implementation of halal product assurance, especially after the policy changes through Law Number 11 of 2020 concerning Job Creation, which affect the halal licensing and certification mechanisms. Second, the limitations of institutional infrastructure, including the number of halal auditors and halal inspection agencies, cause the certification and supervision processes to not run optimally. Third, the level of compliance among business actors with halal certification obligations still varies, especially among micro and small enterprises that face administrative, cost, and regulatory understanding constraints. Fourth, the mechanisms for supervision and enforcement of sanctions against violations of halal certification obligations are still ineffective, potentially leading to legal uncertainty. Thus, the enforcement of halal product assurance in Indonesia requires efforts to strengthen regulations and harmonise legislation, enhance the capacity of halal product assurance institutions, optimise the supervision system and enforcement of sanctions, as well as improve socialisation and support for business actors. These efforts are important to realise an effective halal product assurance system, provide legal certainty, protect consumer interests, and enhance public trust in products circulating in Indonesia.

References

- Amid, Azura. 2024. "Halal Detection Technologies." *Solving Halal Industry Issues Through Research in Halal Sciences* 41–54.
- Fansuri, Hamzah, Edy Setyawan, Afif Muamar, and Saleh Abdoalgaader Ali Bahomaid. 2025. "Implementation of Law Number 33 Of 2014 in Halal Certification as Legal Protection for Muslim Consumers Maqashid Syariah Perspective: Implementation of Law Number 33 Of 2014 in Halal Certification as Legal Protection for Muslim Consumers Maqashid Syariah Perspective." *Hikmatuna: Journal for Integrative Islamic Studies* 11(2):147–63.
- Gruner, Richard S. 2014. "Lean Law Compliance: Confronting and Overcoming Legal Uncertainty in Business Enterprises and Other Complex Organizations." *NYUJL & Bus.* 11:247.
- Hanim, Lathifah, and M. S. Noorman. 2023. "Implementation of Halal Certification for Micro, Small and Medium Enterprises (MSMES)." P. 308 in *Proceedings of the 5th Legal International Conference and Studies (LICS 2022)*. Vol. 754. Springer Nature.
- Meares, Tracey L. 2000. "Norms, Legitimacy and Law Enforcement." *Or. L. Rev.* 79:391.
- Mohamad Karudin, Khairulazmi, Mohd Rizaimy Shaharudin, Amir Imran Zainoddin, and Muhammad Shahid Khan. 2025. "Halal Manufacturers as Orchestrators in Halal Logistics: Implications for Organizational Performance in Malaysia." *Management & Sustainability: An Arab Review* 1–20.
- Rasyidah, Alvi Nur, Abdillah Qodri Azizi, and Nur Kholis. 2025. "Digital Ecosystems in Supporting Global Trade of Halal Products: Innovation and Challenges." *ADPEBI International Journal of Business and Social Science* 5(2):1–11.
- Sakti, Muthia. 2023. "The Urgency of Global Halal Standards on Products in Supporting International Trade." *Law Research Review Quarterly* 9(4):553–82.
- Suhartini, Endeh, Euis Hertiani, R. Djuniarsono, Hidayat Rumatiga, and Nurfajrina Sabila PM. 2024. "Analysis of Halal Certification for Micro and Small Business Actors from the Perspective of Maslahah Principles and Legal Certainty." *Al-Adalah* 21(2):401–26.
- Supriyadi, Supriyadi, Rahma Aulia, Labib Nubahai, Rozanah Ab Rahman, and Rosmah Mohamed. 2024. "Legal Effectiveness of Halal Product Certification in Improving Business Economics in Indonesia and Malaysia." *Al-Ahkam* 34(1):193–220.