Halal Certification in Government and Non-Governmental Organizations: A Comparative Analysis of Indonesia, Malaysia, and Thailand[*]

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Abstract:

The enactment of Law Number 33 of 2014 concerning Halal Product Assurance (JPH) changed the implementation of Halal Certification in Indonesia where halal certification which had been carried out by MUI for 30 years (since 1989) changed to the Halal Product Assurance Organizing Agency (BPJPH) of the Ministry of Religion of the Republic of Indonesia. With this provision, a new era in the administration of Halal Product Guarantee by the government begins. This research uses qualitative research with juridical-normative and comparative approach. The author makes a comparison with Thailand and Malaysia. The results of the study state that the implementation of halal certification in Malaysia is carried out entirely by a state institution called JAKIM, while in Thailand it is carried out by non-governmental organizations (NGOs).

Keywords: Halal Product Certification; Non-Governmental Organizations (NGOs); Ratio

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Sertifikasi Halal Melalui Pemerintah dan Organisasi Non-Pemerintah:
Analisis Perbandingan Indonesia, Malaysia, dan Thailand

Abstrak:

Lahirnya Undang-undang Nomor 33 Tahun 2014 tentang Jaminan Produk Halal (JPH) mengubah pelaksanaan Sertifikasi Halal di Indonesia dimana sertifikasi halal yang telah dijalankan MUI selama 30 tahun (sejak 1989) berubah ke Badan Penyelenggara Jaminan Produk Halal (BPJPH) Kementerian Agama RI. Dengan ketentuan ini maka dimulai era baru penyelenggaraan Jaminan Produk Halal oleh pemerintah. Penelitian ini menggunakan penelitian kualitatif dengan pendekatan yuridis-normative dan perbandingan. Penulis melakukan perbandingan dengan negara Thailand dan Malaysia. Hasil penelitian menyatakan bahwa pelaksanaan sertifikasi halal di Malaysia dilakukan sepenuhnya oleh lembaga negara yang bernama JAKIM, sedangkan di Thailand dilakukan oleh lembaga non pemerintah (NGO).

Kata Kunci: Sertifikasi Produk Halal; Organisisasi Non Pemerintah (NGO); Perbandingan

Халяльная сертификация в государственных и негосударственных
организациях: сравнительный анализ Индонезии, Малайзии и Таиланда

Аннотация:

Принятие Закона № 33 от 2014 г. о Гарантии на халяльный продукт (JPH) изменило внедрение халяльной сертификации в Индонезии, где халяльная сертификация, которая проводилась MUI (Советом Индонезийских Богослов) в течение 30 лет (с 1989 г.), была преобразована в Организационный орган по обеспечению халяльной продукции (BPJPH) Министерства по делам религии Республики Индонезии. С этим положением начинается новая эра в управлении гарантией на халяльный продукт со стороны правительства. В данном исследовании используются качественные исследования с юридически-нормативным и сравнительным подходами. Автор проводит сравнение с Таиландом и Малайзией. Результаты исследования показывают, что внедрение халяльной сертификации в Малайзии полностью осуществляется государственным учреждением под названием JAKIM, а в Таиланде - неправительственными организациями (NGO).

Ключевые слова: Сертификация халяльной продукции; Неправительственные организации (NGOs); Соотношение

A. INTRODUCTION

With the passing of Law Number 33 of 2014 about Halal Product Assurance (JPH), Halal Certification in Indonesia changed. For 30 years (since 1989), MUI was in charge of halal certification. Now, the Halal Product Assurance Organizing Agency (BPJPH) of the Ministry of Religion of the Republic of Indonesia is in charge. The law also makes changes to the rules for halal certification, which used to be optional but is now required. Article 67 number (1) of the Law says: "The obligation to be certified halal for Products circulating and traded in the territory of Indonesia as mentioned in Article 4 comes into force 5 (five) years from the promulgation of this Law." This means that the halal certification obligation goes into effect on October 17, 2019 (Hidayat & Siradj, 2015).

With this provision, the State (Government) takes over the Halal Product Guarantee program, which was previously run by MUI, a non-government organization (Non Governance Organization or non-governmental organization). With the passing of Law Number 11 of 2020 Concerning Job Creation, which changes a number of laws, including the JPH Law, the State's role in the halal certification process is getting bigger and stronger.

In the Job Creation Law related to the Implementation of Halal Product Assurance, two of the three MUI powers in the JPH Law are transferred to the state (BPJPH). So that the MUI leaves only one authority, namely the authority in determining halal product fatwas. Meanwhile, the State Authority (BPJPH) is increasing its functions, duties and authorities in administering halal product guarantees based on the provisions of the Job Creation Law.

In the world of halal certification in various countries, so far only Malaysia and Indonesia have implemented halal certification by state institutions. Malaysia through JAKIM and Indonesia through BPJPH. The implementation of halal certification in many countries, both Muslim and non-Muslim countries, is carried out by Non-Government Organizations or some kind of NGO (Ambali & Bakar, 2014).

The authority of the State through BPJPH as a state institution that administers Halal Product Assurance became very large after the issuance of Government Regulation (PP) Number 39 of 2021 where BPJPH received an additional task mandate in the PP. With the mandate of the two laws and one Government Regulation, BPJPH becomes a super body in administering halal product guarantees with various functions, duties and authorities. Bodies whose structure is under the Ministry of Religion of the Republic of Indonesia and do

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not have a bureaucratic structure under them (in the provinces and districts/cities) must carry out very large functions, duties and authorities. Moreover, with the mandatory/obligatory halal certificate in the provisions of the JPH Law, there will be around one hundred million food, beverage, drug and cosmetic products that must be certified halal. Not to mention the imported products that enter Indonesia which require great effort to be certified (Charity, 2017).

Halal laws and regulations, on the other hand, say that all products sold, traded, or circulated in the vast Republic of Indonesia must meet halal requirements. This means that the halal certification process isn't just for products from big companies, but also for products from small and medium-sized businesses (MSMEs). According to the information we have, there are currently 63.5 million micro-enterprises, 738,132 small businesses, and 60,702 medium-sized businesses.

From these numbers, it's clear that the halal certification process involves a lot of parties outside of state institutions, such as the need for more Halal Examination Institutions (LPH), a lot of human resources to meet the needs of halal auditors, halal supervisors, halal supervisors, and PPH assistants, and the preparation of good infrastructure and information systems. While it's true that LPH is still hard to come by and that there aren't enough halal auditors (at least 30,000 are needed), this is just how things are right now. Based on the information we already have, Indonesia only has three LPHs: LPPOM MUI, PT Sucopindo, and PT Surveyor Indonesia. Together, these three LPHs have more than 1,400 halal auditors.

In Law Number 33 of 2014 concerning Halal Product Guarantee (JPH), the implementation of halal certification is carried out by three main actors, namely BPJPH, MUI and LPH. As mentioned above, to anticipate the number of products that must be certified halal, the JPH Law mandates the establishment of a Halal Inspection Agency (LPH) other than LPPOM MUI, which has the authority to examine and/or test the halalness of a product. The establishment of LPH can be carried out by government agencies or the community. According to PP No. 31 of 2019, what is meant by the government as the organizer of the LPH is the central and regional governments, universities, BUMN, and BUMD (article 31 paragraph [1]), while what is meant by the community is Islamic religious institutions that have legal entities. (Article 32 paragraph [1]) can be in the form of associations or foundations (paragraph [2]). With these provisions, a number of government institutions and Islamic universities as well as state public universities have submitted themselves as LPH. According to the latest

data from BPJPH, there have been more than 50 applications for the establishment of LPH but have not been followed up except for the two institutions mentioned above.

Now that BPJPH has been around for 4 years and the JPH Law has been in place for 2 years, how is the Halal Product Guarantee Act being put into place by this state institution? There are a lot of things that need to be looked into when it comes to putting JPH Implementation by State Institutions (BPJPH) into action, starting with the technical certification regulations, certification management that has been done by BPJPH, IT and information systems, institutional structures in the regions, human resources, and other things other than the technical implementation of halal certification.

Meanwhile, it is also interesting to study as a comparative material, namely how the implementation of halal certification in neighboring countries such as Malaysia is also carried out by a state institution, namely JAKIM (Ahmad; Abidin; Othman; & Rahman, 2018). Just like in Indonesia, halal in Malaysia has actually been running since the 1970s. Halal regulation in Malaysia underwent several changes until finally on September 1, 2002, the Malaysian government decided that all matters of halal ratification were carried out entirely by JAKIM through the Islamic Food and Goods Study Section. Halal certification in Malaysia, by some circles, is considered better than Indonesia. Malaysia's halal certification has penetrated overseas and dominates most of the world's halal industry. This achievement certainly invites attention to how the implementation of halal product guarantees is carried out by the Malaysian government (state institution) (Sholeh, 2015).

Besides Malaysia, Thailand is a very advanced country in the field of halal certification. In Thailand, even though it is not a country with a Muslim majority population, the issue of halal is a concern of the government. Thailand's halal certification is well known in the halal industry. The implementation of the Halal Product Guarantee in Thailand is not carried out by state institutions as in Indonesia and Malaysia. In Thailand, the implementation of halal product guarantees is carried out by a Non Government Organization (NGO or NGO) known as CICOT. CICOT is an abbreviation of The Central Islamic Council of Thailand (CICOT) (Lewis; Kanji; & Themudo, 2020).

The formulation of the problem that is the focus of this research is: How is the implementation of Halal Certification carried out by State Institutions (Government) and Non-Governmental Organizations (NGOs) in cases in Indonesia, Malaysia and Thailand? What are the Weaknesses and Strengths in

the Implementation of Halal Certification by the State (Government) and Non-Governmental Organizations (NGO)? What kind of halal certification model is appropriate and good to implement in the Implementation of Halal Certification in Indonesia?

B. METHODS

This research is a qualitative research. The method used is a juridical-normative study. What is meant by juridical study here is research related to legal regulations and regulations regarding various matters related to the regulation of halal certification. Meanwhile, the normative meaning here is the norm of the legislation or the legal substance of the laws and regulations regarding halal certification. This juridical-normative research is also a study conducted through library research, namely through document studies by digging from primary materials in the form of regulations and extracting secondary materials from some relevant literature. In addition, another method used in this research is an empirical-institutional study. The empirical study in this study is intended to explore the reality and practice of implementing halal certification in three areas based on the norms of the applicable laws and regulations.

C. RESULTS AND DISCUSSION

1. General understanding of Halal Certification

Halal certification has become a global issue. Both countries with a majority Muslim population and countries with a small Muslim population have made halal a part of their state policies. This is because halal isn't just about religious teachings; it's also about people's rights to practice their religious beliefs. For Muslim consumers, consuming halal food, drinks, drugs, cosmetics, and other products is an obligation and a religious belief that must be followed.

As long as the product has received halal certification, the buyer and consumer can rest assured that their purchases and consumption are compliant with Islamic law. This is because halal certification involves a thorough examination of the product's raw materials, manufacturing processes, and sources of those raw materials. Muslims who take this may experience a sense of serenity as a result.

2. Implementation of Halal Certification in Malaysia

Malaysia is a country that claims to be the world's halal center. Regulations related to halal in Malaysia, both for local and imported products, have actually started since the early 1970s. At that time, there were demands from Malaysian Muslim consumers who wanted a guarantee of halal food and beverage products offered in restaurants, shops, and various imported food products and global companies that opened restaurants in Malaysia (Fischer & Lever, 2015). For this reason, the Malaysian Parliament in 1972 passed regulations related to halal in Malaysia through a law called Deed 87/1972 (Interview with Prof. Sonny Zulhuda). Among them is the Trade Description Act (APD 1972) or known as the Trade Priest Deed (APD1972) (Wahab, et.all, 2015).

Halal certification was first granted in the form of an official certificate by JAKIM in 1994 and on 30 September 1998 the Malaysian halal logo was officially patented as follows:

JAKIM has the authority to issue the halal certificate and logo, while for the halal inspection/audit the Malaysian government appointed Syarikat Ilham Daya to handle it. In 2002, the government revoked the authority given to PT Ilham Daya and handed over all matters of halal certification (including inspection/audit) to JAKIM. In 2008, for approximately one year, the management of halal certification was handed over to the Halal Development Corporation (HDC), but the task was taken back by JAKIM on July 8, 2009 (Al Ikhsan; Sawari, 2015).

Based on the provisions of the 2011 PPE, since January 1 2012, there is only one official halal logo issued by JAKIM that can be used and recognized in Malaysia. Previously, there were many halal logos or signs issued by private companies that were used by restaurants and food products. After that date, for restaurants, hotels or other products or operators that still use a logo other than the logo issued by JAKIM, they can be fined RM 250,000 while for individuals RM 100,000 or three (3) years in prison or both (Wahab, et.all, 2015).

Halal certification in Malaysia is directly handled by the state (federal government) through JAKIM. JAKIM (Malaysian Islamic Advancement Department) is a department under the Prime Minister that specializes in dealing

with matters related to Islam and Muslims in Malaysia. Within JAKIM there is a special division that handles halal certification under the name "Halal Hub Division" (www.halal.gov.my/v4).

Departing from the explanation of the history of regulation and implementation of Malaysian halal certification above, it can be concluded that the State (Government) from the beginning has handled and regulated the issue of halal certification. In Malaysia, the issue of halal is the full authority of the state. This is done to provide certainty and assurance as well as confidence that products that have been certified halal have been guaranteed by the state because halal certification is not only a religious issue, but also economic, trade, social and political issues (Asa, 2017).

3. Implementation of Halal Certification in Thailand

Historically, politically and culturally, Islam has been an integral part of Thailand for centuries. Islam is not only the second largest religion in this white elephant country, but also enjoys legal and official royal protection. The Thai constitution provides for freedom of religion and the Royal Thai Government respects and protects the right to religion and practice religion. The Thai constitution supports the people's "equal rights and freedoms" (https://en.wikipedia.org).

Thailand's pioneering in halal certification began with Shaykhul Islam in 1948 issuing halal certificates to Slaughterhouses (RPHs) in the country to protect the Muslim community from consuming non-halal animals (Ager, et.all, 2015). In addition, Thailand also pioneered the halal logo in the world in 1971 with a logo that is well known in the world as follows:

Shaykhul Islam (Chularatchamontri) is a Mufti who is under the Ministry of Home Affairs as well as the Ministry of Education and is responsible to the King. The position of Sheikhul Islam is appointed and appointed with the approval of the King of Thailand on the advice of the Prime Minister (www.cicot.or.th).

In carrying out his duties, Shaykhul Islam is assisted by the Central Islamic Council of Thailand (CICOT). This is as regulated in Law 340/1997 on the Administration of Islamic Organizations which states that there must be a committee called the Thailand Islamic Central Committee consisting of Sheikhul Islam as the Chair of CICOT and the committee members appointed with the approval of the King from the Regional Islamic Religious Council (www.cicot.or.th). The main task of this Committee is to assist Sheikhul Islam in the administrative affairs of the Islamic religion in Thailand. This Committee is also the highest Religious Body in Thailand and is under the authority of Parliament. Based on this, it can be understood that the implementation of all Islamic affairs is managed centrally and has its own jurisdiction (Saipudin, et.all, 2015).

Departing from the explanation above, it can be concluded that the implementation of halal certification in Thailand is carried out by an Islamic Organization (NGO --Non Governmental Organization--) named CICOT (The Central Islamic Council of Thailand) led by Syaikhul Islam. However, the State legitimizes the existence of the CICOT and Syaikhul Islam institutions in one law, namely Law 340/1997 on the Administration of Islamic Organizations. To support the development of halal certification, the Government of Thailand has also established institutions within the CICOT structure such as the Halal Executive Committee (HEC), The Halal Standard Institute of Thailand (HSIT), the Halal Accreditation Body (Halal Accreditation Body) and HSC (Halal Science Center). The Thai government also supports halal certification by issuing a number of regulations and support in the form of programs funded by the state budget.

4. Implementation of Halal Certification in Indonesia

a. Halal Certification in the MUI (NGO) Period

Halal certification in Indonesia, as mentioned above, was initially carried out by the Indonesian Ulema Council (MUI). Starting from the news event of research results by lecturers of Universitas Brawijaya Malang in 1988 on a number of well-known products consumed by the public which allegedly used ingredients derived from pork derivatives. In order to protect Muslims from consuming haram products circulating in the community, the MUI took the initiative to carry out halal certification for food, beverage, drug and cosmetic products. For this reason, MUI in collaboration with the Bogor Agricultural Institute (IPB) at that time agreed to form the MUI Food, Drug and Cosmetics

Study Institute (LPPOM). This institution contains scientists in the fields of food technology, chemistry, biology and others who are tasked with conducting studies, inspections and audits of food, beverage, drug and cosmetic products to then decide the halalness of these products by the MUI Fatwa Commission and subsequently issue halal certificates for these products.

Halal certificate here is a form of written fatwa from the MUI Fatwa Commission which states and guarantees that this halal-certified product has been inspected and audited in terms of the ingredients, the source and origin of the material and the production process has met the standard of halal provisions according to Islamic law (Agustina, et.all, 2019).

MUI halal certification which is run by LPPOM MUI from year to year continues to improve the system and governance that is integrated, systemic and meets institutional standards, quality management and management with national and international standards so that MUI halal certification is not only recognized in Indonesia but also in the international world. The MUI halal certification system and governance have even been adopted and become a reference for halal certification models in various countries in the world and are recognized in more than 60 countries in the world.

Many things have been built by MUI related to the implementation of halal certification, starting from the IT system called Cerol. Cerol-SS23000 is an online platform to make it easier for business actors to carry out the halal certification process from registration to the issuance of a halal certificate. This platform was issued by the Institute for the Study of Food, Drugs, and Cosmetics of the Indonesian Ulema Council (LPPOM MUI) since eight years ago, on May 24, 2012. The IT system has been proven and tested. Proven to provide satisfaction to customers in conducting halal certification and tested because the system can maintain the confidential aspect or confidentiality of data provided by business actors.

In addition, the LPPOM MUI laboratory has also been certified to ISO 17025 from the National Accreditation Committee (KAN). The achievements of LPPOM MUI related to obtaining ISO 17025 and ISO 17065 certificates provide benefits not only for LPPOM MUI but also for business actors and Indonesia on a large scale. With these three certifications, MUI and LPPOM MUI are declared to have carried out their duties and functions in the field of halal certification in accordance with international quality standards. Therefore, products that have been certified halal by MUI can enter Middle Eastern countries and the Organization of Islamic Cooperation (OIC), which have been implementing ISO certification standards.

In addition to the IT system, MUI, through the MUI Fatwa Commission, has also issued more than 60 fatwas related to food, beverage, drug and cosmetic laws. These fatwas serve as references and audit standards (inspection) in the halal certification process. This fatwa is not only a reference for audits in Indonesia, it has even become a reference and guide for halal certification institutions in various countries in the world.

Under the MUI, product halal certification activities are also made into the Halal Assurance System (SJH) or Halal Assurance System (HAS), which is a system that must be implemented and run by every company that wants to certify its products halal. This system is intended to maintain the continuity and sustainability of halal in the production process of companies that have received halal certificates. With the necessity of implementing this system in management and company soup, it is certain that the halalness of its products will be well maintained. This SJH/HAS has also become a reference for halal certification institutions in various countries of the world.

Another thing that is done by MUI in order to improve services and maintain and oversee the halal certification process to be qualified and accountable is to conduct competency certification for halal auditors and halal supervisors. For this reason, LPPOM MUI formed an institution called the LPPOM MUI Professional Certification Institute (LSP).

By setting up LSP LPPOM MUI, the halal certification done by MUI is not only a system and management that run according to international standards, but also the people (the man behind the gun) and the actors who do the halal certification are also certified as competent and professional based on work competency standards recognized by the state that the international community.

Another thing that MUI has built for the advancement of halal certification in Indonesia is to make an application to check the halal status of products through the MUI Prohalal application. Checking this halal product can be done with a cellphone and various communication tools both based on Android and IOS as well as the Quick Response Code application for MUI halal restaurants throughout Indonesia. With the Prohalal and QR applications, Muslim consumers can directly check the truth and certainty whether the product that uses the MUI halal label has actually received a halal certificate or it is a fake halal label.

Another thing that MUI has done is to establish LPPOM MUI in all provinces in Indonesia. To reach halal services, especially for local business actors in the region, in each province a Regional LPPOM MUI has been formed.

LPPOM was formed in collaboration with universities in the area. Thus the halal certification process can be carried out in the region and the determination of the halal fatwa is also carried out by the Fatwa Commission in the province.

b. Halal Certification by BPJPH (Government)

After 30 years of managing halal certification by MUI, there has been a change in the implementation of halal certification in Indonesia (Karimah, 2018). Starting with the enactment of Law Number 33 of 2014 concerning Guaranteed Halal Products. This law was born from a long process of debate and polemic, both during the formulation of the bill and at the time of its promulgation in the DPR. There are a number of issues that are the topic of debate over the bill, starting from the issue of religion where the JPH Bill is considered an exclusive regulation of a religion, to the debate on the role of the state in the halal certification process. Whether the state should be deeply involved in the issue of halal certification or not became a hot issue during the formation of this JPH Law.

After the JPH Bill was passed into Law Number 33 of 2014 concerning Guaranteed Halal Products, the Act could not be implemented immediately. First, a derivative regulation must be prepared, namely the Government Regulation (PP) regarding JPH. However, the preparation of the JPH RPP also encountered problems in its preparation. The draft RPP JPH was only completed in mid-2017.

The PP JPH was only ratified on April 29, 2019 or before the enactment of the JPH Law and the mandatory halal certification on October 17, 2019. Meanwhile, the BPJPH (Halal Product Assurance Organizing Agency) as the institution that carries out the legal mandate to carry out new halal certification was formed in mid 2017. This agency has not been able to carry out its duties until the legislation on JPH (UU and PP JPH) is passed. As a result, until the JPH Law came into effect on October 17, 2019, BPJPH was not ready to carry out its duties and functions.

To avoid a legal vacuum, Minister of Religion Regulation Number 982 of 2019 concerning Halal Certification Services was issued, which basically contains returning the halal certification process to MUI starting from registration to issuing certificates. This regulation is at the discretion of the law because BPJPH is not ready to carry out its duties and functions as a halal certification body.

The ministry of religion has not yet finished compiling and making operational regulations for the implementation of halal certification, suddenly

the government plans to revise a number of laws so that the investment climate in Indonesia is competitive by submitting the Job Creation Bill with the omnibus law concept which will change a number of articles in the 79 existing laws. One of the laws that will be revised is Law Number 33 of 2014 concerning JPH. After going through a process full of controversy and in the midst of opposition from the majority of the community to the Job Creation Bill, it was finally ratified by the DPR Law Number 11 of 2020 concerning Job Creation.

Next, within a few months, the Government Regulation (PP) Number 39 of 2021 concerning the Implementation of the Halal Product Guarantee Sector will be issued. The latter two regulations were born prematurely and in a hurry to cause a lot of controversy in the community.

Due to the way the law was made, as outlined in Law No. 12 of 2011 on the Establishment of Legislation, the Constitutional Court accepted and granted the Judiciao Review done by a number of communities and NGOs and ruled that Law No. 11 of 2020 was conditionally unconstitutional. This means that the government and law-making institutions (DPR) have two years to change the law by, for example, removing the part of the law that says that the government can't be sued.

Apart from the decision of the Constitutional Court, the basis and basis for implementing halal certification in Indonesia today are three laws and regulations, namely Law Number 33 of 2014 concerning Guaranteed Halal Products, Law Number 11 of 2020 concerning Job Creation and Government Regulation (PP) Number 39 2021 concerning the Implementation of the Halal Product Assurance Sector. With these laws and regulations, the management of halal certification in Indonesia has undergone a number of fundamental changes. (1) The change in halal certification which was originally voluntary or voluntary has turned into an obligation or mandatory/obligatory, (2) The implementation of halal certification has changed from a non-government institution (MUI) to a government agency (BPJPH), and (3) In the regulation there are three institutions that become the driving force of halal certification, namely, BPJPH, MUI and LPH.

BPJPH is the leading sector in the management of halal certification. BPJPH is mandated by law to carry out a number of functions, duties and authorities in halal certification. These functions consist of administrative, regulatory, operator, accreditation, supervisory and legal action functions. Meanwhile, MUI has a single function, namely to establish a fatwa for halal products. LPH is the organ that assists BPJPH in product inspection and what's

interesting about this JPH legislation is that LPH is no longer one but can be formed by the government and the community.

Another thing that is regulated in the halal legislation is related to a number of professions in the halal field such as halal auditors, halal supervisors, halal slaughterers, halal supervisors and halal production process companions (PPH). All these professions are regulated from requirements, appointments to sanctions and dismissals. The halal legislation also regulates the involvement of a number of ministries and state institutions to participate in supporting halal policies in Indonesia. The law mandates BPJPH cooperation with ministries and institutions whose duties and functions intersect with the issue of halal food, beverage, drug and cosmetic products such as the Ministry of Health, the Ministry of Agriculture, the Ministry of Industry, the Ministry of Trade, the Ministry of Cooperatives and SMEs and institutions such as the Standardization Agency. National (BSN), POM Agency and others (Mashudi, 2011).

Halal law also covers a number of jobs in the halal field, such as halal auditors, halal supervisors, halal slaughterers, halal supervisors, and halal production process companions (PPH). All of these jobs are governed by rules that include requirements, hiring, punishments, and firing. The halal law also sets rules for how a number of ministries and state institutions can help support halal policies in Indonesia. The law requires BPJPH to work with ministries and institutions whose jobs and responsibilities overlap with the issue of halal food, drink, drug, and cosmetic products. These include the Ministry of Health, the Ministry of Agriculture, the Ministry of Industry, the Ministry of Trade, the Ministry of Cooperatives and SMEs, and institutions like the Standardization Agency National (BSN), POM Agency, and others (Mashudi, 2011).

5. Comparison of the Implementation of Halal Certification by the State (Governance) and Non-Governmental Organizations (Non Government Organizations)

Based on field studies, there are strengths and weaknesses in the implementation of halal certification carried out by state institutions (Gevernance) or BPJPH with civil society (Non Government Organizations) such as MUI. Among the advantages obtained if the management of halal certification by the state are: (Agus, 2017)

First; More legitimized legally-formally. BPJPH as a state institution has the position and legitimacy in the legislation. BPJPH as a state institution can also make regulations that are binding on the community based on the mandate of

the law. However, the position of BPJPH, which is only an agency under the ministry, is still debating its authority in making binding regulations. Based on the provisions of Article 8 of Law Number 12 of 2011 concerning the Establishment of Legislations, the Regulations of the Head of the Agency under the Minister are not included in the type of binding legislation.

Second; Managed by HR from the State Civil Apparatus (ASN). With human resources consisting of (ASN) the management of halal certification is actually more efficient because ASN is paid by the state.

Third; Get state budget support. As a state institution, BPJPH of course has the support of the state budget for the operational implementation of the duties and functions of BPJPH. If the government's attention and alignment with the halal sector is large, then this will certainly have an impact on the budget provided by the state to BPJPH.

Fourth; Get supporting facilities. Not only the budget, BPJPH as a state institution will certainly also be supported with adequate office facilities and infrastructure from the state to carry out its duties, functions and authorities in halal certification.

Fifth; Have access and a wider network as well as more powerful power. BPJPH as a state institution clearly has greater power than non-government institutions and can certainly have broad access and can coordinate easily with ministries and other state institutions, both at home and abroad. This is because in every country there are representatives or embassies of the country.

In addition to the advantages which are at the same time the strengths of BPJPH, on the other hand there are also weaknesses of BPJPH, in addition to the six obstacles that become weaknesses as described above. These weaknesses are:

First; No social legitimacy. Halal issues are related to aspects of Islamic law where the authority related to Islamic law matters lies with religious institutions such as the Indonesian Ulema Council (MUI). Moreover, the competence of human resources at BPJPH is not from the elements of Muslim scholars or intellectuals who have Islamic knowledge, especially in the field of sharia. This sociologically lacks legitimacy and public recognition. That is why questions arise from the public when the implementation of halal certification shifts from the MUI to the Ministry of Religion. Moreover, the image of the ministry of religion is not good enough in financial management and matters related to religion.

Second; Human resources sourced from ASN on the one hand is an advantage, but on the other hand it is also a weakness if halal certification is managed by a state institution such as BPJPH. The weakness lies in the limited recruitment of ASN and it takes a long process to add to the shortage or recruitment of new human resources from the ASN. Not to mention the question of rotation, mutation and placement that always rotates and pays little attention to the competency aspects of ASN who are placed to carry out halal certification.

Third; Dependence on state alignments and leadership policies, both central and local. Political will and partisanship of the state will determine and influence the progress of the implementation of halal certification in a country. Political will and alignments are strongly influenced by development programs and targets that are of concern to the leadership, the center and the regions.

The implementation of halal certification by non-governmental institutions also has the following advantages and disadvantages:

First; Professional, dedicated and fast HR recruitment. As is well known, the management of halal certification must be carried out by professional and dedicated human resources. In contrast to human resources in state institutions, which require a long and limited ASN acceptance process, in non-governmental institutions the recruitment of employees to manage halal certification can be done quickly without a long bureaucratic process. HR recruited can be selected for their abilities and competencies according to the needs in each field.

Second; Fast and effective decision making. Unlike in state institutions that have to pay attention to regulations and bureaucracy, if halal certification by non-government institutions can be carried out quickly and efficiently. Every decision can be executed immediately without having to wait for the rules that underlie the implementation of the decision to be made.

Third; Accommodating and providing opportunities for many parties and the community. Management by non-governmental institutions opens up opportunities to involve many parties, organizations, community institutions, educational institutions and others. The opportunity for the community to be involved is even greater. This can reduce the unemployment rate which is still a socio-economic problem in this country.

Fourth; Develop the potential of the community and civil society in the region. One of the political reform agendas that took place in 1998 was about regional autonomy where state policies were sought to be decentralized and no longer centralized in order to provide opportunities for local communities and civil society to be involved in the implementation of halal certification.

Meanwhile, the weaknesses in the implementation of halal certification by non-governmental institutions are:

First; Limited budget. Unlike state institutions that receive budget allocations from the government, the implementation of halal certification by non-governmental institutions is constrained by the limited budget of these institutions. Operational and employee costs must be borne by the institution. Institutions are very dependent on financial income from halal certification activities.

Second; Limited network access. In contrast to state institutions that have access to fellow institutions or state representatives abroad, non-governmental organizations do not have this.

Departing from the exposure of these strengths and weaknesses, in fact in the implementation of halal certification collaborating the strengths and weaknesses of each. The implementation of mandatory halal certification does require the presence of the state, but its involvement must be placed proportionally so that the implementation of halal certification can run effectively, efficiently and applicable.

6. Comparison of the Implementation of Halal Certification in Malaysia, Thailand and Indonesia

Socio-culturally, Malaysia as a country consisting of Islamic kingdoms, attention to halal has been very large since the days of the kingdom or sultanate. The Islamic culture and the state in Malaysia are unified and even this country bases its country on Islam. Thus, Islamic culture in Malay-Malay society is assimilated and merged into the socio-cultural society.

In contrast to Indonesia where Dutch colonialism not only brought political and economic policies but also brought a religious mass (Christianity). The Dutch colonial government's political policy towards Islam and Muslims was very strict. Islamic movements that can be tolerated to be carried out are only ritual activities. It is also limited to certain worship activities such as prayer, fasting and zakat. The Indonesian society which is very diverse in terms of ethnicity, language and religion makes the assimilation of Islam into culture not all run smoothly. In certain tribes such as Malay, Minang, Bugis, Banjar, and Betawi, Islam is assimilated with local customs and traditions. But in a number of other tribes, the assimilation of Islam is limited to certain things.

Socio-politically, Malaysia is a constitutional monarchy which is also a federal state where the country is divided into 13 states (negeri). And in every country ruled by powerful sultans. Islam is also established as the basis of the state. With such socio-political conditions, Islam has a high position in the constitution and legislation in Malaysia. In contrast to Indonesia, where Islamic law has its ups and downs in the constellation and national legal system.

Socio-economically, Malaysia's economy is clearly more advanced than the Indonesian economy. In terms of GDP per capita, Malaysia is higher at US$ 18,481, where Malaysia's GDP per capita is US$ 32,501 while Indonesia's is only US$ 14,020. Likewise, from other economic aspects, Malaysia is higher than Indonesia.

With such parameters of socio-historical, socio-cultural, socio-political and socio-economic background, the attempt to copy and paste the halal certification model as implemented in Malaysia is not appropriate. Moreover, the demographics and geography of Indonesia and Malaysia are very different. Indonesia is an archipelagic country and there are more than 17,000 islands in Indonesia with a very wide area from Sabang to Merauke with a land area of 1,811,569 km. In contrast to Malaysia, which is divided into 2 regions, namely the eastern part of Malaysia and the western part of Malaysia, the total land area is only 328,657 km. In addition, the population of Malaysia is only 33.5 million, in contrast to Indonesia, which has a population of 267 million.

Making BPJPH like JAKIM is not right. There are a lot of differences besides the differences above. There are differences in the halal certification governance system between JAKIM and BPJPH, including the following:

First, JAKIM only performs halal certification on products produced nationally and internationally. Local products are certified by JAIN (State Islamic Religion Office). JAIN exists in thirteen states and in its institutional structure is directly under the sultan. JAIN has full and independent authority in managing halal certification in their respective territories with the supervision of the sultan. In contrast to BPJPH, which is the only state institution that manages halal from the center to the regions. It is inconceivable that BPJPH has to manage halal certification which is estimated at 63 million products from Sabang to Merauke where there are 34 provinces and 514 regencies/cities, a very, very wide working area.

Second, JAKIM's duties and functions are limited to halal certification from registration to the issuance of a halal certificate. Meanwhile, in its duties and functions, BPJPH has a very broad authority. It is not only a halal certification

body, but also a regulatory, accreditation, socialization, education, supervision, and legal action agency. The role of BPJPH is so large that it is not commensurate with the agency's capacity.

Third, JAKIM in the royal structure is directly under the Prime Minister and halal is directly coordinated by the Prime Minister regarding the need for cooperation and support from other positions (Ministries) such as the Ministry of Trade, Ministry of Industry, Ministry of Agriculture and so on. Meanwhile, BPJPH is only an agency in the ministry of religion.

Fourth, halal certificates in Malaysia are included in the business licensing regime, so there is no need for a process to determine the ulema's fatwa. JAKIM itself is socio-culturally recognized as having authority and social legitimacy in determining halal products because within JAKIM there are clerical institutions. Meanwhile, in Indonesia, halal certificates are not and are not included in business licenses. Halal certificates cannot be categorized as part of business licensing because there are significant differences between the two. BPJPH itself does not have the authority and legitimacy in determining fatwas because BPJPH is not and is not a clerical institution like the MUI. Thus, the determination of a halal fatwa must be carried out by an authoritative clerical institution such as the MUI.

Apart from the four comparisons and differences above, there are actually other things that are different between JAKIM and BPJPH. Thus, efforts to imitate the implementation of halal certification with the system and model run by Malaysia cannot be applied and implemented in Indonesia. With all the peculiarities and distinctions of Indonesia, both in terms of history, culture, politics, economy, demographics and geography, it is necessary to make your own model by taking these aspects into account.

In the case of Thailand where halal certification is carried out entirely by a non-governmental organization, namely CICOT because Thailand is not a religious country and the population is predominantly Buddhist, so the implementation of halal certification is left to the Muslim community through its Muslim league organization, namely CICOT. However, the state (government) gives full attention and support and even provides very adequate facilities related to halal certification (Aminuddin, 2016).

This is because halal certification provides great benefits for the country in the form of very large foreign exchange. Halal certification opens the way for the export of Thai products, which are generally exported to Muslim countries, and Thailand has even become a major exporting country for food products to Islamic

countries. In addition, halal certification makes a major contribution to the tourism sector in Thailand. Thailand has become a major destination for Middle Eastern and Southeast Asian tourists, therefore, to provide comfort to Muslim tourists, the availability of halal food and drinks in the white elephant country is very important. Moreover, tourism is one of the main sources of income for this country.

The halal certification that applies in Thailand, which is managed by non-governmental institutions, is exactly the same as the halal certification model when it was still managed by the Indonesian Ulema Council (MUI). Although not a Muslim-populated country, the Thai government has fully supported halal certification since 1970, and they even labeled their country as the kitchen of the world. Unlike Indonesia, the halal certification process is initiated by the MUI. Initially, certification did not receive full support from the government. After a decade, the government began to pay attention to this halal certification. After going through a long struggle and debate (10 years), the Halal Product Guarantee Law was finally passed in 2014. It is only in the last ten years that the Indonesian government has paid great attention to halal certification after seeing the enormous economic potential of this certification.

Now the management of halal certification is mostly run by the state. However, as explained above, there are many obstacles and problems that arise when the state takes over the management of halal certification. The government's efforts to imitate the Malaysian model of certification governance system are not applicable and not implementable and there are many conflicts and problems in its implementation.

Based on this and departing from the experiences of Malaysia and Thailand, the best way for the system and governance of halal certificates in Indonesia is to collaborate between the state and the community. Halal certification in Indonesia cannot be fully implemented by the state, and vice versa. There must be cooperation between the state through state institutions such as BPJPH and the community through civil society or non-governmental organizations.

Such cooperation must be divided proportionally between the duties and functions of state institutions and non-governmental institutions. Currently, the management of halal certification in Indonesia is dominated and controlled by state institutions. As a result, there are many obstacles as described above. In fact, state institutions only play a role in fundamental and strategic aspects such as aspects of regulation, supervision and legal action. State institutions do not need to be involved in the detailed technical aspects. Technical matters should be left

to non-governmental organizations. Civil society should be given the opportunity and opportunity to contribute and play its role in the implementation of halal certification.

This is in line with the concept of power sharing where there are institutions that make regulations, some implement the rules and some oversee the rules. The current role and function of BPJPH is not in line with the concept of power sharing because BPJPH is a super body that creates, implements and supervises the management of halal certification.

The current system and governance of halal certification which is dominated by state institutions (BPJPH) is also not in line with the spirit of decentralization and regional autonomy. It is also not in line with the concept of a modern democratic state where one of the pillars of its strength is the strong role of civil society. Realities like this, according to the results of research by Hery Purwanto and his colleagues in a research themed "Policy Analysis of Enforcement of Halal Product Guarantee Regulations Through The Regulatory Impact Analysis (RIA) Approach" concluded that the existing Legislation Policy when examined from the perspective of analysis of the negative aspects of the regulatory impact is far greater than the positive aspect with a ratio of 10: 2. Therefore, it is worth rethinking the current system and governance model for halal certification (Purwanto, et.all, 2021).

D. CONCLUSION

The implementation of halal certification in Malaysia is carried out entirely by a state institution (government) named JAKIM, on the other hand, the implementation of halal certification in Thailand is fully carried out by a non-government organization, namely The Central of Islamic Council of Thailand (CICOT). Meanwhile in Indonesia, the system and governance of halal certification is carried out by combining and collaborating between state institutions (government), namely BPJPH and non-government organizations (non-government organizations) such as MUI. Islamic organizations, universities, religious institutions and other elements of civil society are also involved in the implementation of halal certification, such as the establishment of the Halal Inspection Agency (LPH), the procurement of Halal Auditors, Halal Supervisors, Halal Production Process Facilitators and others.

The implementation of halal certification carried out by the state (government) has advantages, such as having legal-formal legitimacy, adequate budget, support for facilities and infrastructure, strong authority and support for

access and networks both nationally and internationally. However, there are weaknesses such as bureaucratic and regulatory constraints that are convoluted in operations, limited human resources because they are managed by the State Civil Apparatus, many problems and obstacles in implementing the duties and functions of the institution, and other weaknesses. On the other hand, the implementation of halal certification that is managed by non-governmental institutions also has benefits, such as more effective and efficient management, professional, dedicated, and fast recruitment of human resources, fast decision making and execution because there are no bureaucratic or regulatory barriers, and opportunities to participate. Malaysia's model of halal certification, which is fully run by the government, is not a good fit for Indonesia. Similarly, Thailand's model, which is fully run by NGOs, is not a good fit for Indonesia either. This is because Indonesia is different from Malaysia in many ways, including its history, culture, politics, population, and geography (Vakil, 1997).

The system model and governance of halal certification in Indonesia, which collaborates with the involvement of the state (government) and civil society (non-government organizations) is now appropriate. However, the implementation did not go well because the dominance of the role and function of the state in the management of halal certification was very large and covered various aspects. The involvement of non-governmental organizations is limited so that the implementation of halal certification does not go well. The domination of the state's role in the implementation of halal certification has a negative and bad impact. The state is still needed in the implementation of halal certification but must be limited to strategic roles such as regulation and supervision. The state does not need to enter into the technical aspects of implementing halal certification.

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