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State Religion Relations in Halal Product Assurance Legislation in Indonesia

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Abstract:
The growth of the global halal industry has prompted Indonesia to reform its halal product assurance system, particularly the governance of halal certification. Before the enactment of Law No. 33 of 2014 on Halal Product Assurance, halal certification conducted by the Assessment Institute for Foods, Drugs, and Cosmetics of the Indonesian Ulema Council (LPPOM MUI) was based on religious rulings that did not have binding force as public law. The law marked a significant step in incorporating MUI fatwas into the national legal system, shifting halal certification from a voluntary to a mandatory scheme. This change raised questions about the relationship between religion and the state, particularly concerning the incorporation of religious norms into positive law and the distribution of authority between MUI and the Halal Product Assurance Agency (BPJPH). This study examines the formalization of MUI fatwas in halal product assurance legislation and its legal implications for the distribution of authority between MUI and BPJPH. It employs normative legal research using statutory, historical, and conceptual approaches. Legal materials were collected through library research and analyzed qualitatively using content analysis to examine relevant legal norms, regulations, and fatwas. The findings indicate that formalizing MUI fatwas does not transfer MUI's substantive authority to determine product halal status. Instead, it restructures the relationship between religious and state authorities through a symbiotic division of responsibilities. MUI retains its role in determining halal status through fatwas, while BPJPH administers halal certification. This institutional arrangement strengthens legal certainty, consumer protection, and the development of Indonesia's halal industry. However, legal certainty in practice depends on clear coordination among MUI, BPJPH, Halal Inspection Agency (LPH), and other relevant government institutions. Accordingly, this study recommends establishing integrated standard operating procedures, clarifying the supervisory mechanisms of Halal Product Assurance Supervisors, and strengthening the provisions governing sanctions.

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Introduction

The growing global Muslim population has increased demand for halal products and reflects greater awareness of Sharia principles in everyday life. Halal is no longer merely an economic preference but a normative religious obligation with legal implications for production, distribution, and consumption. As the country with the world's largest Muslim population, Indonesia has significant potential to contribute to the global halal industry through the role of micro, small, and medium enterprises (MSMEs) in driving the national economy and through the growth of halal product exports (Wahyudi et al., 2023).

According to the Ministry of Cooperatives and SMEs, Indonesia had approximately 64.2 million MSMEs, contributing 61.07 percent of gross domestic product (GDP), equivalent to IDR 8,573.89 trillion in 2021-2022. These enterprises accounted for 99.9 percent of all businesses nationwide (Saputro & Haryanto, 2023). Between January and October 2023, Indonesia's halal product exports reached USD 42.33 billion, generating a trade surplus of USD 31.23 billion (Kusumah et al., 2025; Nanda Alfreda Putri et al., 2025). These figures highlight the importance of the halal industry to the national economy. However, halal certification still faces several challenges, including policy changes, the division of authority among institutions, and business operators readiness to meet certification requirements. These conditions demonstrate the need to align legal obligations with institutional readiness and business capacity.

Before the enactment of Law No. 33 of 2014 on Halal Product Assurance (UU JPH), halal certification was administered by the Assessment Institute for Foods, Drugs, and Cosmetics of the Indonesian Ulema Council (LPPOM MUI), which was responsible for examining products and supporting halal determinations under MUI's religious authority (Hardiati et al., 2024). At that time, MUI fatwas held religious authority but did not automatically have generally binding force as positive law. This situation revealed limitations in the legal framework for ensuring legal certainty and protection for consumers and business operators in the nationwide administration of halal certification.

The enactment of UU JPH marked a significant step in incorporating religious norms into positive law through the formalization of MUI fatwas. The law also shifted halal certification from a voluntary to a mandatory scheme through a system involving the Halal Product Assurance Agency (BPJPH) (Priantina & Mohd Sapian, 2023). This change raised questions about the relationship between religion and the state in national lawmaking. MUI fatwas derive their legitimacy from religious authority and Islamic legal methodology, whereas BPJPH exercises a public mandate that requires

legal certainty, clearly defined authority, and institutional accountability. These differences raise questions about the legal status of MUI fatwas within the JPH framework and the boundaries of authority between MUI as a religious authority and BPJPH as the administering agency. Implementation also depends on coordination among BPJPH, MUI, and Halal Inspection Agency (LPH), as well as business operators readiness to comply with halal certification requirements (Wahyudi et al., 2023).

Previous studies have examined religion-state relations, the incorporation of Sharia values into positive law, and the development of halal product assurance regulations in Indonesia from different perspectives. (Sadzali, 2020) explored religion-state relations in the formation and amendment of the Indonesian Constitution, providing a conceptual basis for understanding the position of religion in the national legal system, although the study did not specifically address halal product assurance legislation. Using a normative legal approach and conceptual-reflective analysis, (Attas & Akmal, 2025) examined the integration of Islamic law and the state in halal certification and its implications for contemporary fiqh epistemology. (Bariroh, 2022) analyzed the incorporation of Sharia values into JPH regulations through a literature review and descriptive qualitative analysis. More directly related to the present study, (Mawardi & Ichsan, 2023) examined the legal politics underlying halal certification regulations and the transfer of authority from MUI to BPJPH through doctrinal research and qualitative analysis. (Al-Mawarid & Rohmah, 2023) also employed normative legal research, using statutory and historical approaches, to explain the transfer of authority and institutional relations between MUI and BPJPH. Although these studies provide important insights, the relationship between the formalization of MUI fatwas and the resulting distribution of institutional authority warrants further examination.

The research gap does not lie in the absence of studies on the incorporation of fatwas into positive law or the transfer of certification authority. Rather, it concerns the need to connect these issues within a single normative-historical analysis, particularly to explain how religious authority and public legal mandates are positioned within the JPH framework. This study therefore examines the historical and legal process through which MUI fatwas were formalized under UU JPH and the implications of this process for the distribution of authority between MUI and BPJPH.

Using a legal-historical approach, this study traces changes in the status of MUI fatwas throughout the development and implementation of JPH law. These developments are analyzed through the symbiotic paradigm of religion-state relations as the primary framework, supported by legal politics theory and Gustav Radbruch's theory of legal certainty. This analytical framework explains how legal and political

configurations shaped the incorporation of religious norms into the national legal system and how this process affected the relationship between MUI and BPJPH, including legal certainty for business operators and Muslim consumers.

Beyond describing the historical development of halal certification regulations and institutions, this study analyzes the formalization of MUI fatwas as an expression of the interaction between religious authority and the state in the formation of positive law in Indonesia. It's theoretical contribution lies in advancing the study of religion-state relations and their implications for legal development, particularly in halal product assurance legislation. In practical terms, the study recommends clearer provisions governing the division of authority among institutions involved in JPH, more detailed supervisory mechanisms, and clearer sanctions for violations to strengthen legal certainty and regulatory accountability.

Methodology

This study employs normative legal research to examine the process and implications of formalizing the fatwas of the Indonesian Ulema Council (MUI) within the national legal system through the enactment of Law No. 33 of 2014 on Halal Product Assurance (UU JPH). It adopts three approaches. First, the statutory approach examines regulations governing the implementation of halal product assurance (Efendi & Rijadi, 2022). Second, the legal-historical approach traces the development of halal regulations and institutions in Indonesia, from the establishment of LPPOM MUI to the creation of BPJPH (Marzuki, 2005). Third, the conceptual approach analyzes theories of religion-state relations, legal politics, and legal certainty to explain the process and implications of halal product assurance legislation (Rosidi et al., 2026).

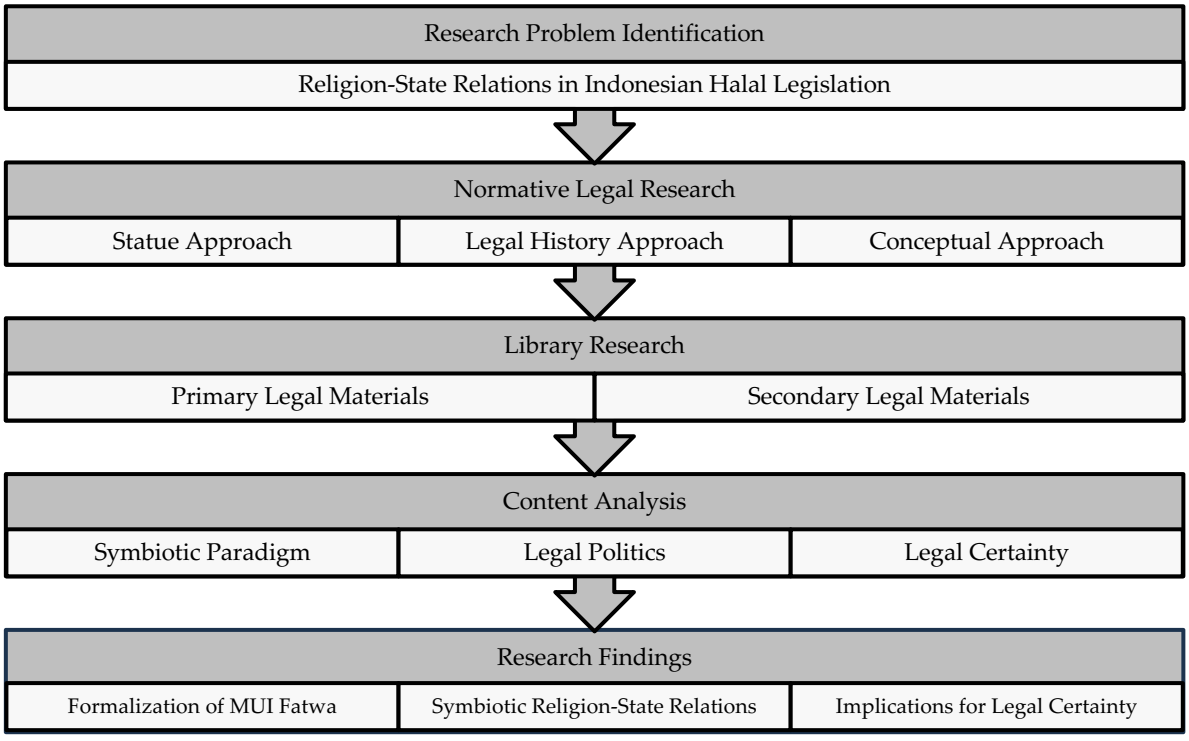
For the legal-historical analysis, the development of halal product assurance (JPH) is divided into three periods based on regulatory and institutional changes. The first covers the period before 2014, when halal certification relied primarily on MUI and LPPOM MUI. The second is the transition period from 2014 to 2019, beginning with the enactment of UU JPH and ending with the issuance of Government Regulation (PP) No. 31 of 2019. The third covers the implementation period from 2019 onward, marked by BPJPH's administration of JPH and subsequent regulatory developments through PP No. 39 of 2021 and PP No. 42 of 2024. This periodization is used to trace changes in the status of MUI fatwas, the distribution of authority among institutions, and the development of the JPH legal framework (Fitriani et al., 2024; Mawardi & Ichsan, 2023).

Legal materials were collected through library research, with sources selected according to their relevance to the research focus, reliability, substantive suitability,

and consistency with regulatory developments (M. N. Sari et al., 2025). Primary legal materials include Law No. 33 of 2014 on Halal Product Assurance; PP No. 31 of 2019, as amended by PP No. 39 of 2021 and PP No. 42 of 2024, concerning the implementation of halal product assurance; relevant MUI fatwas on halal determinations; and other applicable legislation. Secondary legal materials consist of books, scholarly articles, and research findings addressing religion-state relations, legal politics, legal certainty, and halal product assurance legislation in Indonesia.

The legal materials were analyzed qualitatively through normative legal analysis using content analysis to identify, classify, and interpret the substantive provisions of legislation, MUI fatwas, and relevant scholarly literature (Yusuf, 2014). The analysis proceeded in three stages. First, relevant legal provisions governing JPH were collected and identified. Second, the materials were classified according to regulatory periods, with particular attention to the status of MUI fatwas, the division of authority between MUI and BPJPH, and the mechanisms for administering halal certification. Third, the materials were analyzed using the symbiotic paradigm of religion-state relations as the primary analytical framework, supported by legal politics theory and Gustav Radbruch's theory of legal certainty. Through these stages, the study examines the formalization of MUI fatwas and its implications for the relationship between religious authority and the state, as well as legal certainty in the administration of JPH in Indonesia.

Figure 1. Research flowchart



Source: Data Proceseed

Results and Discussion

The Formalization of MUI Fatwas in Halal Product Assurance Legislation: Accommodating Religious Authority and Legal Politics

The administration of halal product assurance in Indonesia has evolved through policy changes, from labeling products containing non-halal ingredients to establishing a halal certification system involving both the state and religious authorities. In 1976, the government issued Minister of Health Regulation No. 280/Men.Kes/Per/XI/1976 on the Distribution and Labeling of Foods Containing Pork, which required such products to carry a "Contains Pork" label. This policy later shifted through the Joint Decree of the Minister of Health and the Minister of Religious Affairs No. 42/Men.Kes/SKB/VIII/1985 and No. 68 of 1985 concerning the Inclusion of Halal Labels on Food Products. This change reflected a shift in policy orientation from disclosing non-halal ingredients to providing information about a product's halal status (Priantina & Mohd Sapian, 2023). The issue gained further momentum in October 1988, when concerns over the presence of pork fat in food products caused public anxiety and reduced sales of several products. The incident demonstrated that halal status was closely connected to religious beliefs, consumer trust, and business continuity. In response, the Assessment Institute for Foods, Drugs, and Cosmetics of the Indonesian Ulema Council (LPPOM MUI) was established under MUI Decree No. Kep.18/MUI/I/1989, dated January 6, 1989. Its establishment provided an institutional basis for examining product halal status and strengthened MUI's role in halal certification (Fuad Nasar, 2025).

Nevertheless, the halal certification system developed through LPPOM MUI faced challenges concerning service coverage, certification costs, inter-institutional coordination, and the legal basis of its authority within the national legal system. As a non-state religious organization, MUI possesses religious authority to issue fatwas, but this authority differs from the administrative powers exercised by government institutions under legislation (Mulyono & Hidayat, 2022). This situation highlighted the need for a legal framework capable of integrating religious authority with state powers in the administration of halal product assurance. The issue was therefore not merely the establishment of a new institution, but also how religious determinations of halal status could be incorporated into a legal mechanism with binding public authority and greater legal certainty.

This need formed an important context for the enactment of Law No. 33 of 2014 on Halal Product Assurance (UU JPH). The law marked a shift from a system that had developed primarily through MUI's role toward a legally established framework with a formal distribution of institutional responsibilities. Through UU JPH, the state

assumed responsibility for administering halal product assurance, including through the establishment of the Halal Product Assurance Agency (BPJPH). At the same time, MUI retained its role in determining product halal status through a fatwa mechanism based on the results of halal inspection or testing conducted by Halal Inspection Agency (LPH). This fatwa forms part of the process underlying BPJPH's issuance of halal certificates in accordance with UU JPH.

These changes were closely connected to the legal and political dynamics surrounding the drafting of UU JPH. The legislative process brought together the interests of the government, the House of Representatives of the Republic of Indonesia (DPR RI), MUI, and bussiness operators in determining the institutional structure, distribution of authority, and mandatory nature of halal certification. The debate demonstrated that halal product assurance legislation was not merely a process of establishing consumer protection standards, it was also a forum for negotiating which institutions should have the authority to regulate, inspect, and determine product halal status (Mawardi & Ichsan, 2023).

Efforts to legislate halal product assurance began before the deliberations that led to UU JPH in 2014. After an earlier attempt failed during the 2004-2009 legislative period, the Halal Product Assurance Bill (RUU JPH) was pursued again and submitted for harmonization and revision in 2011 (Jahar & Thalhah, 2018; Widyawati, 2022). Its proponents emphasized the need to protect the public from products whose halal status had not been assured. Their arguments covered philosophical, sociological, and juridical considerations, including the protection of religious freedom guaranteed by the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) and the need for a more comprehensive legal framework for halal product assurance (Komisi VIII DPR RI, 2011).

Three major issues emerged during the deliberations: economic considerations, religious sensitivities, and the distribution of authority among institutions responsible for halal product assurance. One institutional proposal involved establishing the National Agency for Halal Product Administration and Supervision (BNP2H), a proposed non-ministerial government agency intended to serve as a single point of contact for halal certification services. Another key issue was whether halal certification should remain voluntary or become mandatory for products covered by the proposed legislation. These debates showed that the design of the halal product assurance system was closely linked to the limits of state authority, the continued role of MUI, and the regulatory implications for business operators (Jahar & Thalhah, 2018).

The institutional debate is reflected in the brief report of the Working Committee (Panja) meeting on the harmonization of RUU JPH held on June 23, 2011. During the meeting, the proponents proposed establishing BNP2H as a non-ministerial government agency serving as the single point of contact for halal certification. Under the proposed scheme, producers would submit applications to BNP2H, which would then forward them to MUI and LPH. The proposal sought to centralize administrative services within a dedicated institution while retaining MUI's role in determining halal status and LPH's role in product inspection (Komisi VIII DPR RI, 2011).

However, the proposal raised concerns about overlapping authority, organizational effectiveness, human resource requirements, regional institutional structures, and state expenditure. At a follow-up meeting on June 24, 2011, the proponents maintained the idea of a non-ministerial government agency based on the principle of "a lean structure with extensive functions," accompanied by a proposed operational model resembling a Public Service Agency (BLU). Discussions on September 21, 2011, indicated that the institutional design still required further consideration during the first-level deliberations. These discussions demonstrate that the institutional framework for halal product assurance emerged from negotiations over service effectiveness, the distribution of authority, and the efficient use of public funds (Komisi VIII DPR RI, 2011).

The proposal to establish BNP2H is historically relevant to the subsequent establishment of BPJPH, particularly in relation to the perceived need for a dedicated state institution responsible for halal product assurance. However, BNP2H, as a proposal during the drafting of the bill, should not be equated directly with BPJPH, which was established under UU JPH. Their connection lies in the continuing idea that halal product assurance requires a state institution with a legal basis and administrative authority. The specific institutional status, structure, and powers of BPJPH were ultimately determined through legislation and its implementing regulations.

In this context, the formalization of MUI fatwas is essential to understanding the legal politics of UU JPH. Formalization does not mean that MUI fatwas become statutes or that the state assumes all of MUI's religious authority. Rather, UU JPH incorporates fatwas into a legal mechanism that connects religious authority with the administrative powers of the government. MUI retains its role in determining product halal status, while BPJPH administers JPH under the applicable legislation. This arrangement reflects an institutional relationship between the state and religious authority rather than the exclusive strengthening of either party. The state obtains a legal basis for administering JPH, while MUI continues to contribute to halal

determinations. From the perspective of legal politics, this configuration represents an accommodation through legislation: religious concerns are translated into state policy without eliminating the role of an established religious institution.

Although UU JPH provides a formal basis for the distribution of authority, its implementation requires further regulation and inter-institutional coordination. Government Regulation (PP) No. 31 of 2019 and Minister of Religious Affairs Regulation No. 26 of 2019 formed part of the subsequent regulatory development. These regulations elaborated aspects of JPH implementation, while the division of responsibilities among BPJPH, MUI, and LPH underscored the importance of institutional coordination (Asro & Sofyan, 2022; Mulyono & Hidayat, 2022). Thus, the formalization of MUI fatwas through UU JPH represents the incorporation of religious authority into the state's legal framework through a formal distribution of responsibilities. The process involved debates over institutional design, administrative authority, and the consequences of regulation for society and business operators. Ultimately, UU JPH reflects a legal policy that seeks to reconcile the state's responsibility to provide legal certainty with the continued role of MUI as a religious authority in determining product halal status.

Religion-State Relations in Law Making in Indonesia

The status of MUI fatwas following the enactment of UU JPH is relevant to an analysis of religion-state relations because the regulation incorporates religious norms into a positive legal framework while involving state institutions in administrative implementation. Religion-state relations remain important for three reasons. First, historically, religious traditions have been an integral part of Indonesian social identity, from the pre-colonial period to the development of major religions in the archipelago. Second, philosophically and constitutionally, the first principle of Pancasila affirms belief in God as a foundation of state life. Third, socio-politically, religion–state relations have frequently experienced tensions arising from the politicization of identity, which can trigger polarization and threaten national unity (Sadzali, 2020). This study focuses on the implications of religion-state relations for national lawmaking, particularly the enactment of UU JPH. These relations can be understood through three main paradigms as follows:

1. The Integralistic Paradigm

Linguistically, integralistic refers to something integral, inseparable, and interconnected (Badan Pengembangan dan Pembinaan Bahasa, 2016). In this context, religion and the state are viewed as two integrated entities. The state is a political institution whose policies are based on divine sovereignty, meaning that

state regulations must be implemented in accordance with divine laws. This unity between religion and the state is also known as the theocratic paradigm (Sadzali, 2020; Ulul et al., 2021).

According to Al-Maududi, this paradigm emphasizes that Islamic law (Sharia) encompasses all aspects of life, that Islam constitutes both a religious doctrine and a doctrine of governance (*inna al-Islam din wa daulah*), and that Islam must serve as the formal foundation of the state (Herlina et al., 2023). This view is consistent with Al-Maududi's thought, which places the Qur'an and Sunnah as the foundations of state law and divine sovereignty as its primary principle (Hadi, 2023). In Indonesia, however, the integralistic paradigm is not fully implemented because Indonesia was not established as an Islamic state that makes Sharia the sole formal basis of state governance. Instead, Pancasila serves as the state foundation and accommodates religious life within a constitutional framework (Omara, 2024).

2. The Secularistic Paradigm

The paradigm that advocates a strict separation between religion and the state was articulated by Ali Abd al-Raziq (1888-1966). In his treatise published in 1925, he argued that Islam had no inherent connection with the caliphate system. In his view, the government during the period of the Rightly Guided Caliphs was not a religious political system but rather a worldly political system (Sadzali, 2020). Therefore, the establishment of a state should not be based on religious teachings but on human reasoning and *ijtihad*. This paradigm subsequently became a foundation for secular thought that separates religious affairs from state affairs (Herlina et al., 2023).

In European history, secularization was marked by the transfer of authority over social and economic life from religious institutions to the state. This development was accompanied by the emergence of a political culture oriented toward worldly or non-transcendental values through rational and pragmatic approaches. Based on these characteristics, four criteria are commonly used to identify a secular state: First, the separation of government from religious ideology; Second, the expansion of government authority to oversee religious affairs; Third changes in political culture through the replacement of religious values with secular political culture; and Fourth the elimination of religious values and practices in the exercise of state power (Herlina et al., 2023).

Among these examples, the relationship between religion and the state under Mustafa Kemal Ataturk in Turkey illustrates a secular orientation. Ataturk

transformed the Ottoman monarchical system, which was grounded in Islamic tradition, into a secular republic. However, secularism in Turkey did not necessarily separate religion from the state entirely, it was also characterized by state intervention in religious affairs (Nor & Ibrahim, 2023). Ideally, Secularism should guarantee freedom and equality in matters of belief rather than merely restrict religious influence. The Turkish experience also shows that religious norms continue to interact with formal legal systems and informal legal practices (Gülalp, 2022; Yilmaz, 2021). This is consistent with Eugene Smith's view, that no matter how extensive secularization efforts may be, the state cannot be entirely detached from religious values (Sadzali, 2020). Unlike this model, Indonesia does not formally adopt Secularism but recognizes religion as an important element of state life. Therefore, religion-state relations in Indonesia should be understood through a framework that acknowledges the involvement of religious values in the formation of national law.

3. The Substantive-Symbiotic Paradigm

This paradigm views religion and the state as two entities that maintain a reciprocal relationship and depend on one another. Religion requires the state as an instrument for realizing and developing religious values. Conversely, the state requires religion as a moral and ethical foundation for governing national and public life. The substantive-symbiotic paradigm is associated with Ibn Taymiyyah (1263-1328), a Sunni scholar who argued that religion and the state are closely interconnected. Without political authority, religion is endangered; conversely, a state without the discipline of revealed law risks becoming tyrannical. In his view, religion and the state are mutually related in social and political life. The state provides a binding legal framework for public affairs, while religion supplies the values and ethics that inform social and legal norms. An imbalance between the two can lead to weakened legal authority or the abuse of power (Herlina et al., 2023).

Ibn Taymiyyah further argued that various provisions in the Qur'an and Sunnah require state authority for their implementation. These include the collection and distribution of zakat, the enforcement of criminal law, and, in the context of this study, the administration of halal product assurance. Without state support, religious obligations cannot be implemented in an orderly manner. Conversely, a state without religious and ethical values may become dangerous and potentially tyrannical (Sadzali, 2020). In the context of lawmaking and state

governance, Indonesia tends toward a symbiotic paradigm by integrating religious values into the state legal system to maintain national stability.

In the halal sector, Indonesia applies a model of religion-state relations that connects the public and private domains. The enactment of Law No. 33 of 2014 on Halal Product Assurance (UU JPH) demonstrates a complementary relationship between religion and the state. MUI determines product halal status through fatwas, while the state performs administrative functions to ensure legal certainty, orderly implementation, and public protection. This cooperation not only helps the public obtain information about product halal status but also supports the development of the national halal industry and its global competitiveness.

Within Indonesia's constitutional structure, MUI operates within the political infrastructure as a civil society organization comprising Muslim scholars, *zu'ama*, and intellectuals. It is neither a state institution nor an agency representing the state. Consequently, MUI fatwas are not state laws that are generally binding, backed by legal sanctions, or enforceable against all citizens. They possess religious authority for Muslims who recognize MUI's authority but do not have the coercive force of public law (Najib, 2012).

Before UU JPH came into force, halal certification in Indonesia was voluntary, meaning that applications depended on business operators awareness and needs rather than a state-imposed legal obligation. Halal determinations also relied on fatwas issued by a religious institution that did not yet have binding force as public law. This situation highlighted the need to incorporate religious norms into the national legal system to ensure legal certainty in halal certification. From the perspective of Mahfud MD's legal politics theory, the enactment of UU JPH can be understood as a state legal policy choice to incorporate religious norms into the national legal system through positive legislation (Mahfud MD, 2014). This choice is reflected in a certification framework that accommodates religious authority while defining the state's role in administering halal product assurance. The enactment of UU JPH is also part of a broader legal political process that determines the direction of regulation and the distribution of authority among institutions (Widyawati, 2022).

Halal Product Assurance Legislation as an Effort to Ensure Legal Certainty and Protection

One of the fundamental principles of a state governed by the rule of law is legal certainty, which ensures that the public and business operators can conduct their activities based on clear, consistent, and predictable rules. Article 1(3) of UUD 1945 stipulates that Indonesia is a state governed by the rule of law (Undang-Undang Dasar

Republik Indonesia, 1945). Therefore, government administration, including the regulation of halal product assurance (JPH), must be based on clear and accessible legal provisions supported by the harmonization of legislation (Neltje & Panjiyoga, 2023).

Through his concept of the *Stufenbau of Legal Priorities* (the standard priority doctrine), Gustav Radbruch argued that law has three main objectives: justice, utility, and legal certainty. According to Radbruch, legal certainty exists when law functions as a set of rules that must be obeyed. Legal certainty enables the legal system to operate consistently and credibly while providing legal protection for society (Halilah & Arif, 2021). In the context of JPH, the establishment of BPJPH under Law No. 33 of 2014 represents an institutional measure to strengthen halal certification through legally established powers and implementation mechanisms (Al-Mawarid & Rohmah, 2023; Sukri, 2021). As a *rechtstaat*, Indonesia is obliged to ensure legal certainty, including in economic activities, and to address uncertainty arising from inconsistent or overlapping regulations that may confuse the public, law enforcement officials, and business operators (Widjaja, 2025).

Before the enactment of UU JPH, halal certification had developed through the roles of MUI and LPPOM MUI, but it did not yet have a dedicated statutory framework such as the one established in 2014 (Azizah, 2017). At that time, halal determinations issued by religious institutions did not automatically have generally binding force as state law. Law No. 33 of 2014 subsequently provided a legal basis for JPH and stipulated that *products entering, circulating, and being traded within Indonesian territory must be halal-certified*, in accordance with applicable legislation. This change reflected the state's efforts to clarify the legal basis, procedures, and institutional responsibilities involved in halal certification (Undang-Undang Republik Indonesia Nomor 33 Tahun 2014 Tentang Jaminan Produk Halal, 2014).

From the perspective of Islamic economic law, halal certification concerns not only legal certainty but also the protection of Muslim consumers and the implementation of production and consumption principles in accordance with Sharia. Production and consumption in Islamic economics emphasize justice, cleanliness, moderation, benevolence, and morality (Azizah, 2017). Halal product assurance therefore connects consumers need for information about product halal status with producers responsibility to comply with applicable requirements. This is consistent with the consumer protection perspective, which recognizes halal assurance as an important aspect of fulfilling consumer rights (Shofie, 2015).

The need for consumer protection became particularly evident following the 1988 pork-fat controversy, which caused public concern and reduced sales of several food

products. Sales at some major companies were reportedly affected by declines of up to 80 percent (Priantina & Mohd Sapian, 2023). The establishment of LPPOM MUI in 1989 was an institutional response that brought religious and scientific expertise into the assessment of product halal status while addressing public demand for halal and *thayyib* (wholesome) products (D. I. Sari, 2019). These developments demonstrate that halal certification emerged from socio-religious needs and subsequently acquired a public legal framework through UU JPH.

From the perspective of Mahfud MD's legal politics theory, the enactment of UU JPH can be understood as a state policy choice to establish new legislation in pursuit of national objectives (Aisyah, 2022; Mahfud MD, 2014). This choice is reflected in the shift from a voluntary to a mandatory halal certification scheme, implemented in accordance with applicable provisions and implementation stages. Under this system, BPJPH performs administrative functions, while LPH and halal auditors conduct product inspections or testing. MUI determines product halal status through the fatwa mechanism established under UU JPH. MUI Fatwa No. 4 of 2013 on Guidelines for Halal Product Fatwas forms part of the religious normative background to this process. The results of LPH inspections serve as one basis for determining halal status, while halal certificates are issued through the administrative procedures prescribed by legislation (Undang-Undang Republik Indonesia Nomor 33 Tahun 2014 Tentang Jaminan Produk Halal, 2014).

Accordingly, Radbruch's theory of legal certainty provides a framework for assessing JPH in terms of the clarity of legal provisions, the distribution of authority, consistency of implementation, and legal protection for society. Meanwhile, Mahfud MD's legal politics theory explains UU JPH as a state policy choice to accommodate religious protection needs within positive law. Together, these perspectives indicate that the effectiveness of JPH depends not only on the existence of legislation but also on clear authority relationships among MUI, BPJPH, and LPH, as well as consistent implementation of halal certification requirements. The formalization of religious norms through UU JPH thus seeks to reconcile religious authority, state responsibility, legal certainty, and consumer protection.

Institutional Reflection and Projections for Halal Product Assurance

The preceding discussion shows that the formalization of MUI fatwas in the Halal Product Assurance Law (UU JPH) does not transfer religious authority to the state. Rather, it establishes continuity between the two within the framework of the substantive-symbiotic paradigm. However, the symbiotic framework that produces a normative instrument in the form of UU JPH does not, in itself, fully guarantee effective implementation. The relationship between religious authority and the state

can function harmoniously if supported by clear operational mechanisms to prevent overlapping authority. Therefore, this study proposes three interrelated recommendations: the development of Standard Operating Procedures (SOPs) to harmonize the authority of institutions involved in JPH administration in Indonesia, the elaboration of supervisory mechanisms for JPH Supervisors under BPJPH, and the clarification of sanction provisions as a consequence of such supervision.

First, SOPs should be developed to harmonize the authority of institutions involved in JPH administration in Indonesia. The administration of JPH involves BPJPH, LPH and its halal auditors, as well as institutions responsible for determining halal status. Government Regulation (PP) No. 42 of 2024 specifies that these institutions are not limited to the central-level MUI, but also include provincial MUI, regency/municipal MUI, the Aceh Ulama Consultative Council (Majelis Permusyawaratan Ulama, MPU) of Aceh, and the Halal Product Fatwa Committee (Komite Fatwa Produk Halal). This broader distribution of authority may accelerate service delivery, but it also creates opportunities for differences in standards and overlapping authority. Therefore, integrated SOPs are needed to establish: (a) the division of duties and limits of authority at each stage; (b) standardized formats for LPH inspection results as the basis for determining halal status; and (c) an integrated information-exchange process within the BPJPH service system. Under this arrangement, BPJPH would serve as the single administrative gateway without taking over the authority to determine halal status. The state would provide the procedural framework, while religious authorities would safeguard the substance of halal determinations.

Second, the supervisory mechanisms for JPH Supervisors should be further specified. UU JPH assigns BPJPH the authority to regulate JPH supervision. In carrying out this function, BPJPH prepared 1,032 supervisory personnel in 2024 who had met the requirements for appointment as JPH Supervisors at various levels of government. These personnel were expected to be ready to conduct simultaneous supervision beginning on October 18, 2026 (Fahlevi, 2024). To ensure that supervision does not stop at data collection, several aspects of the supervisory mechanism need to be specified. These include the scope of supervision before and after certification, including the use of halal labels and changes in product ingredients or variants; inspection procedures and standards for reporting findings; and public participation through a complaint mechanism, where necessary.

Third, sanction provisions should be clarified. Supervision is meaningful only when accompanied by certain legal consequences. The sanction provisions in PP No. 42 of 2024 establish administrative sanctions in the form of written warnings,

administrative fines, revocation of halal certificates, and/or withdrawal of products from circulation. Nevertheless, these provisions do not yet specify in detail the criteria for determining the severity of violations and the classification of sanctions, procedures and time limits for filing objections, the scope of sanctions applicable to parties other than business operators, such as LPH and halal auditors, or the relationship between administrative sanctions and criminal sanctions under UU JPH. Further clarification is necessary to ensure that law enforcement is predictable and consistent, in line with Radbruch's view that legal certainty requires rules that are clear and capable of being implemented.

These three recommendations essentially represent the institutional realization of the symbiotic relationship between religion and the state. As explained above, MUI fatwas, as religious norms, are not accompanied by sanctions and cannot be imposed on all citizens. Such coercive force can only be exercised through state instruments, namely supervision and sanctions implemented by BPJPH. Thus, religious authority ensures the legitimacy of the substance of halal determinations, while the state ensures procedural order and certainty in enforcement. The two forms of authority complement rather than negate each other.

Conclusion

This study finds that the formalization of Indonesian Ulema Council (MUI) fatwas through Law No. 33 of 2014 concerning Halal Product Assurance (UU JPH) reflects a symbiotic relationship between religion and the state. Rather than transferring religious authority to the state, this arrangement incorporates religious determinations into the national legal framework while maintaining distinct roles for religious and state institutions. MUI provides the religious basis for determining halal status, while BPJPH administers the certification process within the framework established by law. The transition from voluntary to mandatory halal certification further demonstrates how religious norms can be incorporated into public regulation to strengthen legal certainty, consumer protection, and institutional accountability.

However, the findings also indicate that formal legal recognition does not automatically ensure legal certainty in practice. The effectiveness of the symbiotic relationship depends on whether the respective authorities of MUI, BPJPH, and LPH are clearly defined and consistently exercised. This challenge becomes more significant following PP No. 42 of 2024, which recognizes additional institutions authorized to determine halal status. From the perspective of Radbruch's theory of legal certainty, the central issue is therefore not merely the existence of a legal framework, but also the clarity and enforceability of the procedures governing its implementation.

To address this issue, this study recommends three interrelated institutional measures: the development of integrated Standard Operating Procedures (SOPs) to clarify the division of responsibilities and coordination among relevant institutions; the specification of supervisory mechanisms for JPH Supervisors, including inspection, reporting, and public complaint procedures; and the clarification of sanction provisions to ensure consistent and predictable enforcement. These measures are intended to strengthen the implementation of UU JPH without undermining the distinct roles of religious and state authorities. Ultimately, the sustainability of the symbiotic relationship depends on the ability of religious institutions to maintain the legitimacy of halal determinations and the ability of the state to ensure procedural consistency, effective supervision, and legal accountability.

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