

Conference Proceedings

The 4th International Conference on Finance, Business, and Banking (ICFBB)
Mataram, 25-27 November 2025

Sustainability of Halal Assurance Post-Certification: A Normative Legal Analysis of Indonesia's Halal Governance Framework

Analiansyah

Faculty of Islamic Economics and Business, UIN Ar-Raniry Banda Aceh, Indonesia

analiansyah@ar-raniry.ac.id

ABSTRACT

Purpose: This study aims to analyze the legal framework governing the sustainability of halal assurance in Indonesia after certification issuance. It explores how post-certification halal assurance mechanisms ensure continuous halal integrity in production chains.

Method: The research applies a normative juridical approach with descriptive-analytical characteristics. It examines laws and regulations, including Law No. 33 of 2014 on Halal Product Assurance, Law No. 6 of 2023 (Job Creation), and Government Regulation No. 42 of 2024, supported by secondary data from academic literature and official documents from BPJPH, LPH, and MUI.

Result: Findings show that Indonesia's halal regulatory framework provides a strong normative basis but faces challenges in implementation, particularly in post-certification monitoring, inter-institutional coordination, and business compliance.

Novelty: This study highlights the need for strengthening post-certification halal assurance through regular audits, supply chain transparency, and consistent enforcement to achieve sustainable halal governance in Indonesia.

Keywords: *halal certification, halal governance, post-certification, legal framework, Indonesia*

INTRODUCTION

Halal certification is a legal instrument that aims to provide a guarantee of the halalness of products consumed by the Muslim community. Indonesia has issued many regulations to regulate it. The existence of Law Number 33 of 2014 concerning Halal Product Assurance (JPH Law), which was later strengthened by Law Number 6 of 2023 concerning Job Creation, marks a new era in the governance of the national halal assurance system. The regulation emphasizes that every product circulating, traded, and consumed in Indonesian territory must be halal certified. However, a halal certificate is not the end of the assurance process, but rather the beginning part of a sustainability system that requires the manufacturer's compliance in maintaining the halal status of products continuously.

In practice, fundamental questions arise about the effectiveness of regulations in maintaining the sustainability of halal product status after the certificate is issued. This is due to the limited post-certification supervision mechanism, weak coordination between implementing agencies (BPJPH, LPH, and MUI), and low compliance of business actors with halal maintenance obligations. On the other hand, the absence of a sustainable halal audit system integrated into the supply chain weakens the concept of a *halal assurance system*, which should be dynamic and adaptive to changes in the production process.

The low compliance of business actors with halal maintenance obligations can be seen from BPJPH reports and research results. An example is the BPJPH Performance Report (Oct 2024–Jun 2025). Out of 4,274 objects supervised, 82 were proven to violate the provisions of JPH (including packaged products, restaurants/restaurants, and RPH). The number of violations resulting from this periodic

supervision shows that there is still non-compliance after certification.¹ The explanation of the non-compliance has also been released by BPJPH through its website.²

The sustainability of halal assurance (*post-certification halal assurance*) is an important issue in the context of Muslim consumer protection and the development of a globally competitive halal ecosystem. Therefore, an in-depth legal study of halal assurance regulations in Indonesia is needed to assess the extent to which existing legal norms have provided a sufficient basis for the implementation of the sustainability of halal assurance post-certification, as well as to identify regulatory gaps and recommendations for improvement.

Discussions related to halal product assurance have been carried out by previous researchers, such as the study of Thalhah, et al., entitled "From Certification to Consumption: Shariah-Compliant Postmarket Halal Assurance" found that regulations such as Law Number 33 of 2014 concerning Halal Product Assurance provide a strong legal foundation, but post-certification supervision faces obstacles such as resources, inter-agency coordination, and system integration.³ Further article by Thalhah, et al., entitled "Sustainability of Product Halal in the Postmarket Phase from the Perspective of Islamic Law in Indonesia." An important finding of this article is that regulations are already sufficiently strong normatively, but post-market implementation is not optimal; regulatory supervision and synchronization are still problematic.⁴ The next study was written by Aziz, Ghofur, and Hidayati with the title "*Regulation on the Implementation of Halal Product Assurance in Indonesia: Statute Approaches.*" The focus of his study is on the implementation of halal product assurance in Indonesia. They highlight important issues such as halal certification or labeling, as an obligation versus voluntary, criminal sanctions, and halal assurance agencies. Although the focus is more on regulations and institutions, it is not specific to "post-certification" or sustainability assurance.⁵ Another study is an article by the Ikhwan entitled "Systematic Review on Indonesia Halal Certification," A bibliometric review of 106 publications on halal certification in Indonesia. The Ikhwan found the main research clusters: halal certification system, consumer perception & halal labeling, cosmetics & halal, and standard implementation. Departing from the existing study, it is known that "sustainability of post-certification guarantees" as a specific theme may not have been explored much in publications.⁶

Most previous research focused more on the halal certification process, rather than on the post-certification phase. In fact, the potential for halal violations or degradation is relatively common after the product obtains a halal certificate. Thus, this research is here to fill this gap through legal analysis of the sustainability of halal assurance post-certification, as a form of contribution to strengthening halal governance in Indonesia. Departing from this explanation, the problem in this paper is: What is the legal arrangement regarding the sustainability of halal assurance after certification in Indonesia? And what are the normative and practical obstacles in the implementation of halal assurance after certification, and how can to strengthen the solution?

To solve the above problems, three theories will be used integratively, namely the theory in Ushul Fiqh, the theory of legal certainty, and the theory of halal governance. Theories related to legal certainty are used to assess the validity and effectiveness of legal norms in ensuring sustainable halal. Then, halal governance theory is used to assess the performance and institutional synergy in ensuring the sustainability of halal assurance after certification. Thus, this research is not only normative-

¹ Badan Penyelenggara Jaminan Produk Halal Republik Indonesia, *Laporan Kinerja Badan Penyelenggara Jaminan Produk Halal Periode Oktober 2024 s.d Juni 2025*, Tahun 2025, hal. 26; Diky Faqih Maulana, "Regulasi Jaminan Produk Halal di Indonesia: Otoritas, Perlindungan Konsumen dan Kepastian Hukum," *Disertasi*, Program Studi Doktor (S3) Ilmu Syari'ah, Fakultas Syari'ah dan Hukum Universitas Islam Negeri Sunan Kalijaga Yogyakarta, 2024, hal. 8.

² Dapat dilihat pada: https://bpjph.halal.go.id/detail/terbukti-melakukan-pelanggaran-bpjph-cabut-sertifikat-halal-roti-okko?utm_source=chatgpt.com

³ Thalhah, dkk., "From Certification to Consumption: Shariah-Compliant Postmarket Halal Assurance", *Hikmatuna, Journal for Integrative Islamic Studies*, Vol. 10, No. 2, 2024.

⁴ Thalhah, dkk., "Sustainability of Product Halal in the Postmarket Phase from the Perspective of Islamic Law in Indonesia," *Tasyri' Journal of Islamic Law*, Vol. 4, No. 1, 2025.

⁵ Aziz, Ghofur dan Hidayati, "Regulation on the Implementation of Halal Product Assurance in Indonesia: Statute Approaches," *Ulul Albab: Jurnal Studi dan Penelitian Hukum Islam*, Vol. 4, No. 2, 2021.

⁶ Ikhwan yang berjudul "Systematic Review on Indonesia Halal Certification," *Ekonomi Islam*, Vol. 6, Issue 2. <http://journals.smartinsight.id/index.php/EII/index>

descriptive, but also analytical and evaluative, assessing how far the Indonesian halal legal system can guarantee the sustainability of halal products in practice.

METHOD

This study uses a juridical-normative approach with a descriptive-analytical nature. The study is focused on analyzing the laws and regulations that regulate the implementation of halal product assurance in Indonesia, especially Law No. 33 of 2014 concerning Halal Product Assurance, Law No. 6 of 2023 concerning Job Creation, and Government Regulation No. 42 of 2024. The data used are in the form of primary legal materials, including regulations, scientific literature, and research results related to halal governance and post-certification supervision. Data was collected through a literature study and analyzed qualitatively by interpreting legal norms using the theory of legal certainty Gustav Radbruch, Ushul Fiqh, and Halal Good Governance to assess the effectiveness of regulations and the sustainability of the halal assurance system in Indonesia.

RESULT AND DISCUSSION

Result

The analysis of the sustainability of halal assurance after certification is carried out by referring to Gustav Radbruch's theory of legal value and the concept of Halal Good Governance, which emphasizes accountability, transparency, and social trust.

Gustav Radbruch's Theory of Legal Certainty

Gustav Lambert Radbruch was born on November 21, 1878, in Lübeck, Germany. He came from a middle-class family with a tradition of trade. His father was a successful merchant, providing him with a good education from an early age. Gustav Radbruch studied law at the Universities of Munich, Berlin, and Leipzig in 1898-1901, in 1902 obtained a Doctor of Laws from the University of Leipzig, in 1904 obtained a teaching qualification (Habilitation) from the University of Heidelberg, an academic career in 1904 as a private lecturer at the University of Heidelberg, in 1910 as a Professor at the University of Königsberg, in 1919 Professor at the University of Kiel, in 1926-1933 Professor at the University of Heidelberg, and in 1945-1948 taught again in Heidelberg after the Nazi era. And political career in 1918-1919 Joined the German Social Democratic Party (SPD), 1920-1924 Served as Minister of Justice of the Weimar Republic, 1921-1923 Carried out reforms of the criminal law and judicial system.⁷

Radbruch's theory of thought focuses on three basic values of law:

1. Justice (Gerechtigkeit)

Justice is positioned as an absolute value as well as the highest value that must be the main foundation in the formation of law. This conception includes both formal justice and substantive justice dimensions. Formal justice tends to ignore the social context and implications of the application of the law, while substantive justice seeks to ensure that law plays a role in realizing broader justice and is in line with underlying moral values.

The distinction between formal justice and substantive justice suggests that, although legal certainty has its own significance, justice must still be a top priority in law enforcement. Formal justice often overlooks the social context and consequences of the application of the law, while substantive justice seeks to ensure that the law is carried out to realize justice that is more essential and in harmony with moral values.

2. Legal Certainty (Rechtssicherheit)

Legal certainty places legal stability and clarity as a guarantee so that the law can function effectively as a rule that must be obeyed by all citizens. This principle emphasizes that laws must

⁷ Mohammad Wangsit Supriyadi, dkk., "Pokok Pikiran dan Sumbangsih Fundamental Gustav Radbruch terhadap Perkembangan Ilmu dan Hukum," *Quantum Juris: Jurnal hukum Modern*, Vol 07, No. 1, 2025, hal. 399.

be designed clearly, consistently, and predictably in their application. Some of the main aspects of legal certainty include the following:

- a. Clarity of Norms. Every legal rule must be formulated firmly and easily understood so that the public can know exactly what actions are allowed and prohibited. The clarity of this norm aims to minimize uncertainty and prevent confusion in the law enforcement process.
- b. Consistency and Stability. The application of the law must take place consistently throughout the justice system. Thus, legal decisions in similar cases should produce comparable results, and any changes to the law should be carried out in an orderly, open, and unambiguous manner.
- c. The ban is retroactive. A legal regulation should not be applied retroactively. This principle provides protection for individuals so that they are not subject to sanctions for actions that have not been regulated or prohibited by applicable law at the time of their actions. Thus, this principle plays an important role in maintaining a sense of justice.
- d. Predictability. The community must be able to estimate the legal consequences of every action taken. This principle provides a sense of security that the law will be enforced fairly and will not undergo sudden changes that can cause uncertainty.

Legal certainty has a vital role in maintaining social order and stability. Nevertheless, as Radbruch reminds us, legal certainty should not be used as an excuse to ignore substantive justice; Because the very unfair law must still be rejected.

3. Benefits (Zweckmäßigkeit)

The principle of usefulness emphasizes that the main purpose of enforcing the law is to provide the greatest benefits and goodness to the community. This principle places the law as a means to realize social welfare and improve the quality of life together. Some important aspects of the benefits of the law include:

- a. Social Welfare. The law must play an active role in encouraging the welfare of the community as a whole. As such, every policy and regulation should be designed to provide broad benefits to as many individuals in society as possible.
- b. Harmonization and Order. Law has an important function in creating social order and harmony. Through regulating individual behavior, the law can prevent conflicts, strengthen social solidarity, and support the creation of an orderly and balanced community.
- c. Harmonization and Order. Law has an important function in creating social order and harmony. Through regulating individual behavior, the law can prevent conflicts, strengthen social solidarity, and support the creation of an orderly and balanced community.
- d. Flexibility. The law must have the ability to be adaptive to social dynamics and changes that occur in society. The principle of usefulness requires that the law is always responsive to the needs and development of society, so that it remains relevant and effective in achieving its social goals.⁸

Based on the description above, it can be seen that according to Gustav Radbruch, law must contain three basic values, namely justice, utility, and certainty. In the context of halal assurance, legal certainty requires that products that have been certified halal are ensured to be halal throughout the validity period of the certificate. If post-certification supervision is weak, then legal certainty for consumers is not met. This theory is used to assess whether the applicable regulations have provided sufficient legal guarantees for the sustainability of the halal status of products.

Halal Governance Theory

According to the Cambridge Dictionary, *governance* is defined as the way an organization is managed at the highest level. The Business Dictionary defines it as the process of forming policies as well as the

⁸ Mohammad Wangsit Supriyadi, dkk., "Pokok Pikiran dan Sumbangsih Fundamental Gustav Radbruch terhadap Perkembangan Ilmu dan Hukum," *Quantum Juris: Jurnal hukum Modern*, Vol 07, No. 1, 2025, hal. 403-405; Mutia Evi Kristhy, dkk., "The Rule of Judges in Realizing the Three Basic Legal Values Reviewed from Gustv Radbuch's View," *Journal of Political and Legal Sovereignty*, Vol 1, Issue 3, 2023, hal. 89.

continuous monitoring of their implementation by the competent authorities. Meanwhile, UNESCO defines *governance* as a set of structures and processes designed to ensure accountability, transparency, responsiveness, law enforcement, stability, and other related aspects.

Based on this understanding, the main idea of halal governance can be built on the foundation of the general governance concept. The development of the term *halal governance* can also be traced to the history of the emergence of the concept of *corporate governance*. Since the 1990s, *corporate governance* has been a widespread concern among academics, governments, and global regulators. This phenomenon is triggered by various problems, such as shareholder dissatisfaction with the company's poor performance, as well as human *hazards* that results in organizational instability. This situation then gave birth to the idea of *corporate governance*, which is also relevant to explain problems in the halal industry, especially related to violations of basic halal principles. Thus, the development of *the concept of halal governance* is important to ensure the integrity and sustainability of the halal system.⁹

In the context of today's halal governance, *governance theory* offers a conceptual framework to understand the interaction between ethics-oriented regulations and compliance-oriented regulations. This theory also highlights the importance of institutional legitimacy and public trust as the main elements of the successful implementation of the halal system. The debate between *ethics-based regulation* and *compliance-based regulation models* is increasingly emerging, along with the strengthening of the globalization of the halal industry and the variation in practices in various regions.

One of the important dimensions of *governance theory* is its orientation towards regulation, namely whether the system is designed to ensure technical compliance with the rules (*compliance-based*) or to foster the internalization of moral values (*ethics-based*). In halal governance, a compliance-based approach emphasizes formal mechanisms such as certification, audits, and administrative supervision. In contrast, the ethical-based approach emphasizes more on the formation of moral awareness as well as the responsibility of producers and consumers to the Islamic values that underlie halal principles. The ethical approach is considered more sustainable. After all, it fosters intrinsic motivation in the behavior of market participants, although its implementation is more complex because it requires strengthening the ethical culture throughout the supply chain.

In addition, *governance theory* also places social trust as an important component. Social trust reflects people's belief that institutions and economic actors will act honestly and fairly. In the halal industry, social trust is a vital factor because consumers are not always able to verify the halalness of products directly, so they rely on labels, certificates, and the reputation of certification bodies. Therefore, *governance theory* emphasizes the importance of *soft infrastructure* such as social norms, a culture of honesty, and public education, as a complement to the formal regulatory system.

The application of governance theory in the contemporary halal system requires a paradigm shift from administrative supervision to value-based supervision and social legitimacy. This approach is in line with the principles of *maqāṣid al-sharī'ah* which places ethics and welfare as the main goals of Islamic law. In this context, *governance theory* provides a conceptual framework for integrating structural aspects (policies, regulations, institutions) with cultural aspects (beliefs, ethics, and societal norms).

The implementation of the theory needs to be carried out in stages, including the global level (through international halal standardization), the national level (through official certification and supervision bodies), to the local level (through the participation of the producer and consumer community). Thus, ideal halal governance must be responsive to the local context, participatory in policy formulation, and inclusive of the diversity of Muslim practices in various regions.

Recent research also confirms that digital transformations – such as the use of *blockchain*, *artificial intelligence*, and intelligent tracking systems – will only be effective when accompanied by cultural and ethical transformations across the halal ecosystem. In this way, *governance theory* is not simply a

⁹ Fahmi Ali Hudaefi and Irwandi Jaswir, "Halal Governance in Indonesia: Theory, Current Practices, and Related Issues," *Journal of Islamic Monetary Economics and Finance*, Vol. 5, No. 1, 2019, hal. 91-92.

mechanism of regulation and control, but also serves as a roadmap to a more ethical, inclusive, and sustainable social transformation.¹⁰

Finally, this theory emphasizes the importance of coordination between regulatory agencies, business actors, and the community in maintaining halal integrity. An effective halal assurance system must include aspects of regulation, institutional, audit, as well as transparency and *traceability*. Through this approach, halal governance analysis can assess the extent to which institutional structures such as BPJPH, LPH, and MUI carry out the function of supervision over halal sustainability, as well as measure the extent to which Indonesia's regulatory system has reflected the principles of good halal governance.

Discussion

This section will outline halal regulations in Indonesia related to the sustainability of halal assurance after certification, which begins with the legal basis of the order of obligation to take care of halal certification in Indonesia, the validity period of halal certificates, post-halal certification supervision, and sustainable halal governance.

Legal Basis of Halal Certification Obligation

The first regulation that mandates halal certification obligations for products that enter, circulate, and are traded in Indonesian territory is Law No. 33 of 2014 concerning Halal Product Assurance (UU-JPH). Article 4 of Law No. 33 of 2014 expressly states that: "Products entering, circulating, and trading in Indonesian territory must be halal certified." Based on this article, it can be concluded that all types of products in the Indonesian market, including domestically made and imported,¹¹ must have a Halal Certificate, except for those that clearly state that they are not halal (for example, products containing pork or alcohol). This provision forms the principle of general obligation for every business actor to obtain halal certification before their products circulate in the market. This norm marks that halal assurance is not just an ethical choice, but a positive legal imperative that is imperative.

In the study of Ushul Fiqh, obligations can be seen in four aspects, namely mandatory based on the aspect of the perpetrator, time, type of act, and dependence on conditions. If the sentence "products that enter, circulate, and trade in Indonesian territory must be halal certified" is analyzed using mandatory review (obligation) from the perspective of Ushul Fiqh, then it can be described as follows.¹²

1. In terms of perpetrators (*Wājib ‘Ainī* vs *Wājib Kifāyah*)

The obligation of halal certification is not imposed on all Muslim individuals, but on business actors (manufacturers, importers, distributors, or sellers) who produce or trade products. Therefore, this obligation is *'ainī* for business actors, because each business entity is directly obliged to take care of halal certificates for its products. However, on a social scale, the obligation to ensure the availability of a halal certification system (such as LPH, BPJPH, MUI) can be categorized as *Wājib Kifāyah*, because it is enough to be implemented by certain institutions/ institutions that are given authority.

2. In terms of time (*Wājib Muwaṣṣa‘* vs *Wājib Muḍayyaq*)

Government Laws and Regulations set a deadline for the implementation of halal certification obligations (for example, in the phased implementation stage from 2019 to 2026 and beyond). During the transition period, business actors are still given time to apply and obtain certification. However, after the deadline period has expired, the obligation becomes strict and should not be postponed; Business actors who have not been halal certified will be categorized as violating the law. Thus, in the initial phase of the implementation of this obligation it is called *Wājib Muwaṣṣa‘*

¹⁰ Desy Rahmawati Anwar, dkk., "From Hisbah to Halal Governance: Reconstructing Market Supervision in Classical Islamic Manuscripts for Contemporary Halal Economy Regulation," *Formosa Journal of Applied Sciece* Vol 4, No. 6, 2025, hal. 1693.

¹¹ Fasya Putri Ramdhani and Eni Dasuki Suhardini, "Imported Products That Do Not Have a Halal Label Based on Law No. 33 of 2014 concerning Halal Product Guarantee," p. 48, https://media.neliti.com/media/publications/547617-none-613616f8.pdf?utm_source=chatgpt.com. Retrieved November 9, 2025.

¹² Rahmat Syafī'i, *Ilmu Ushul Fiqh*, Bandung: Pustaka Setia, 1998, p. 302-305.

(loose obligation). As for after the official deadline takes effect, it is called *Wājib Muḍayyaq* (obligatory with a narrow time).

3. In terms of the type of claim (*Wājib Mu'ayyan* vs *Wājib Mukhayyar*)

Indonesia's positive law and halal regulations (Law No. 33 of 2014 and its derivatives) determine definitively that the form of obligation that must be fulfilled is to obtain a halal certificate from the authorized institution. There is no choice of other forms of execution (e.g. cannot select "sufficient with a personal statement" or "internal company label"). Thus, this obligation is *Mu'ayyan*, which is determined specifically in the form of the act, namely obtaining an official halal certificate.

4. In terms of conditional dependency (*Wājib Mu'allaq* vs *Wājib Muṭlaq*)

The obligation to be halal certified does not apply to everyone absolutely, but it depends on the conditions, namely, if a product *enters, circulates, and is traded in Indonesian territory*, then it is mandatory to be halal certified. This means that before the product is circulated in Indonesia, the obligation has not yet taken effect, so the obligation "depends" on the occurrence of the cause (cause), namely, trade activities in Indonesian jurisdiction. Therefore, this obligation is *Wājib Mu'allaq*, which is an obligation that depends on certain conditions (i.e., the existence of production and product circulation activities in Indonesia).

Validity Period of Halal Certificate

a. Initial version (JPH Law)

The regulation regarding the validity period of halal certificates in Indonesia is regulated through two main legal instruments. First, Law Number 33 of 2014 concerning Halal Product Assurance (JPH Law 2014), is the initial normative basis for the implementation of halal product assurance in Indonesia. Second, Law Number 6 of 2023 concerning the Stipulation of Government Regulations instead of Law Number 2 of 2022 concerning Job Creation into Law ("Law 6/2023"), which brings several changes to the provisions in the 2014 JPH Law, including regarding the validity period of halal certificates.

Provisions regarding the validity period of Halal Certificates are regulated in Article 42 of the 2014 JPH Law. The provisions of Article 42 of the JPH Law are as follows:

1. The Halal Certificate is valid for four (4) years from the date of issuance by the Halal Product Assurance Agency (BPJPH), as long as there is no change in the composition and/or production process.
2. Business Actors are obliged to apply for an extension of the validity period of the Halal Certificate as intended in paragraph (1), no later than three months before the expiration of the validity period.

The provisions regarding the validity period of the Halal Certificate, as stated in Article 42 of the JPH Law are a form of guarantee of the sustainability of the product's halal status. Legislators set a four-year validity period to ensure that the halal status of the product remains relevant to the actual conditions of the production process and the composition of the ingredients. With the time limit, supervision of halal products can be carried out periodically, so as to prevent deviations or changes in materials that can affect the halalness of the product. This shows that the halal assurance system in Indonesia is not only administrative, but also substantive and dynamic.

From the perspective of legal certainty, the regulation of the validity period of the Halal Certificate provides a clear and measurable time limit for business actors in managing the halal status of their products.¹³ Legal certainty is reflected in the length of the validity period (four years), which is explicitly stipulated by law. Furthermore, the obligation to extend the certificate no later than three months before it expires also ensures the continuity of halal legality without a time lag that can raise doubts for consumers or supervisory authorities. Thus, this norm supports the principle of *legal*

¹³ See for example: Shinta Lintang Nurillah, "The Important of Halal Certificates in Halal Food Using the Digital Platform", *International Journal of Law Dynamic Review*, Vol. 1, No. 2, 2023, p. 107.

certainty as mandated in positivistic legal theory, where the validity of an action (in this case, a halal claim) must always be within the applicable legal corridor.

Next, from the perspective of consumer protection, the validity period of the Halal Certificate functions as an instrument of control over the authenticity and reliability of halal products on the market.¹⁴ Consumers, especially those who are Muslim, have a fundamental right to obtain guarantees for the halalness of the products consumed. With periodic certification mechanisms, the state ensures that halal products still meet the established halal standards, even though the production process may change over time.

The obligation for business actors to extend the halal certificate three months before the validity period ends shows the existence of the principle of legal responsibility. This regulation emphasizes that halal assurance is not only the responsibility of the state through BPJPH, but also the active obligation of business actors in maintaining the consistency of their production process. This reflects the principle of good halal governance, where business actors are part of the supervision and compliance system with halal regulations.

If the business actor does not extend the validity period of the halal certificate, then the halal status of the product legally becomes void after the four-year period ends. Products circulating with expiry certificates can be categorized as not halal-certified, so it has the potential to violate the provisions of Article 4 of the JPH Law, which requires all products circulating in Indonesia to be halal-certified. Therefore, the provisions of Article 42 are not only administrative but also have substantive legal implications for the status and legality of products in the market.

b. Amended version (Job Creation Law)

The provisions of Article 42 of the JPH Law above are not followed by the law that came after it, namely the Job Creation Law (Law No. 6 of 2023 concerning the Stipulation of Government Regulations instead of Law No. 2 of 2022 concerning Job Creation into Law). Article 42 of the Job Creation Law reads:

1. The Halal Certificate is valid since it was issued by the Halal Product Assurance Agency (BPJPH) and remains valid as long as there are no changes to the composition of the ingredients and/or process of halal products (PPH).
2. In the event of a change in the composition of halal product ingredients and/or processes (PPH), Business Actors are required to update the Halal Certificate.

The provisions of Article 42 of the Job Creation Law stipulate that the Halal Certificate comes into effect from the date of issuance by BPJPH and has an indefinite validity period, as long as there is no change in the composition of the ingredients or the process of halal products. If there is a change in the composition of the ingredients used or the halal production process (PPH), business actors are obliged to update the halal certificate to ensure the conformity of the product with the applicable regulations. So, the Job Creation Law removes the concept of “limited validity period (4 years)” and replaces it with an indefinite (permanent) validity period, as long as there are no substantial changes to the product. This change is not only administrative, but reflects a shift in the legal paradigm in the implementation of halal product guarantees, from a periodic system to a system based on updating actual conditions.

In this case, it seems that the government designed the ease of doing business. By removing the obligation to extend every four years, the administrative burden on business actors is significantly reduced. Business actors no longer need to apply for routine extensions, but only when there are changes in formulas, raw materials, or production processes.

This model of unlimited validity follows a pattern of “responsive regulation”, where the law functions adaptively to industrial dynamics. As long as the composition and production process remain consistent, the halal status remains valid, without the need for periodic administrative intervention. For micro and small enterprises (MSEs), this provision minimizes costs and expands access to halal

¹⁴ See for example: Anis Husna, Muhammad Syukri Mohd Ashmir Wong, Ahmad Sabri Osman, “The Enforcement of Halal Compliance by Authorities in the Halal Industry”, *International Virtual Colloquium on Multi-disciplinary Research Impact (2nd Series)*, UiTM, Shah Alam, Malaysia, 15 Oct 2021, E-BPJ, 7(SI7), 2022, p. 544.

certification. This is certainly in line with the spirit of bureaucratic reform and economic equity, which is the spirit of the Job Creation Law.

Halal Certification Post-Supervision

Post-halal certification supervision is regulated in several regulations, namely in the Job Creation Law (Law 6/2023) and Government Regulation No. 42 of 2024 concerning the Implementation of the Halal Product Assurance Sector. Article 52A of the Job Creation Law reads:

1. The implementation of Halal Product Assurance (JPH) services must use an integrated electronic system.
2. The integrated electronic system, as intended in paragraph (1), connects the halal certification service process carried out by:
 - a. Halal Product Assurance Agency (BPJPH);
 - b. Halal Inspection Board (LPH);
 - c. Indonesian Ulema Council (MUI), Provincial MUI, Regency/City MUI, and Aceh Ulema Consultative Assembly;
 - d. Fatwa Committee on Halal Products; and
 - e. Halal Product Process Companion (PPH).
3. The integrated electronic system, as intended in paragraph (1), is also used to support other services related to the implementation of JPH.
4. The integrated electronic system, as intended in paragraph (1), is managed by BPJPH.

Furthermore, Article 53 reads:

1. The public can participate in the implementation of Halal Product Assurance (JPH).
2. Community participation, as referred to in paragraph (1), can be carried out in the form of:
 - a. socialization and education about JPH;
 - b. assistance in the Halal Product Process (PPH);
 - c. publication that the product is in the process of mentoring; and
 - d. Supervision of Halal Products in Circulation.
3. Community participation, as referred to in paragraph (2), letter d in the form of supervision of halal products in circulation, is carried out in the form of complaints or reports to BPJPH.

Government Regulation Number 42 of 2024 (PP 42/2024)

Referring to Government Regulation No. 42/2024, we will see the provisions for post-certificate supervision contained in it. Article 111 specifically regulates the Supervision of Halal Product Assurance (JPH). Article 111 reads:

1. The Halal Product Assurance Agency (BPJPH) supervises the implementation of Halal Product Assurance (JPH).
2. JPH supervision as intended in paragraph (1) shall be carried out on:
 - a. Halal Inspection Board (LPH);
 - b. Halal Products;
 - c. Halal Label Inclusion;
 - d. The inclusion of non-halal information;
 - e. Separation of locations, places, and tools of slaughter, processing, storage, packaging, distribution, sale, and presentation between Halal Products and non-Halal Products;

- f. The existence of a Halal Supervisor; and/or
 - g. Other activities related to the implementation of JPH.
3. Other activities, as referred to in paragraph (2) g, include JPH supervision activities on Halal Product Process Companion Institutions (PPH) and PPH Companions.
 4. The relevant ministries, related institutions, and/or provincial/regency/city local governments coordinate and cooperate with BPJPH in the implementation of JPH supervision in accordance with their respective duties and functions
 5. Coordination and cooperation in the implementation of JPH supervision as referred to in paragraph (4), is followed up through the preparation of a strategic JPH supervision program.
 6. Supervision of JPH can be carried out by BPJPH, relevant ministries, related institutions, and/or provincial, regency, or city local governments in accordance with their respective authorities, either individually or jointly.¹⁵

The question arises, namely, are business actors involved in the supervision and assurance of halal post-certificate? Referring to the text of the article above, it is not explicitly mentioned by business actors. Law 6/2023 Articles 52A and 53 emphasize the role of state institutions and society, not direct business actors. Business actors are not referred to as subjects of supervision, but objects of supervision. However, electronic systems (Article 52A) and community participation (Article 53) functionally still place business actors in the halal compliance chain.

Furthermore, PP 42/2024 Article 111 regulates supervision of LPH, halal products, halal label, non-halal erection, separation of halal/non-halal locations, tools, and processes, as well as the existence of halal supervisors. The author did not find the explicit phrase “business actors are obliged to carry out post-certification supervision”, but every element supervised (product halal, label, separation of tools, halal supervisor, etc.) is logically under the responsibility of the business actor.

The implicit norm that can be caught is that the involvement of business actors is an implicit obligation. Although not explicitly stated, the involvement of business actors in ensuring post-certification halalness is strongly implied through several legal principles and JPH's institutional structure. PP 42/2024 Article 64 – Article 73 stipulates that business actors are obliged to compile, implement, and maintain the SJPH. This means that after the halal certificate is issued, business actors are responsible for ensuring that the production process remains in accordance with halal standards. SJPH includes ingredient and supplier control, halal critical point monitoring, halal internal audit, and corrective actions in case of changes. So, in this case, SJPH is a concrete form of business actors' involvement in post-certificate supervision.

Still in PP 42/2024, business actors are required to have a halal supervisor who is in charge of supervising and ensuring that the process of halal products in the company runs according to the provisions. This halal supervisor is an extension of business actors in ensuring the halalness of products in a sustainable manner. In other words, post-certification supervision is internalized into the body of business actors through systems and personnel. Furthermore, Law 6/2023 (Article 42 as amended) states that if there is a change in the composition of halal product ingredients and/or processes, business actors are required to update the Halal Certificate. This is a form of self-monitoring. Business actors are required to detect any changes that can affect the halal status and report them to BPJPH. Thus, even though BPJPH has an *oversight function*, the initial supervision still starts from the business actors themselves.

It should be added that the post-Job Creation Law regulations use a *shared* responsibility approach between the State (BPJPH), business actors, and the community. BPJPH as external regulators and supervisors, business actors as internal managers of halal (through SJPH), and the community as social supervisors (through the reporting/complaint mechanism).

In public administration theory, the responsibility of post-certification business actors is called continuous compliance obligation, which is the obligation to maintain the conditions on which the

¹⁵ See, for example: Muhammad Sholeh dan Agus Mursidi, “Implementation Culture Certified of Halal Food in Indonesia 2023,” *El-Hekam : Jurnal Studi Keislaman*, Vol. 8, No. 1, 2023, p. 144.

permit/certificate is issued. So, even though formal supervision is carried out by BPJPH, the fulfillment of substantive requirements (halalness of materials, processes, and facilities) is the responsibility of business actors at all times. In the Islamic view, halal business actors have a moral and legal responsibility (*amanah*) to maintain the halalness of their products. This is in line with the principle of *al-ghurm bi al-ghunm* (responsibility is proportional to profit). Because business actors benefit economically from halal labels, they are also obliged to bear the sustainable responsibility of maintaining their halal.

The halal post-certification supervision model regulated in Law Number 6 of 2023 and Government Regulation Number 42 of 2024 actually represents an ideal model that combines elements of legal compliance and moral integrity. This model presupposes the existence of high ethical awareness from all stakeholders, both business actors, inspection institutions, and the public, to voluntarily and continuously maintain the halalness of products.

However, in the context of Indonesian society, the implementation of the ideal model faces a number of structural and cultural challenges. Empirically, the level of law compliance in Indonesia still tends to be instrumental rather than substantial. Many business actors view halal certification as more of an administrative requirement or marketing strategy, rather than a moral commitment to maintain the integrity of the halal process sustainably. In addition, the legal culture of Indonesian society, which tends to be patronistic and permissive, also affects the effectiveness of supervision. In many cases, compliance only arises when there is external pressure, such as government scrutiny, media publications, or consumer demands. This shows that self-regulation through SJPH has not fully grown from the intrinsic awareness of business actors.

From the public side, even though there is space for public participation as stipulated in Article 53 of the Job Creation Law (Law 6/2023), public awareness and the courage to carry out social control for halal products are still relatively low. Factors such as lack of knowledge about reporting mechanisms, concerns about social impacts, and distrust of follow-up authorities are obstacles to optimizing community-based supervision. Thus, the main challenge of halal post-certification supervision in Indonesia is not only in the regulatory aspect, but also in the development of a compliance culture that places halal as a shared moral responsibility, not just an administrative matter.

Sustainable Halal Governance

Post-halal certification supervision is an important stage in maintaining the sustainability of the halal status of a product after the certificate is issued by BPJPH. This supervision is not only administrative, but also contains high moral and social value, because it concerns the protection of the rights of Muslim consumers to obtain products that are truly halal in accordance with Islamic law.¹⁶ Based on Law Number 6 of 2023 and Government Regulation No. 42 of 2024, post-certification supervision is carried out by BPJPH by involving related institutions, local governments, and the community. Although business actors are not explicitly referred to as subject to supervision, they still have an implicit obligation to maintain the halalness of products through the implementation of SJPH and the function of halal supervisors within the company. To understand the extent to which this supervisory system is ideal and effective, the analysis will use two relevant theoretical perspectives, namely Gustav Radbruch's theory of legal value, which assesses law based on three main values: justice, utility, and legal certainty; and the theory of Halal Good Governance, which views halal assurance as part of public governance that is ethical, transparent, and morally accountable.

a. Analysis Based on Gustav Radbruch's Theory

Gustav Radbruch stated that a good law must reflect three fundamental values:

1. Justice (*Gerechtigkeit*), which is to ensure that everyone gets his or her rights proportionately;
2. Benefit (*Zweckmäßigkeit*), i.e. law must provide social benefits to society; and
3. Legal certainty (*Rechtssicherheit*), requires that the law must provide stability and clarity for citizens.

¹⁶ See, for example: Fatimah Zuhrah, et al., "Halal Certification Services in Indonesia: Between Islamic Law Compliance and Satisfaction Improvement," *AL-Ahkam: Journal of Law and Social Institutions*, 20 (1), 2025, p. 265.

The aspect of fairness in halal supervision means that the Muslim community is entitled to the guarantee that every product consumed is truly halal and produced according to sharia principles. Law 6/2023 and Government Regulation 42/2024 have emphasized that BPJPH is obliged to supervise the halalness of products, halal labels, and the existence of halal supervisors. However, in practice, the level of awareness of business actors towards the moral value of halal is still low. Many business actors see halal certification as just an administrative obligation, not an ethical commitment. This creates an inequality of justice between business actors who derive economic benefits from halal labels and consumers who are entitled to true halal guarantees. Therefore, in Radbruch's perspective, the value of substantive justice in the halal supervision system in Indonesia is still not fully realized. The law does provide formal guarantees, but the moral and ethical dimensions are not yet fully alive in the consciousness of business actors and society.

In terms of legal certainty, Law 6/2023 and GR 42/2024 have established a clear and hierarchical legal framework. BPJPH has supervisory authority, business actors are required to implement SJPH, and the public can participate through a reporting mechanism. However, this legal certainty is only normative because its implementation in the field still faces challenges, in the form of uneven BPJPH supervision capacity in the regions, halal audits have not been carried out regularly on MSMEs, and cross-agency coordination is still administrative, not yet substantive. Thus, the value of legal certainty does exist textually, but it is not fully effective in ensuring sustainable halal supervision.

From the aspect of benefits, the halal supervision system aims to protect the public from non-halal products and increase the competitiveness of business actors in the global halal market. However, these social benefits have not been maximized because supervision still tends to be reactive, which is carried out after reports of violations appear, rather than proactively and preventively through periodic audits and continuous assistance. Thus, from Radbruch's perspective, the halal supervision system in Indonesia already has a definite legal basis, but has not been able to bring substantive justice and optimal social benefits due to the weak culture of compliance and moral awareness of business actors.

b. Analysis Based on the Theory of Halal Good Governance

The *Halal Good Governance* (HGG) theory is the development of the concept of *good governance* in the context of halal governance. HGG emphasizes six main principles, namely:

1. Accountability
2. Transparency
3. Responsiveness
4. Participation
5. Rule of Law
6. Trust

These principles affirm that halal assurance is not only an administrative affair but a public governance system that upholds the values of honesty, openness, and responsibility.

- 1) Accountability. BPJPH is responsible for ensuring that halal certificates are not only issued but also supervised on an ongoing basis. However, the halal supervision report and audit results have not been fully open to the public. Business actors also do not have a strong internal accountability system for the community, as Muslim consumers. Thus, accountability is still limited to the administrative level, not yet touching moral and social accountability.
- 2) Transparency. The implementation of an integrated electronic system (Article 52A of Law 6/2023) is a step forward in increasing transparency. However, public access to halal certificate status information and monitoring results is still limited. In fact, the disclosure of halal information can strengthen public participation and increase trust in the JPH system.
- 3) Participation. Article 53 of Law 6/2023 provides space for public participation in the form of socialization, education, and reporting. However, factual participation is still low due to the lack of halal literacy, social hesitancy, and distrust of the complaint mechanism. Weak participation causes social control to not run optimally.

- 4) Rule of Law. Normatively, JPH regulations in Indonesia are already very strong. However, the level of compliance of business actors with SJPH's obligations is still low. Obedience only arises when there is pressure from authority or society, not because of intrinsic awareness. This shows that *the compliance* culture in Indonesia is still instrumental, not internalized obedience.
- 5) Trust. Public trust in the halal system is a key factor. Although BPJPH and MUI are trying to build credibility, cases of misuse of halal labels or material changes without reporting still raise public doubts. Therefore, the biggest challenge of halal supervision is to foster social trust through transparency and consistency of supervision.

CONCLUSION

Halal certification in Indonesia is not the end of the halal assurance process, but part of the sustainability system (*post-certification halal assurance*) that requires the sustainable maintenance of halal products by business actors, inspection institutions, and the government. The results of a study of Law No. 33 of 2014, Law No. 6 of 2023, and Government Regulation No. 42 of 2024 show that regulations have provided a strong legal basis, but their effectiveness is still constrained in supervision, institutional coordination, and compliance of business actors.

In terms of legal certainty, the rules are clear, but their application is not consistent. From the aspect of fairness and utility, the law has not fully protected consumers because certification is often seen as a mere formality, rather than a moral responsibility. Meanwhile, from the perspective of Halal Good Governance, the principles of accountability, transparency, participation, and public trust have not been balanced. Therefore, the sustainability of halal assurance requires strengthening three main areas, namely regulatory, institutional, and cultural-ethical. Regulation is carried out through synchronization and consistent law enforcement. Institutions are pursued with stronger coordination and supervisory capacity. Cultural-ethical is carried out through the development of a culture of obedience and social trust based on Islamic values. With the synergy of these three aspects, a fair, useful, and definite halal assurance system can be realized within the framework of *good halal governance*.

REFERENCES

- Aziz, G., Ghofur, A., & Hidayati, N. (2021). *Regulation on the Implementation of Halal Product Assurance in Indonesia: Statute Approaches*. Ulul Albab: Jurnal Studi dan Penelitian Hukum Islam, 4(2).
- Badan Penyelenggara Jaminan Produk Halal Republik Indonesia. (2025). *Laporan Kinerja Badan Penyelenggara Jaminan Produk Halal Periode Oktober 2024 s.d Juni 2025* (p. 26). BPJPH. Retrieved from <https://bpjph.halal.go.id/detail/terbukti-melakukan-pelanggaran-bpjph-cabut-sertifikat-halal-roti-okko>
- Desy Rahmawati Anwar, D., et al. (2025). *From Hisbah to Halal Governance: Reconstructing Market Supervision in Classical Islamic Manuscripts for Contemporary Halal Economy Regulation*. Formosa Journal of Applied Science, 4(6), 1693.
- Fahmi Ali Hudaefi, F. A., & Jaswir, I. (2019). *Halal Governance in Indonesia: Theory, Current Practices, and Related Issues*. Journal of Islamic Monetary Economics and Finance, 5(1), 91–92.
- Faqih Maulana, D. (2024). *Regulasi Jaminan Produk Halal di Indonesia: Otoritas, Perlindungan Konsumen dan Kepastian Hukum* [Doctoral dissertation, Universitas Islam Negeri Sunan Kalijaga Yogyakarta], Faculty of Sharia and Law.
- Fasya Putri Ramdhani, F., & Suhardini, E. D. (2025). *Imported Products That Do Not Have a Halal Label Based on Law No. 33 of 2014 concerning Halal Product Guarantee* (p. 48). Retrieved November 9, 2025, from <https://media.neliti.com/media/publications/547617-none-613616f8.pdf>
- Husna, A., Wong, M. S. M. A., & Osman, A. S. (2022). *The Enforcement of Halal Compliance by Authorities in the Halal Industry*. In *International Virtual Colloquium on Multidisciplinary Research Impact* (2nd Series), UiTM, Shah Alam, Malaysia, 15 Oct 2021, E-BPJ, 7(SI7), 544.

- Ikhwan, I. (2024). *Systematic Review on Indonesia Halal Certification*. *Ekonomi Islam*, 6(2). Retrieved from <http://journals.smartinsight.id/index.php/EII/index>
- Mutia Evi Kristhy, M., et al. (2023). *The Role of Judges in Realizing the Three Basic Legal Values Reviewed from Gustav Radbruch's View*. *Journal of Political and Legal Sovereignty*, 1(3), 89.
- Nurillah, S. L. (2023). *The Importance of Halal Certificates in Halal Food Using the Digital Platform*. *International Journal of Law Dynamic Review*, 1(2), 107.
- Rahmat Syafi'i, (1998). *Ilmu Ushul Fiqh*, Bandung: Pustaka Setia.
- Sholeh, M., & Mursidi, A. (2023). *Implementation Culture Certified of Halal Food in Indonesia*. *El-Hekam: Jurnal Studi Keislaman*, 8(1), 144.
- Supriyadi, M. W., et al. (2025). *Pokok Pikiran dan Sumbangsih Fundamental Gustav Radbruch terhadap Perkembangan Ilmu dan Hukum*. *Quantum Juris: Jurnal Hukum Modern*, 7(1), 399, 403–405.
- Thalhah, T., et al. (2024). *From Certification to Consumption: Shariah-Compliant Postmarket Halal Assurance*. *Hikmatuna: Journal for Integrative Islamic Studies*, 10(2).
- Thalhah, T., et al. (2025). *Sustainability of Product Halal in the Postmarket Phase from the Perspective of Islamic Law in Indonesia*. *Tasyri' Journal of Islamic Law*, 4(1).
- Wongsit Supriyadi, M., et al. (2025). *Fundamental Thoughts and Contributions of Gustav Radbruch to the Development of Legal Science*. *Quantum Juris: Jurnal Hukum Modern*, 7(1), 399–405.
- Zuhrah, F., et al. (2025). *Halal Certification Services in Indonesia: Between Islamic Law Compliance and Satisfaction Improvement*. *Al-Ahkam: Journal of Law and Social Institutions*, 20(1), 265.