

Assessing the Legal Impact of Halal Certification Obligations Through the Lens of Social Awareness and Consumer Rights Protection

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ABSTRACT

Halal certification aims to meet specific standards and gain legal recognition for products as per Indonesia's 2014 Halal Product Assurance Law. It represents a social responsibility for producers. Despite administrative registration, violations of halal certification can disrupt public order and are considered criminal offenses. The study uses a normative-empirical method, combining literature reviews and Gustav Radbruch's legal theory. Results show that mandatory halal certification under the Job Creation Law has raised awareness about halal consumption, especially among entrepreneurs. However, procedural obstacles like insufficient review and delays persist. The law has provided legal certainty and consumer rights protection. To improve halal certification services, uniform education from the Halal Product Assurance Agency (BPJPH) is recommended, focusing on small and medium-sized enterprises (UMKM).

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1. INTRODUCTION

The development of the halal industry and sharia business is undeniable, occurring across all sectors in various lines of sharia industry, from the financial sector, fashion, travel, to food. The Indonesian sharia economy has a long-term grand plan, as conveyed during the launch of the sharia economy master plan in May 2019, to become the number one sharia industry in the world. One of the recommendations to achieve this plan is to strengthen the halal value chain by focusing on sectors that are potential and have high competitiveness. (www.bapenas.go.id).

One of the sharia industries with high competitiveness and attractiveness is the food sector. This is predicted based on the 200 million Muslim population in Indonesia, which positions Indonesia as a potential primary market for global halal food producers and consumers. This explanation aligns with data presented by the Organization of Islamic Cooperation (OIC), which ranked Indonesia first in the Leading Market of Halal Food in 2021, with consumption reaching 146.7 billion USD (www.statista.com).

The increasing demand for halal products, as mentioned, is not only occurring in the Indonesian market but also in the global halal market. This trend is not limited to countries with a majority Muslim population, such as Egypt and Bangladesh, but also extends to countries with a predominantly non-Muslim population, such as the United States and the United Kingdom. This phenomenon is driven by the influence of global halal trends that affect market behavior and society (Praktikto et al., 2020). The awareness of the need for high-quality, legally guaranteed consumption, advancements in technology and science, and the rapid growth of global trade demand that the Indonesian government respond with various policies and strategic steps to advance the development of halal production in Indonesia.

One appropriate step taken by the government is the establishment of legal regulations and necessary instruments to facilitate the growth and development of halal products. This includes the issuance of halal product regulations in Law No. 33 of 2014 on Halal Product Assurance, which was preceded by various other regulations. Since its enactment, this law has mandated that all products circulating and traded in Indonesia must have halal certification. However, by the deadline set by the implementing regulations of this law, not all products circulating in Indonesia have been successfully certified as halal.

The law underwent revisions to several articles through Law No. 11 of 2020 on Job Creation. These changes were made to accelerate and expand halal certification in Indonesia. There were several significant changes, including the form of halal certification that can be done through various instruments, one of which is the self-declare system, where halal certification is carried out directly by business actors. Sociologically, this certification option greatly influences the increase in the number of halal-certified products. Data from the BPJPH Halal Information System shows that as of November 5, 2021, 31,529 business actors had applied for halal certification. The majority of these were micro-enterprises, reaching 19,209 or 60.92%. This was followed by small enterprises, numbering 5,099 or 16.17%. Thus, a total of 76% are micro and small enterprises (Wajdi, 2021).

Despite the rapid increase, many obstacles hinder the smooth process of certification. For instance, business actors in regional areas face difficulties in obtaining certification due to limited budgets, as revealed by the Cooperative, Small and Medium Enterprises, Industry, and Trade Office (Diskop UKM Perindag) (Salama, 2024). Additionally, there are delays in the issuance of

certification results, and many people, especially in rural and remote areas, are still unaware of the halal certification process and do not realize its urgency. However, halal certification is a business ethic that producers should implement as a guarantee for consumers. Besides providing assurance to consumers, the halal label offers economic benefits to producers, such as increasing consumer trust due to guaranteed halal status, having a Unique Selling Point (USP), the ability to penetrate the global halal market, enhancing product marketability, and being a cost-effective investment compared to the revenue growth that can be achieved (Akbar et al., 2023).

Based on the arguments and data mentioned above, this research aims to examine the legal impact of the halal certification requirement and to what extent this certification process can enhance social awareness and provide legal protection for consumers. Additionally, the study will explore the obstacles frequently encountered in the field.

2. METHODS

In presenting this paper, the author employs a normative research method with a sociological approach. This type of research is also known as doctrinal legal research, which is one of the four types of research identified by its proponent, Terry Hutchinson. Doctrinal legal research involves providing a systematic exposition of the rules governing a particular legal category, analyzing the relationships between these rules, explaining areas of difficulty, and potentially predicting future developments (Oshlyansky et al., 2008). The data sources for this paper are obtained from various primary legal materials, relevant literature, interviews, and other related information. Data collection through interviews is conducted directly with respondents (person by person), with the selection criteria focusing on small and medium-sized enterprises (SMEs) and micro-enterprises. This group is chosen based on their vulnerability to a lack of legal education, especially concerning the application of relevant legal rules in economic practice. Data analysis involves deeply exploring the experiences, views, and challenges faced by SMEs and micro-enterprises, thereby illustrating the relationship between legal aspects and their socio-economic conditions.

3. RESULTS AND DISCUSSION

3.1 Gustav Radbruch's Legal Principles

Throughout his career, Gustav Radbruch became renowned for a formula addressing the conflict between positive law and justice. This formula was discussed in the context of post-World War II German courts to consider Nazi laws and East German courts after German reunification. In his pre-war formula, Radbruch considered law as a meaningful reality serving legal values, namely justice. However, he believed that justice only governs the form of law, not its content. To achieve the content of law, Radbruch combined justice with the principle of expediency. He also added a third element, legal certainty. Radbruch argued that justice and legal certainty are absolute values, while expediency is a relative value (Spaak, 2009). He believed that in the conflict between certainty and justice, judges should prioritize legal certainty. However, in other research, he stated that a good legal system is not one that is entirely just or entirely certain, but one that continuously strives to achieve a balance between these values according to the prevailing social, political, and cultural conditions (Chroust, 1994).

In his post-World War II conflict formula, Gustav Radbruch stated that "the conflict between justice and legal certainty can be resolved by prioritizing legal certainty/positive law, which is guaranteed by legislation and authority, must be prioritized even when its content is unjust and fails to provide benefits to the people, unless the conflict between the law and justice reaches an intolerable level so that the law, as 'defective law,' must yield to justice" (Brian, 2006). This means that in pursuing the three goals of law—utility, certainty, and justice—the principle of priority must be applied. The key point of Radbruch's idea of the purpose of law is based on the assumption that law is made by humans, so its meaning can only be rationalized by reason. Legal values, as ideas of law, form the basis of the law's purpose, such as the values of justice, utility, and legal certainty (Alexy, 2021). Justice is considered a fundamental value in law, and it is pursued substantively by providing equal treatment and equality (equality). According to John Rawls' paradigm of justice, justice is also called Fairness. He stated that there is a role for fair equality of individuals in the determined law (John Rawls, 1971).

Although justice is viewed as a fundamental value underlying the law, determining perceptions based on absolute justice cannot be done entirely. Therefore, the idea of utility value becomes the second value pursued in realizing the law. The value of utility, or suitability, is formulated by looking at the perspective of individuals in society (Borowski, 2021). In line with this, Jeremy Bentham mentioned that the principle of utility in lawmaking tends to be abstract. Essentially, there are two paradigms underlying the value of utility: crime and goodness. Goodness leads to pleasure or factors causing pleasure based on individual interests (Jeremy Bentham, 1979). In applying these two values, it cannot be left entirely to chance, so there needs to be a sequence and reinforcement. An important aspect that then becomes the next value is the value of legal certainty. Legal certainty requires that the law be written or positivist (positive law). Therefore, law in written form is a prerequisite for individual rights to be established and enforced (Sverdlik, 2022).

When linked to the function of law as protection of human interests, law has goals and targets to achieve. The basic purpose of law is to create an orderly and balanced social order in community life. Achieving order in society is expected to protect human interests. To achieve its goals, law is tasked with distributing rights and obligations among individuals in society, distributing authority, and regulating how to solve legal problems and maintain legal certainty (Mertokusumo, 2010). In the doctrinal view of legal experts on the concept of legal certainty, it is a concept that requires that the objective law applicable to everyone must be clear and obeyed. Here, Indroharto emphasizes that legal certainty also concerns the certainty of legal norms (Atmadja, 2018). In line with Indroharto, Gustav Radbruch stated that there is certainty because of the law, and certainty or from the law. Certainty because of the law is law that successfully guarantees many certainties in social relations. Whereas certainty in or from the law means there are no conflicting provisions (legislation based on a logical and certain system), and in the law, there are no legal terms that can be interpreted differently (Rahmawati & Supratiningsih, 2020).

Soedjono Dirdjosisworo opined that in human interaction, human interests can always conflict with each other, so the purpose of law is to protect those interests (Haikal & Mahmudah, n.d.). Meanwhile, Muchsin once revealed that actually, law is not the goal but merely a tool, and it is humans who have goals, so the purpose of law is humans with law as a tool to achieve that goal. Rudolf Von Jhering said that the purpose of law is to maintain a balance between various interests. Aristotle said that the purpose of law is to provide the greatest happiness for the largest

number of community members, as echoed by Roscoe Pound, who asserted that law is a tool of social engineering, meaning the purpose of law is to build society (Muchsin, 2006).

The three concepts of *rechtsidee*/legal ideas, consisting of three main values—justice, legal certainty, and utility—are often positioned in a complementary and sometimes contradictory relationship. In the context of this research, these concepts are used to understand how regulations must balance these three values, especially considering social awareness and consumer rights protection.

Regarding the concept of justice in Radbruch's perspective, justice is the primary value that law must strive for. In the context of halal certification, justice can be measured by how this policy accommodates the rights of Muslim consumers to obtain products that align with their beliefs. The obligation of halal certification provides assurance that products circulating in the market meet the standards required by Muslim consumers. If neglected, the rights of Muslim consumers to obtain products they consider halal will be violated, indicating injustice.

The value of legal certainty in Radbruch's theory refers to the need for clear and explicit rules to be followed by society. Halal certification policy, when properly implemented, provides legal certainty for both consumers and producers. However, issues often arise when the implementation of this certification is inconsistent or there is ambiguity regarding the regulations that govern sanctions and oversight mechanisms.

The value of utility or expediency according to Radbruch pertains to how far legal rules provide benefits to society. In the context of halal certification, this value is linked to social awareness regarding the importance of halal product assurance. Here, the benefit of halal certification policy is not only felt by Muslim consumers but also enhances public trust in products in the market overall.

3.2 Consumer Protection

One of the most important aspects of law that cannot be overlooked is business law, which regulates business interactions among various actors. More specifically, within business law, there is another branch that guarantees consumer protection. Protecting consumers is crucial for building a stable economic system, fostering social trust between business actors, consumers, and the general public, and serving as a form of product liability (Product Liability) for business actors towards the broader society (Sukriah & Nasution, 2023).

To date, Indonesian regulations require that every product produced and marketed in Indonesia must be accountable for its substance by meeting applicable legal standards, including safety, nutritional content, and halal standards as stipulated by Law No. 33 of 2014 on Halal Product Assurance. These regulations are established to ensure the suitability of every product for consumption by the public.

Internationally, consumer protection law is one of the key topics discussed by the United Nations (UN) in the 160th UN General Assembly on April 9, 1985. The focus of this discussion is encapsulated in UN Resolution 39/248, which substantively explains the protection needed by consumers and their other needs from threats to health and safety, as well as providing effective compensation methods (UN. General Assembly, 1985).

The UN's stance has also encouraged various countries to protect and accommodate the rights of consumers, both in developed and developing countries. In Indonesia, consumer protection law is guaranteed through Law No. 8 of 1999 on Consumer Protection, which was born

out of a conscious response to the need for protection of the rights that society holds against business actors. Consumer protection law provides legal certainty for business actors, reflecting the philosophy of national development, which includes legal development to protect and build a complete human life (Barakatullah, 2020).

Authentically, Law No. 8 of 1999 on Consumer Protection (hereinafter referred to as UUPK) explains that a consumer is any person who uses goods or services circulating in society, whether for personal use or the needs of others. Reflecting on the history of this law, its main function is to provide protection and ensure the fulfillment of consumer rights as users of goods produced by business actors, whose rights are often weaker and neglected (Mayer, 2015).

The rights to be protected through this law include various possible disputes that will occur in the field and all forms of arbitrary attitudes that only benefit business actors and neglect consumer interests (Gisela et al., 2024). Principally, UUPK is derived from the main source of law in Indonesia, the 1945 Constitution. Related to its role in providing consumer protection, UUPK as the main regulation serves as a pillar of justice for consumers, embodying legal principles established in Article 2. These principles function as the heart of the law and the rationale for all legal actions and regulations related to it (Hulman Panjaitan, 2021).

According to Van Eikma Hommes, as quoted by Sudikno Mertokusumo, the legal principles established in a regulation must be understood as abstract legal guidelines and should not be considered as concrete legal norms (Mertokusumo, 2010). Related to the legal principles applied in UUPK, Article 2 explicitly states that consumer protection is based on the principles of benefit, justice, balance, consumer safety and security, and legal certainty.

Article 2 of UUPK states that consumer protection is a collective effort carried out through the implementation of five relevant principles in the context of national development. A brief explanation of these five principles is as follows:

1. *Principle of Benefit*

Every form of consumer protection must meet the principle of benefit, meaning that all forms of regulation must be based on the principle of maximum benefit for consumers and business actors. With the enactment of UUPK, consumer rights are legally guaranteed, and there is a clear mechanism for consumers to fight for their rights in case of disputes or various issues in the field (Kusuma et al., 2023).

2. *Principle of Justice*

The second principle aims to realize full and maximal public participation by giving space for consumers and business actors to exercise all their rights and obligations as they should. Through UUPK, it is hoped that consumers and business actors can obtain justice and strengthen their positions and rights in transactions. Quoting Aristotle's classical theory of distributive justice, which states that everyone is entitled to what they rightfully own (Nielsen et al., 2021).

According to Mahir Amin, justice means the harmony between the use of rights and obligations, in line with the principle of the legal balance, the scale of rights and obligations itself (Amin, 2015). In this context, UUPK not only provides protection and explanation of rights to consumers but also gives certainty regarding the obligations of consumers, not to hinder the development of business actors, but to improve the relationship between the two based on the foundation of justice.

3. *Principle of Balance*

The principle of balance aims to establish a balanced relationship between consumers, business actors, and the government in both material and spiritual terms (Dani et al., 2017). The application of the principle of balance in consumer protection law is implemented by determining the rights and obligations of each consumer and business actor, where what is a right for one party becomes an obligation for the other. In UUPK, the principle of balance is particularly intended to address contractual processes, often referred to as standard clauses, which generally place business actors in a position of having broader rights and freedoms compared to consumers.

The principle of balance is one of the principles in contract law, as in transactions between business actors and consumers with contractual ties that ethically and legally should place the positions of creditor and debtor in the same and equal place. This is in line with what Van Dael stated in his book titled "Groot Woordenboek der Nederlandse," as quoted by Herlin Budiono, emphasizing that the phrase balance refers to an attitude that illustrates a balanced distribution of burdens between the two parties involved in the transaction (Herlien, 2016).

4. *Principle of Consumer Safety and Security*

This principle aims to provide guarantees of safety and security for consumers when using, utilizing, and consuming goods or services circulating in the market. The implementation of consumer protection law is expected to be an instrument that pays great attention to the safety and security of goods or services in the market. One effort to optimize the creation of safety and security for consumers is by making good regulations, standardization, and optimizing other supervisory institutions (Hasan, 2015).

The right to safety is one of the internationally recognized consumer rights, which includes the right to safety when consuming, utilizing, or using goods (the right to safety), the right to clear information (the right to be informed), the right to choose (the right to choose), and the right to be heard (the right to be heard) (Sidharta, 2006).

5. *Principle of Legal Certainty*

This principle aims to ensure legal certainty in accordance with all the rights and obligations mentioned in the legal rules. UUPK is expected to be a milestone in consumer protection in Indonesia. Law and legal certainty are two things that cannot be separated because the function of law itself is formed to create that certainty.

In detail, there are several rights and obligations already stipulated in UUPK, some of which discuss consumer rights and business actor rights, others discuss consumer and business actor obligations, and some others discuss procedures, mechanisms, and dispute resolution services for both. The consumer rights stipulated in UUPK include those in Article 4, which include the right to comfort, safety, and security in consuming goods and services; the right to correct, clear, and understandable information about the condition and guarantee of goods and/or services; the right to advocacy, protection, and proper resolution of consumer protection disputes; and the right to be treated or served correctly, honestly, and without discrimination (Angriyani & Gultom, 2021).

On the other hand, the rights of business actors include the right to receive payment according to the agreement, the right to legal protection from consumers' bad faith actions, and the right to defend themselves appropriately in consumer dispute resolution.

3.3 Influence of Law on Public Attitudes

On the other hand, the rights of business actors include the right to receive payment according to the agreement, the right to legal protection from consumers' bad faith actions, and the right to defend themselves appropriately in consumer dispute resolution.

Law is a tool of social engineering used to change the patterns and behaviors of society to conform to the regulations desired by the law (Tanjung, 1999). Law itself is part of the working apparatus of the social system. This function is to integrate the interests of community members, thus creating an orderly situation—achieving justice between the values of legal interests (Hulman, 2021). As explained earlier, the purpose of law is utility, certainty, and justice, where Gustav Radbruch's theory of the purpose of law is a manifestation of the positivist legal school, which emphasizes the clarity and certainty of law that must always be obeyed even if it is considered less just.

If we look at the development of law in history concerning the existence and role of legal awareness in society within positive law, there is a process of ups and downs over a very long period. The law of primitive society is clearly a very influential law, even totally embodying the law of its society. Various opinions have emerged regarding the concept of legal awareness itself. Soerjono Soekanto argues that legal awareness is the values that exist in a person's mind about the law that exists or the law that is expected to exist, as well as the harmony between the order and tranquility that is desired or appropriate. One way to build public legal awareness is how the law is disseminated or communicated to the community, so that community members understand, comprehend, and implement what is required by the legal rules of the community (Mamudji & Soerjono, 2013).

In the process of law enforcement, it is intended that the law or legislation in force can function as desired or obeyed in society. Legal compliance is determined, among other things, by legal awareness. Legal awareness is a factor of a person's self and has the following indicators (Soekanto, 1993):

1. Knowledge about regulations (law awareness). Knowledge about law is understood as an impression in a person's mind about a particular law.
2. Knowledge about the content of regulations (law acquaintance). Besides knowledge, it is also necessary to understand the meaning of the applicable law. This understanding is intended to provide an understanding of the purpose of the legislation beneficial to those whose lives are regulated by the said legislation.
3. Legal attitude (legal attitude). By understanding and knowing its content, it can be expected that the community will behave according to the values contained in these rules.
4. Legal behavior (legal behavior). Legal behavior is a manifestation of relatively high legal awareness. It is said so because legal compliance is a realization of a certain level of legal awareness, which may be due to fear of negative sanctions as a result of violating the law, a strong desire to maintain good relations with the environment and authorities, in line with the values held, and most of the interests are guaranteed and protected by law.

To clarify the legal attitudes mentioned above, the following is a table summarizing the results of interviews with 20 regional SMEs with education levels below high school regarding the factors influencing public awareness and knowledge of the importance of halal certification:

Table 1. Factors Influencing Awareness

No	Question	Percentage of 20 SMEs Respondents
1	Do you think it is important for us as Muslims to ensure the halal status of food, and why?	The majority of respondents stated that there is a significant correlation between religion and awareness of halal consumption. This is considered important because, in addition to maintaining health, consuming halal food is also seen as a form of obedience to the commands of Allah SWT. However, about 5% of respondents had the opposite opinion, which was generally due to their lack of knowledge about the importance of halal consumption.
2	How important do you think the government's role is in promoting and ensuring halal certification?	All respondents agreed that the government's role is very important in promoting and ensuring halal certification. This is supported by data showing that the Muslim population in Indonesia reaches 87.02%. In addition to increasing domestic consumer confidence, this effort also opens significant opportunities to enter the international market.
3	Do you think the culture of consuming halal food in Indonesia is sufficient, or is halal certification still necessary?	The responses showed varied opinions. However, based on the author's analysis, about 80% of respondents stated that the culture of consuming halal food in Indonesia is still not sufficiently developed. This is due to the tendency of Indonesians to follow culinary trends, including non-Indonesian foods. Even Indonesian traditional foods are not fully guaranteed to be halal. For example, some Sundanese restaurants are known to still use ingredients like <i>angciu</i> in their dishes.

Table 2. Factors Influencing Knowledge

No	Question	Percentage of 20 SMEs Respondents
1	How does the Muslim environment around you influence your knowledge about halal food?	About 80% of respondents, who are all Muslim, stated that the environment, including the role of Islamic boarding schools, has a significant influence on awareness of halal consumption. However, for some other respondents, this influence is still limited. This is due to the understanding of the concept of halal in society, which is still general. In fact, knowledge about halal is an obligation that needs to be studied in depth.
2	How do you think the government is currently in providing education and knowledge about halal food consumption?	The respondents' opinions showed significant diversity. However, the majority acknowledged that many still do not have adequate understanding of halal food consumption. This indicates that the government's efforts in providing education and knowledge about halal consumption have not been optimal, especially in reaching SMEs in rural areas, and tend to focus more on urban communities. Nevertheless, there are a number of influencers who are actively educating about halal, which can be a collaboration opportunity to expand this education more effectively.

Table 2 continued...

No	Question	Percentage of 20 SMEs Respondents
3	How do consumers ensure the halal status of products or food besides looking at the label?	The strong culture of greeting, smiling, and asking in Indonesian Muslim society makes it easier for people to ask sellers directly about the halal status of the products they sell. In addition, they also tend to check the composition of packaged products to ensure their halal status. As many as 90% of respondents admitted to doing both as part of their efforts to ensure the consumption of halal products.

Halal certification is a crucial aspect of the industry, especially for producers targeting Muslim consumers. With the increasing awareness of the importance of consuming halal products, many companies are now striving to obtain this certification. However, questions often arise about whether a product has halal certification and what its impact is.

If a product does not yet have halal certification, the reasons behind it can vary. One of the main obstacles to implementing the halal certification requirement is the lack of understanding or awareness among producers about its importance. According to data, since the halal certification requirement was enforced in 2014, only 1% of SMEs have applied for certification (Widigdo & Triyanto, 2024). This means that halal literacy and awareness are crucial factors in increasing the intention of SMEs to implement halal certification and positively influencing the intention to purchase halal food products (Septiani & Ridlwan, 2020). Thus, good halal literacy and strong religious attitudes are the two main factors for society to build social awareness about the importance of consuming halal food and the necessity of halal certification. In fact, 65.9% of the public's halal awareness is supported by good literacy and support (Syifa & Suryaningsi, 2024). Additionally, there is a possibility that the certification process is considered complicated and requires a significant amount of money. Some producers may feel that their market segment does not require halal certification, or they only target consumer segments that are not too concerned about halal aspects.

Conversely, if a product has already obtained halal certification, it is generally because the producer wants to expand their market to a broader segment of Muslim consumers. Halal certification provides consumers with assurance that the product is produced according to Sharia standards and regulations. As a result, consumer trust increases, which can lead to higher sales and brand loyalty.

The following table summarizes the results of interviews with 20 regional SMEs with education levels below high school regarding their views and experiences related to halal certification:

Table 3. Summarizes the results of interviews with 20 regional SMEs

No	Questions	Percentage of 20 SMEs Respondents
1	Does the product have halal certification? If not, what are the reasons behind it? If yes, what are the reasons for this decision? How was the response before and after the halal certification, and is there a significant difference?	As many as 80% of all business actors do not have and do not show concern for halal certification. One of them stated that halal certification is considered unnecessary because even though their products are not certified, many consumers still buy them. This indicates that only a small portion of them have certified products and understand the applicable regulations.
2	As a producer who also acts as a consumer, and has been given the right by the government as a market supervisor, what action will you take if you find a similar business actor who does not have halal certification like you have obtained?	As many as 90% of business actors do not pay attention to this. They believe that there is no need to interfere with other people's affairs, and reporting it to the authorities is considered unimportant. As producers, although they also act as consumers, SME actors state that their main focus is to develop products to attract more buyers.
3	What are the challenges and benefits obtained after the regulation on halal certification was established?	Only about 20%-30% of business actors realize the benefits of halal certification. The majority consider it unimportant, especially because the process is considered complicated and time-consuming based on existing experience.
4	How important is halal certification on a scale of 1 to 10?	As many as 70% of business actors believe that halal certification is not very important. Meanwhile, 30% consider halal certification very important for the sustainability of their sales, especially amidst a high number of Muslim consumers.

If understood specifically, the overall social awareness of the community towards halal certification is simply part of an effort to create an economic ecosystem in line with Sharia principles. In the context of Sharia economic law and the fatwas of the DSN-MUI (National Sharia Council of the Indonesian Ulema Council), the perspective on community social awareness regarding halal certification encompasses several important aspects aimed at safeguarding public interests. From the perspective of product halalness, it is a producer's obligation to ensure that the products produced and consumed by the community comply with Islamic teachings—including materials, production processes, and distribution that do not contradict Sharia. Economic ethics in this context teach that producers must act fairly in production and distribution, including ensuring that the public receives accurate information about the products they consume, including their halal status. Additionally, general welfare (*maṣlahah*) emphasizes the importance of protecting public interests broadly. Halal products are not only considered a religious obligation but also relate to consumer health and safety, which in turn contributes to overall social welfare.

On the other hand, some stakeholders, including consumers, government, and religious leaders, argue that while halal certification is considered very important, its implementation must be fair. It should particularly apply to products that potentially contain non-halal elements, such as meat products and complex ingredient compositions.

The mandatory certification regulation for MSME (Micro, Small, and Medium Enterprises) business actors is based on the issuance of the Minister of Religion Regulation (PMA) Number 20 of 2021 concerning Halal Certification for MSME Business Actors (hereinafter referred to as MSMEs). Given the increasing number of MSMEs in Indonesia year by year, halal certification

must be implemented and even strengthened as it impacts national economic growth (Situmorang & Putri, 2022). In line with this, Islam also provides guidance that every human should pay attention to what they eat (*fal-yanzur al-insān ilā ta'āmih*: QS. 'Abasa [80]: 24) (Zuhaili et al., 2008), both in terms of how it is obtained and the halal nature of the substances contained in the food (halal Tayyib).

With the issuance of Law Number 7 of 1996 concerning products (<http://ews.kemendag.go.id>), Law Number 8 of 1999 concerning Consumer Protection (<http://ews.kemendag.go.id>), and Government Regulation Number 69 of 1999 (<http://www.esdm.go.id/prokum/uu/1999>), it reinforces the indication that the responsibility for the halalness of food, beverage, medicine, cosmetic, and other products is not only the responsibility of individuals and religious leaders but also the government. It is necessary and urgent that the food consumed by Muslims, as significant consumers of a product, must receive certainty regarding its halal status. According to Sharia, consuming halal products for Muslims is an obligation (Silvia et al., 2022), and for the quality of life and living, it is a right of citizens guaranteed by the 1945 Constitution, especially the Consumer Protection Law Number 8 of 1999 (Ayu & Anggie, 2023).

However, these regulations have not yet reached all layers of society. Education and socialization regarding halal product assurance seem incomplete, especially for MSMEs. The limited use of information technology and the availability of production facilities for MSME actors are considered minimal obstacles in the certification process. Additionally, in some small regions, there are several issues in the halal certification process from an economic aspect (Puspita Ningrum, 2022). Article 3 mentions the criteria for business capital and annual sales that have been established in the legislation. Contrary to the mentioned provisions, the income or revenue in small areas is uncertain, leading to a lack of enthusiasm among the public to handle halal certification matters. Furthermore, there is a prevalent reason in society that halal consumption is not new but a hereditary legacy that does not require specific and detailed explanations, thus they do not apply for certification.

The low awareness of the community regarding the importance of halal certification has negative impacts on business actors, consumers, and the government. It indicates minimal social responsibility within each business actor. Indirectly, they neglect the needs, values, and interests of consumers and the obligation to comply with the legal regulations set by the government. Although factually, the public's enthusiasm in understanding product halalness is very high, the understanding they possess is actually quite good, but sometimes the socialization and information received are inadequate, so they do not fully understand the halal regulations and certifications as desired by the government (Sabrina et al., 2023). Another issue arising from this low awareness is the limited opportunity for innovation for each product produced, partly due to regulatory barriers and possibly limited market access.

CONCLUSION

Through the various discussions above, several conclusions can be observed. Firstly, the obligation of halal certification is one of the paths taken by the government to provide assurance and legal certainty to Muslim consumers, as stipulated in Article 4 of the Consumer Protection Law (UUPK). Secondly, efforts to expand halal certification in Indonesia still face implementation challenges such as slow certification results, inadequate education for the lower-middle class, and low public awareness about the importance of halal certification for the products they market. These obstacles indirectly become the main barriers to the acceleration of comprehensive halal certification in Indonesia. Therefore, cooperation among related institutions is required, including halal certification organizers, the government, the public, and consumer rights oversight and guarantee institutions, to continuously promote and educate about halal certification and increase compliance evenly, especially among lower-middle-class business actors.

REFERENCE

- Akbar, J., Gul, M., Jahangir, M., Adnan, M., Saud, S., Hassan, S., Nawaz, T., & Fahad, S. (2023). Global Trends in Halal Food Standards: A Review. *Foods*, 12(23), 1–15. <https://doi.org/10.3390/foods12234200>
- Alexy, R. (2021). Gustav Radbruch's Concept of Law. *Law's Ideal Dimension*, 26(1946), 107–118. <https://doi.org/10.1093/oso/9780198796831.003.0008>
- Amin, M. (2015). Konsep Keadilan dalam Perspektif Filsafat Hukum Islam. *Al-Daulah: Jurnal Hukum Dan Perundangan Islam*, 4(02), 322–343. <https://doi.org/10.15642/ad.2014.4.02.322-343>
- Angriyani, A. M., & Gultom, E. (2021). Peran Negara Dalam Memberikan Perlindungan Pada Konsumen Atas Penggunaan Produk Pangan Tidak Berlabel Halal Berdasarkan Undang-Undang Nomor 33 Tahun 2014 Tentang Jaminan Produk Halal. *Jurnal Hukum Malahayati*, 2(1), 15–26. <https://doi.org/10.33024/jhm.v2i1.4112>
- Atmadja, D. G. (2018). Asas-asas Hukum dalam Sistem Hukum. *Kertha Wicaksana*, 12(2), 145–155. <https://www.ejournal.warmadewa.ac.id/index.php/kertawicaksana/article/view/721>
- Ayu, I., & Anggie, P. (2023). Protection of Consumer Rights in Review from Law Number 8 Of 1999 In E-Commerce Transactions. 01(01), 24–31.
- Barakatullah, A. H. (2020). *Hak-Hak Konsumen* (2nd ed.). Nusa Media.
- Borowski, M. (2021). *Gustav Radbruch's Critique of Legal Positivism*. Cambridge University Press. <https://doi.org/10.1017/9781108636377.027>
- Brian, R. A. H. B. (2006). Radbruch's Formula and the Nature of Legal Theory. *Rechtstheorie*, 7(36).
- Chroust, A. H. (1994). The Philosophy of Law of Gustav Radbruch. *The Philosophical Review*. *Duke University Press on Behalf of Philosophical Review*, 53(1).
- Dani, B. E., Gunarto, & HR, M. (2017). FACTORS AFFECTING DEVIATIONS IN LEASING PRACTICES TOWARDS THE PRINCIPLES OF AGREEMENT LAW. *International Journal of Business, Economics and Law*, 14(5), 161–168. <https://doi.org/2289-1552>
- Gisela, B., Udjan, L., & Hermawan, A. (2024). *The Effective Role of BPSK in Resolving*

Consumer Disputes in Accordance with UUPK: Legal and Theoretical Perspectives
Keywords Abstrak Pendahuluan. 4(1).

Haikal, M. N., & Mahmudah, S. (n.d.). *IMPLEMENTATION, ADVANTAGES AND BARRIERS AND LEGAL.* 1179–1195.

Hasan, D. (2015). VALUE BALANCE IN CONSUMER PROTECTION. *Journal of Humanity*, 3(2), 59–68. <https://doi.org/10.14724/jh.v3i2.37>

Herlien, B. (2016). *Asas Keseimbangan Bagi Hukum Perjanjian Indonesia.* Citra Adtya Bakti.

Hulman, P. (2021). Hukum Perlindungan Konsumen:Reposisi Dan Penguatan Kelembagaan Badan Penyelesaian Sengketa Konsumen Dalam Memberikan Perlindungan Dan Menjamin Keseimbangan Dengan Pelaku Usaha. In *Jala Permata Aksara.*

Kusuma, N. R., Rokhlinasari, S., & Elkoshly, S. (2023). *The Effect of Price, Product Quality, and Service Quality on Consumer Satisfaction from an Islamic Perspective during the Covid-19 Pandemic.* 13(1), 15–23. <https://doi.org/10.15408/jii.v13i1>.

Mamudji, S., & Soerjono. (2013). *Penelitian Hukum Normatif.* Raja Grafindo.

Mayer, R. N. (2015). United Nations Guidelines for Consumer Protection. *Watchdogs and Whistleblowers: A Reference Guide to Consumer Activism*, 489–492.

Mertokusumo, S. (2010). *Mengenal Hukum: Suatu Pengantar* (Edisi Revi). Cahaya Atma Pustaka.

Muchsin. (2006). *Ikhtisar Ilmu Hukum.* Badan Penerbit Iblam. <https://lib.ui.ac.id/detail.jsp?id=20426755&lokasi=lokal>

Nielsen, J., Eckstein, L., Nicol, D., & Stewart, C. (2021). Integrating Public Participation, Transparency and Accountability Into Governance of Marketing Authorisation for Genome Editing Products. *Frontiers in Political Science*, 3. <https://doi.org/10.3389/fpos.2021.747838>

Oshlyansky, L., Cairns, P., Sasse, A., & Harrison, C. (2008). The Challenges Faced by Academia Preparing Students for Industry: What We Teach and What We Do. *Proceedings of the 22nd British HCI Group Annual Conference on People and Computers: Culture, Creativity, Interaction, BCS HCI 2008*, 2(1988), 203–204. <https://doi.org/10.14236/ewic/hci2008.77>

Praktikto, H., Taufiq, A., Voak, A., Deuraseh, N., Nur, H., Dahlan, W., Idris, & Purnomo, A. (2020). Halal Development: Trends, Opportunities and Challenges. *Proceedings of the 1st International Conference on Halal Development (ICHaD).* <https://library.oapen.org/handle/20.500.12657/49728>

Puspita Ningrum, R. T. (2022). Problematika Kewajiban Sertifikasi Halal bagi Pelaku Usaha Mikro dan Kecil (UMK) di Kabupaten Madiun. *Istithmar: Jurnal Studi Ekonomi Syariah*, 6(1), 43–58. <https://doi.org/10.30762/istithmar.v6i1.30>

Rahmawati, T., & Supratiningsih, U. (2020). Pengantar Ilmu Hukum dan Pengantar Hukum Indonesia. *Duta Media*, 27.

Sabrina, T., Lubis, S. N., Harahap, H., Yusni, E., & ... (2023). Halal Literacy on Islamic Branding and Advertising in The Interest of Halal Product Consumption in High School Student Society. ... *Journal of Halal ...*, 5(2), 72–77. <http://www.ijhalal.org/index.php/hr/article/view/70%0Ahttp://www.ijhalal.org/index.php/hr/article/download/70/50>

Salama. (2024). *Guide to Indonesia's Halal Certification Requirement: Q & A.* Halal & Ethical Business News Updates & Analysis. <https://halalfocus.net/guide-to-indonesias-halal->

- certification-requirement-q-a/
- Septiani, D., & Ridlwan, A. A. (2020). The Effects of Halal Certification and Halal Awareness on Purchase Intention of Halal Food Products. *Indonesian Journal of Halal Research*, 2(2).
- Sidharta, H. P. K. I. (2006). *Hukum Perlindungan Konsumen Indonesia Edisi Revisi*. Grasindo.
- Silvia, M., Bisri, H., & Yunus, A. (2022). ... Halal Product Guarantee With Regulation of the Minister of Religion No. 26 of the Year 2019 Concerning Implementation of Halal ... *Jurnal Kelola: Jurnal Ilmu ...*, 5(33), 110–115. <http://www.ejournal.goacademica.com/index.php/jk/article/view/555%0Ahttps://www.ejournal.goacademica.com/index.php/jk/article/download/555/519>
- Situmorang, M., & Putri, A. (2022). *General Overview On Government Regulation No. 39 Of 2021: Procedures And Requirements Of Halal Certification In Indonesia*. Mondaq. <https://www.mondaq.com/consumer-law/1187134/general-overview-on-government-regulation-no-39-of-2021-procedures-and-requirements-of-halal-certification-in-indonesia>
- Soekanto, S. (1993). *Pengantar Hukum Adat Indonesia*. Rajawali Press.
- Spaak, T. (2009). Meta-Ethics and Legal Theory: The Case of Gustav Radbruch. *Journal Law and Philosophy*.
- Sukriah, L., & Nasution, A. (2023). Legal Foundations of Zakat Management in Indonesia: Balancing Islamic Law with Local Regulations. *Indonesian Journal of Islamic Law and Society*, 15(3). <https://doi.org/10.1016/j.ijils.2023.01.010>
- Sverdlik, S. (2022). Bentham and Criminal Law. *R. Y. Chappell, D. Meissner, and W. MacAskill (Eds.), An Introduction to Utilitarianism*. <https://www.utilitarianism.net/guest-essays/bentham-and-criminal-law#ipml>
- Syifa, S. R., & Suryaningsi, S. A. (2024). The influence of halal literacy an Religiosity on the interes in consuming halal food in surabaya City. *Asean Journal of Halal Study*, 1(1).
- Tanjung, A. (1999). *Law of The Republic of Indonesia Number 8 Year 1999: Consumer Protection Upon The Mercy of God The Almighty* (Issue 41).
- UN. General Assembly. (1985). *Consumer Protection : Resolution / Adopted by The General Assembly* (39th ed.).
- Wajdi, F. (2021). The Implications of Application of Law Number 11 of 2020 Concerning Creation of Work on the Implementation of Halal Product Assurance. *Indonesian Journal of Education, Social Sciences and Research (IJESSR)*, 3(2), 56–70.
- Widigdo, A. M. N., & Triyanto, A. (2024). Knowledge and Compliance: The Increasing Intention of MSME's Halal Certification in Indonesia. *International Journal of Business and Society*, 25(1).
- Zuhaili, W., Solihin, Masykur, A. R., Anis, A., Syaikhu, A., Masykur, I. G., & Wijaya, M. T. (2008). *Buku pintar Al-Quran : seven in one*. Almahira. https://inlis.malangkota.go.id/opac/detail-opac?id=73954%0Ahttps://inlis.malangkota.go.id/uploaded_files/sampul_koleksi/original/Monograf/73954.jpg