

Juridical Analysis of Halal Certification as a Legal Obligation for MSMEs from the Perspective of Law No. 33 of 2014 and Maqashid Sharia

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Abstract This study aims to analyze the obligation of halal certification for Micro, Small, and Medium Enterprises (MSMEs) based on Law Number 33 of 2014 concerning Halal Product Assurance, as well as to examine its implementation from the perspective of maqashid sharia. The method used is normative juridical legal research with a statutory and maqashid sharia-based approach. The results of the study indicate that, normatively, halal certification constitutes a binding legal obligation and carries administrative sanctions for violations. However, its implementation in the field faces serious challenges, especially for MSME actors, in the form of cost, technical, and administrative constraints, as well as unequal access to facilities and information. From the perspective of maqashid sharia, this policy supports the realization of the objectives of Islamic law, such as the protection of religion (*hifz al-din*), life (*hifz al-nafs*), wealth (*hifz al-mal*), intellect (*hifz al-'aql*), and progeny (*hifz al-nasl*). Nevertheless, a critical evaluation reveals that its implementation has not fully reflected the principles of justice and public benefit (*maslahah*) due to the absence of proportionate affirmative treatment for MSMEs. Therefore, a policy reformulation is needed that emphasizes educational and facilitative approaches, rather than solely coercive administrative measures. Halal certification should not only serve as a legal instrument but also as a means of economic empowerment aligned with the values of maqashid sharia.

Keywords: Halal Certification; MSMEs; Law No. 33 of 2014; Maqashid Sharia; Legal Justice.

INTRODUCTION

The growth of Micro, Small, and Medium Enterprises (MSMEs) in Indonesia has shown a highly significant trend over time (Nursini, 2020; Saputra & Darmawan, 2023; Sari & Kusumawati, 2022; Tambunan, 2019; Yolanda, 2024). According to data from the Ministry of Cooperatives and Small and Medium Enterprises of the Republic of Indonesia, MSMEs contribute more than 60% to the national Gross Domestic Product (GDP) and absorb around 97% of the national workforce. This increase not only reflects the economic vibrancy of the lower-middle class but also highlights the strategic role of MSMEs in inclusive and sustainable economic development. Nevertheless, this growth also presents challenges in terms of compliance with product standards, including the halal aspect of products consumed by the majority Muslim population.

In a country with the largest Muslim population in the world like Indonesia, halal product assurance is not merely a matter of ethics or a business choice, but has become a legal obligation (Adiwijaya, 2019). This is because Muslim consumers have the right to access information and assurance regarding the halal status of the products they consume. In the context of consumer protection law, the state has an obligation to safeguard the fundamental rights of its citizens. The absence of regulations concerning halal products could create a legal vacuum that harms both business actors and consumers (Qodir & Muhim, 2024). Thus, the state's responsibility to regulate and guarantee halal products is not solely related to economic aspects but also extends to constitutional and human rights dimensions from a religious perspective. This is particularly reflected in Article 28E of the 1945 Constitution, which guarantees the freedom of religion and worship according to each individual's beliefs.

As a response to the need for legal assurance regarding halal products, the Indonesian government enacted Law Number 33 of 2014 concerning Halal Product Assurance (Halal Product Assurance Law) (Luthviati & Jenvitchuwong, 2021; Pribadi & Fitriana, 2022; Reza & Zainullah, 2024; Wajdi & Hadita, 2021). Article 4 of Law No. 33 of 2014 clearly states that "Products that enter, circulate, and are traded in the territory of Indonesia must be halal-certified." The phrase "must be halal-certified" in this provision signifies that halal status is no longer a matter of choice (voluntary-based mechanism), but a legal obligation (mandatory-based system). This law also introduced the Halal Product Assurance Organizing Agency (BPJPH) as a state

institution under the Ministry of Religious Affairs, responsible for regulating halal certification at the national level (Bima & Alim, 2025; Djakfar et al., 2025; Najla & Fatwa, 2025; Pratama, 2024). This provision marks a legal transformation from a voluntaristic to a legalistic approach, meaning that the state actively imposes obligations on business actors, including MSMEs, to comply with halal requirements. However, the implementation of this provision toward MSMEs has sparked debate. Many small business actors are still unprepared in terms of administrative capacity, technical requirements, and financial resources to undergo the halal certification process.

In this context, a critical question arises within the scope of *ius constitutum* (the currently applicable law): Has the imposition of mandatory halal certification for MSMEs taken into account the principles of justice, proportionality, and non-discrimination in law? The principle of *lex dura sed lex* (the law is harsh, but it is the law) cannot be rigidly applied without considering the actual capacity and conditions faced by MSME actors. Therefore, the urgency of legal analysis lies not only in the normative interpretation of legal provisions but also in examining how those provisions are implemented and their real impact in practice.

In Islamic law, the halal status of a product is not merely a legal-formal matter but is intrinsically linked to the *maqashid al-shariah* (the objectives of Islamic law). According to the theory of *maqashid* developed by Imam al-Shatibi in his seminal work *al-Muwafaqat*, the goals of sharia are to preserve five fundamental values: religion (*hifz al-din*), life (*hifz al-nafs*), intellect (*hifz al-'aql*), lineage (*hifz al-nasl*), and wealth (*hifz al-mal*) (Kurniawan & Hudafi, 2021). The assurance of halal products is closely related to the preservation of religion (*hifz al-din*) and life (*hifz al-nafs*), as the consumption of unlawful (*haram*) goods can harm both the spiritual well-being and physical health of the Muslim community. Therefore, halal regulations established by the state must align with the objectives of *maqashid al-shariah*, meaning they should not only ensure legal-formal compliance with halal standards but also facilitate Muslims in practicing their religious teachings in a substantive and meaningful way.

This is where a convergence occurs between positive law and Islamic law. Law No. 33 of 2014 represents a concrete form of the state's adoption of religious values into national legislation. However, the implementation of this law must still take into account the socio-economic realities of small business actors. If this obligation places an excessive burden on MSMEs to the point where they are pushed out of the market, it would contradict the very essence of *maqashid al-shariah*, which aims to preserve livelihoods and ensure the blessing of sustenance.

Therefore, positive law must be interpreted through the lens of *maslahah mursalah* (public interest), so that its implementation does not become a counterproductive burden. The *maqashid al-shariah* approach also demands affirmative action in the application of halal law to MSMEs. In this context, the state, through the Halal Product Assurance Organizing Agency (BPJPH), can apply the principle of *lex specialis derogat legi generali*, namely, that special provisions may apply to MSMEs that differ from those applied to large-scale businesses. For instance, this could include reduced fees, simplified procedures, or intensive assistance programs. Such measures are essential to ensure the realization of the principles of justice and legal equality (*equality before the law*). Consequently, lawmaking should not be limited to being purely *rule-based*, but must also be *value-based* prioritizing human dignity, justice, and the broader public good.

This study refers to several previous research works, the first being by Dede Al Mustaqim, titled "*Halal Certification as a Form of Protection for Muslim Consumers: An Analysis from the Perspective of Maqashid Syariah and Positive Law*." This research aims to examine halal certification as an effort to protect Muslim consumers through the lens of *Maqashid Syariah* and positive law. The approach used in this study is normative legal research with a qualitative method, involving the analysis of secondary data such as legal regulations and academic literature. The main focus of the study includes discussions on the concept of *halal*, the classification of halal and haram foods, the principles of *Maqashid Syariah*, and the role of halal certification in ensuring the protection of Muslim consumer rights. The findings reveal that the fundamental concept of *halal* in Islam is derived from the Qur'an, Hadith, scholarly consensus (*ijma'*), and analogical reasoning (*qiyas*), and is further reinforced by national legal instruments such as Law Number 33 of 2014, the establishment of the Halal Product Assurance Agency (BPJPH), and the role of the Indonesian Ulema Council (MUI). Halal certification is understood as an embodiment of the *Maqashid Syariah* principles, particularly in safeguarding the welfare of individuals and society as a whole. This research emphasizes that the principle of *halal* touches upon various aspects of life, and the certification process has strong theological and juridical foundations aimed at providing holistic protection for Muslim consumers. Halal certification has proven to offer a sense of security to Muslim consumers and serves as a preventive measure against fraudulent practices, in line with the values of Islamic law. The study also highlights the crucial role of BPJPH in formulating responsive policies, building public trust, and instilling ethical responsibility among business actors. From an economic perspective, halal certification is believed to enhance product competitiveness, while socially, it is important to raise legal awareness among business players. For future research, it is recommended to explore the long-term economic impacts and assess the effectiveness of educational strategies in increasing legal awareness regarding the importance of halal

certification, to strengthen consumer protection and support the growth of the halal industry in Indonesia (Al Mustaqim, 2023).

The second study is by Panji Adam Agus Putra, published in his journal article titled *“The Position of Halal Certification in the National Legal System as an Effort to Protect Consumers in Islamic Law.”* This research aims to understand the status of halal certification within the framework of the national legal system and the role of written fatwas issued by the Indonesian Ulema Council (MUI) as a form of consumer protection from the perspective of Islamic law, using a normative juridical approach. Halal certification is regarded as a form of official recognition of a product’s halal status, issued by the Halal Product Assurance Organizing Agency (BPJPH) based on a written fatwa released by MUI. The enactment of the Halal Product Assurance Law (UUJPH) has sparked various responses from the public, both in support and opposition. Within the national legal system, halal certification holds an important and strategic position because it is explicitly regulated in legislation, particularly Law Number 33 of 2014 concerning Halal Product Assurance. Furthermore, the halal fatwa issued by MUI holds strong normative authority, is widely followed by the Muslim community, and is officially recognized by the government. The government’s adherence to MUI fatwas is reflected in the integration of their substance into existing legal regulations, making halal fatwas one of the formal references in formulating consumer protection policies—especially for Muslim consumers in Indonesia (Agus, 2017).

The third study is by Aliyudin et al., published in their journal article titled *“Halal Certification at MUI Lampung After the Enactment of Law Number 34 of 2014 and the Problems Faced by MSMEs.”* This research focuses on several key issues: What were the requirements for halal certification before and after the implementation of Law Number 34 of 2014? How is the halal product certification process carried out by the authorized institution, namely the Halal Product Assurance Organizing Agency (BPJPH)? What role does the Indonesian Ulema Council (MUI) play in the halal certification mechanism? And what are the obstacles and legal implications of mandatory halal certification for micro, small, and medium enterprises (MSMEs)? This research is a normative juridical study employing a descriptive qualitative method. The findings indicate that MUI plays a central role in issuing the halal assurance letter, which is a primary requirement for BPJPH to issue the halal certificate. Moreover, MUI also performs other functions as regulated by legislation, thereby reinforcing the legitimacy and authority of the issued halal certificates. In terms of impact, halal certification can enhance the market value and competitiveness of MSME products. However, MSME actors still face various challenges, especially in financing the certification process and the lack of understanding due to limited outreach and education. These remain major obstacles to the comprehensive implementation of mandatory halal certification within the small and medium business sector (Aliyudin et al., 2022).

Based on the three aforementioned studies, none have comprehensively examined the juridical analysis of halal certification as a legal obligation for MSMEs in the perspective of Law No. 33 of 2014 and Maqashid Syariah. The urgency of this study lies not only in critiquing legal norms, but also in serving as a foundation for developing more inclusive and responsive regulations. By applying a normative juridical analysis alongside the maqashid syariah approach, we can assess to what extent Law No. 33 of 2014 functions as an instrument that is both legally effective and ethically sound.

This study also opens a discursive space on the importance of constructing halal law that is not merely legalistic and repressive, but also restorative, educational, and participatory. At this point, the synergy between state law and Islamic law becomes essential in achieving public welfare grounded in justice.

Therefore, it is crucial to recognize that halal law is not merely an administrative regulation it encompasses the moral, economic, and spiritual dimensions of the Muslim community. By understanding the interconnection between MSME growth, Muslim consumer protection, the legal obligations in Law No. 33 of 2014, and the objectives of Maqashid Syariah, this study aspires to contribute to the development of a national halal policy that is just, adaptive, and beneficial to society (*maslahah*). After all, law is not merely a rigid set of norms it is an *instrumentum regni*, a tool to realize justice, welfare, and the dignity of human life.

METHOD

This research employs a normative juridical approach, which is a legal research method that focuses on the study of written positive legal norms currently in force, examining their content, structure, principles, and legal system (Suteki, 2018). Within this framework, law is understood as a system of norms that is prescriptive in nature, providing guidance on how individuals ought to behave. The normative juridical approach is essential in this context because the issue of halal certification as a legal obligation for MSMEs is a product of state legislative policy, particularly Law Number 33 of 2014 on Halal Product Assurance (UU JPH). In this study, legal norms are not merely analyzed in a literal or textual manner, but are also contextualized through Islamic legal principles, especially via the maqashid al-shariah approach.

The statute approach is applied to examine legal regulations directly related to the halal certification obligation. The primary legal foundation is Law No. 33 of 2014, which is then systematically analyzed alongside its derivative regulations, such as Government Regulation No. 39 of 2021 and Regulation of the

Minister of Religious Affairs No. 26 of 2019. The analysis also incorporates legal principles such as *lex specialis derogat legi generali* (special law overrides general law), *ius curia novit* (the court knows the law), and *lex posteriori derogat legi priori* (newer law overrides older law) to understand the hierarchy and legal positioning of these regulations. On the other hand, the maqashid al-shariah approach is used as an Islamic legal philosophy method, enabling the researcher to assess whether these legal norms align with the core objectives of Islamic law—namely the protection of religion (*hifz al-din*), life (*hifz al-nafs*), intellect (*hifz al-'aql*), lineage (*hifz al-nasl*), and wealth (*hifz al-mal*).

The data sources used in this research consist of primary and secondary data. Primary data includes official state regulations such as Law No. 33 of 2014 on Halal Product Assurance, fatwas from the National Sharia Council of the Indonesian Ulama Council (DSN-MUI) related to halal products, as well as technical and administrative documents from the Halal Product Assurance Organizing Agency (BPJPH). Meanwhile, secondary data comprises scholarly references obtained from academic journals, legal and Islamic economic literature, opinion articles from authorized legal institutions, and doctrinal opinions from experts, which serve as authoritative interpretations of the legal provisions analyzed. The use of this secondary data supports a critical reading of legal texts and provides broader context to the issues under examination.

The data analysis technique used in this research is qualitative analysis through the content analysis method, which involves examining the legal content of the normative documents collected. The researcher identifies legal norms, the principles of *maqashid al-shariah*, and the embedded values of public benefit (*maslahah*). The aim is not merely to describe the literal content of legal provisions but to interpret and evaluate the extent to which these regulations uphold the principle of equity before the law and their alignment with maqashid al-shariah. In this context, law is understood as both a normative instrument and a reflection of ethical values (legal as normative and ethical values). This analysis ultimately produces an argumentative conclusion on the necessity of synthesizing positive law and sharia in the implementation of halal policy for MSMEs in Indonesia.

RESULT AND DISCUSSION

Halal Certification Obligation According to Law No. 33 of 2014

Law Number 33 of 2014 concerning Halal Product Assurance (UU JPH) stipulates that all products that enter, circulate, and are traded within the territory of Indonesia must be halal-certified (Suhartana et al., 2024). This provision is legally binding and establishes product halalness as a mandatory legal obligation, rather than a matter of voluntary compliance. In the context of positive law, it reflects the state's active role in ensuring the protection of Muslim consumers, as mandated in Article 4 of the Halal Product Assurance Law (UU JPH). The institution responsible for implementing this certification is the Halal Product Assurance Organizing Agency (BPJPH), which works in collaboration with Halal Inspection Agencies (LPH) and the Indonesian Ulama Council (MUI) in determining the halal status of a product (Devi & Mutoharoh, 2024). The certification process is carried out administratively through the online Sihahal system, which brings together business actors, Halal Inspection Agencies (LPH), and the Halal Product Assurance Organizing Agency (BPJPH) on a single digital platform (Latifah et al., 2023).

The halal certification procedure for business actors, including Micro, Small, and Medium Enterprises (MSMEs), is carried out through the Regular Scheme (Jalur Reguler) (Ilham, 2022). This scheme is intended for products with complex ingredients and production processes that cannot be simplified. The certification process begins with the submission of an application by the business actor through the Sihahal platform. At this stage, the applicant must complete several essential documents, such as the Business Identification Number (NIB), the Halal Product Assurance System (SJPH) manual, and documents related to the halal supervisor. These documents serve as administrative requirements for the subsequent steps to proceed.

Halal certification is not only a form of compliance with religious law, but also an administrative instrument that requires business actors to comply with specific legal and technical standards set by the state. To clarify the certification process under the regular scheme, the following table presents the implementation stages based on BPJPH regulations and the Sihahal platform:

Stage	Executor	Process Description
Halal Certification Application	Business Actor	Completes the Sihahal account and uploads documents: Business Identification Number (NIB), SJPH Manual, product list, and halal supervisor information.
Document Verification	BPJPH	Verifies the completeness and authenticity of submitted documents.
Examination Fee Determination	LPH	Calculates and sets the examination fee, which is communicated through the Sihahal system.
Invoice Issuance	BPJPH	Issues the certification fee invoice to the business actor.

Certification Payment	Business Actor	Pays the fee and uploads the payment receipt in PDF format to Sihalal.
Payment Verification & STTD Issuance	BPJPH	Verifies the payment proof and issues the Document Receipt Acknowledgement Letter (Surat Tanda Terima Dokumen - STTD).
Halal Inspection	LPH	Conducts on-site auditing and uploads the inspection report to the system.
Halal Fatwa Deliberation	MUI Fatwa Commission	Reviews the audit results to determine the product's halal status and uploads the halal decree to Sihalal.
Halal Certificate Issuance	BPJPH	Issues the halal certificate and delivers it to the business actor.

Although the above procedure appears to be structurally organized and digitally based, in practice, MSMEs face a number of complex challenges. One of the primary issues is cost, which is often considered burdensome for small-scale business actors. In addition, MSMEs frequently encounter difficulties in understanding the digital administrative flow, especially those located in rural or remote areas who are unfamiliar with technology or have limited internet access. Furthermore, documentation requirements such as the SJPH Manual and the appointment of a halal supervisor often become obstacles due to limited human resources and technical expertise at the MSME level. This situation indicates that although halal regulations are applied equally in law, their impact is not equal in fact, which contradicts the principle of equity and justice in the implementation of law.

From a policy perspective, it is essential to evaluate the extent to which the implementation of halal certification fulfills the principle of legal fairness (*principle of fairness*) and utility (*utilitas legis*). Previous studies have shown that many MSMEs either do not fully understand the importance of halal certification or feel incapable of completing the process. Although the government has introduced the Free Halal Certification Program (SEHATI) through BPJPH, the number of quotas remains very limited compared to the more than 60 million MSMEs operating across Indonesia. Therefore, the regulatory framework needs to be sharpened through a regulatory impact assessment that actively involves MSME stakeholders, ensuring that policy formulation is not merely top-down, but also grounded in the principle of participatory legal culture.

Accordingly, the halal certification obligation under Law No. 33 of 2014 is a progressive effort to align national law with Islamic values and legal certainty for consumers. However, this policy must be executed with consideration of the actual conditions of MSMEs to avoid over-regulation that could burden small business actors. The application of administrative sanctions as regulated in Articles 56–58 of the Halal Product Assurance Law should be balanced with capacity building, subsidies, and education programs. In other words, halal law should not only enforce obligations but also create pathways for socio-economic justice and extend blessings (*barakah*) for all parties involved in the halal product production and consumption chain in Indonesia.

Challenges and Legal Implications for MSMEs

The Implementation of Halal Certification Obligations as Regulated in Law Number 33 of 2014 Brings Serious Implications for Business Actors, Particularly Micro, Small, and Medium Enterprises (MSMEs) (Prawiro & Fathudin, 2023; Ritonga et al., 2025; Styaningrum et al., 2025; Widiarty, 2024). On one hand, this regulation reflects the state's commitment to protect Muslim consumers and demonstrates a legal commitment to safeguarding religious rights through halal products. On the other hand, the halal certification process presents considerable complexity in terms of cost, technical requirements, and administrative procedures, which pose a significant burden for MSMEs. Many small business actors face difficulties in preparing the Halal Product Assurance System (SJPH) documents, appointing a halal supervisor, and fulfilling the requirement to undergo audits by a Halal Inspection Agency (LPH). This lengthy process often requires legal and technical assistance that not all MSMEs can access.

Cost is one of the primary challenges frequently cited by MSME actors in various field studies. Although the government has launched the Free Halal Certification Program (SEHATI) through BPJPH, its limited quota and complex registration process prevent many MSMEs from effectively accessing the program. The average cost of regular halal certification, as determined by the LPH, can reach several million rupiahs, depending on the product type and number of ingredients used. This cost is burdensome for small businesses still struggling to survive economically, especially in the aftermath of the COVID-19 pandemic. As a result, many MSMEs choose not to apply for halal certification, even though they are aware of its legal obligation. In this context, a clear financial disparity exists between MSMEs and large-scale industries.

Beyond financial aspects, technical and administrative barriers also play a significant role. Most MSMEs, especially those in rural or suburban areas, struggle with accessing information, technology, and halal certification services, which are generally concentrated in urban centers. Many do not know how to access or

use digital platforms like Sihalal, the official BPJPH portal for the certification process. This digital divide between large and small enterprises widens the gap in access to legal rights and obligations. Consequently, MSMEs become the most vulnerable group in the face of halal certification policies, even though they are the backbone of local economies and the producers of many daily consumer products.

From a legal standpoint, this situation raises critical questions about the principle of proportionality in regulatory enforcement. This principle emphasizes that every restriction or legal obligation imposed by the state must strike a balance between its intended objectives and the burden it places on citizens. If halal certification aims to protect Muslim consumers a legitimate goal—then the implementation mechanism must ensure that MSMEs are not made victims of structural injustice. Within this framework, the imposition of administrative sanctions, such as fines, warnings, and even product distribution bans as stipulated in Articles 56–58 of the Halal Product Assurance Law, must be approached with caution to avoid disincentivizing small business survival.

Moreover, legal protection for MSMEs must be viewed through the lens of non-discrimination and substantive justice. The principle of equality before the law does not always imply identical treatment, but rather sometimes demands differentiated treatment for vulnerable groups to achieve equity of outcome. In this regard, MSMEs require affirmative legal measures legal treatments that accommodate their actual conditions by providing subsidies, legal and technical assistance, and simplified procedures. Without such interventions, the one-size-fits-all implementation of halal certification risks violating the principle of justice as fairness (as articulated by John Rawls) and contradicting the values of *maqashid al-shariah*.

Therefore, the mandatory halal certification policy as mandated by Law No. 33 of 2014 needs to be reviewed through a human-centered legal development perspective a legal formulation focused on social justice and human welfare as legal subjects, rather than solely on administrative compliance. The state must not only act as a regulator but also as a facilitator and protector, especially for vulnerable groups like MSMEs. Disproportionate legal enforcement not only hinders the objectives of sharia such as preserving religion (*hifz al-din*) and wealth (*hifz al-mal*) but also creates structural inequality within the national economy. Hence, regulatory reform, affirmative mechanisms, and participatory approaches are necessary so that the justice of halal law can be experienced by all, without exception.

Analysis of Halal Certification from the Perspective of Maqashid Sharia

Halal certification is a concrete manifestation of the state's effort to uphold sharia values in the public sphere, particularly in protecting Muslim consumers. From the perspective of *maqashid shariah*, one of the primary objectives of Islamic law is *hifz al-din* (the preservation of religion). Imam Al-Ghazali, in his seminal work *al-Mustashfa*, explains that preserving religion involves maintaining faith through commands that guide humans toward worship and distance them from that which is forbidden (*haram*) (Al-Ghazali, 1997). The consumption of halal food, beverages, and other products is a fundamental form of servitude to Allah (*ibadah*), as emphasized in Surah Al-Baqarah, verse 168: “O mankind, eat from whatever is on earth [that is] lawful and good.” Therefore, halal certification policy is not merely an administrative matter but a form of protection for the sanctity of Muslim worship in everyday life. In this regard, the state also plays a role as the guardian of *maqashid*.

Furthermore, the *maqashid* of *hifz al-nafs* (protection of life) and *hifz al-mal* (protection of wealth) are also reflected in the urgency of halal certification. Consuming halal products that are guaranteed to be clean, free from impurities (*najis*), and harmful substances is a form of preserving human physical health. Imam Al-Syatibi, in *al-Muwafaqat*, emphasizes that *maqashid shariah* is not solely focused on ritual aspects but also encompasses worldly benefits (*maslahah*), including the protection of physical well-being and property (Al-Shatibi, 2002). The consumption of non-halal products or those with unclear origins has the potential to harm consumers' health and even their financial well-being. Products that are not certified may contain elements of deception (*gharar*), which contradict the principles of justice and transparency in *muamalah* (Islamic transactions). Therefore, the halal certification system essentially provides legal and economic protection for consumers, shielding them from market exploitation and information manipulation by producers.

In the broader societal context, the availability of halal products also supports the realization of *hifz al-‘aql* (preservation of intellect) and *hifz al-nasl* (preservation of progeny). Food or medicine containing *haram*, impure, or harmful substances such as alcohol and narcotics can damage the human mind and cause addiction, which undermines productivity. As emphasized in *maqashid*, preserving the intellect is a fundamental prerequisite for establishing a healthy civilization. Likewise, protecting future generations (*nasl*) can only be achieved through a consumption system that is healthy, halal, and of high quality. In this regard, Imam Ibn ‘Ashur, in *Maqasid al-Shariah al-Islamiyyah*, states that *maqashid* serves as a framework for organizing all aspects of human life spiritual, physical, and social (Ibn ‘Ashur, 2001). This means that halal products do not merely fulfill religious dimensions but also contribute to the development of holistic human resources those who are ethical, physically strong, and spiritually grounded.

To clarify the relationship between maqashid shariah and the urgency of halal certification, the following table presents a correlation between maqashid values and the functional aspects of halal policy:

Element of Maqashid Shariah	Objective	Implementation in Halal Certification
Hifz al-Din (Religion)	Preserving obedience and the sanctity of worship	Consumption of halal products as a form of servitude to Allah
Hifz al-Nafs (Life)	Protecting physical health	Halal food and beverages ensure safety of ingredients from a medical and chemical standpoint
Hifz al-Mal (Wealth)	Safeguarding consumer rights and economic justice	Halal certification protects consumers from fraud, <i>gharar</i> , and financial harm
Hifz al-‘Aql (Intellect)	Preventing consumption of harmful substances	Avoidance of drugs, alcohol, or intoxicants
Hifz al-Nasl (Progeny)	Protecting future generations	Ensuring healthy offspring through the consumption of halal and <i>thayyib</i> (wholesome) products

Nevertheless, the implementation of halal certification policy still invites criticism from the perspective of maqashid shariah. First, a legal approach that is administrative in nature and focused primarily on procedural compliance tends to overlook issues of accessibility and social justice for small business actors. This may potentially lead to mashaqqah (hardship) and even generate new mafasid (harms), particularly when Micro, Small, and Medium Enterprises (MSMEs) are unable to comply with the certification process due to financial constraints or technical illiteracy. Such consequences clearly contradict the maqashid principles of *raf’ al-haraj* (removal of hardship) and *jalb al-maslahah* (promotion of public benefit). Maqashid aims not only to achieve the objectives of shariah in a textual sense but also contextually, in line with the capacities of those subject to the law.

As an evaluation, religious scholars and Islamic legal thinkers have stressed the importance of a maqashid-based approach in public regulation. For instance, Shaykh Yusuf al-Qaradawi, in his work *Fiqh al-Maqasid*, asserts that Islamic law in public policy must not impose structural burdens on society. Halal certification should be understood as a tool of empowerment, not merely an administrative trap. Similarly, Professor Jasser Auda, a contemporary scholar of maqashid, emphasizes that maqashid must be constructed on systems theory, which takes into account the entire social and economic ecosystem, including MSMEs. Therefore, the evaluation of halal certification implementation must consider comprehensive *maslahah* (public interest) and prioritize support for vulnerable groups so that maqashid is not merely a rhetorical symbol but is truly embodied in a legal structure that is just and inclusive.

CONCLUSION

Based on the juridical analysis of Law Number 33 of 2014 concerning Halal Product Assurance, it can be concluded that the obligation of halal certification is a legitimate legal instrument with constitutional validity. The state, through the Halal Product Assurance Organizing Agency (BPJPH), is authorized to regulate and supervise the circulation of halal products to ensure legal certainty and consumer protection. As stipulated in Article 4 of the Halal Product Law, all products that enter, circulate, and are traded in Indonesia must have a halal certificate. In its implementation, the state has applied a gradual scheme and provides a digital service system through the Sihlal platform. However, the actual implementation still faces various administrative and procedural challenges, particularly for Micro, Small, and Medium Enterprises (MSMEs), who are the most affected by this regulation.

From the perspective of *maqashid shariah*, halal certification aligns with the core objectives of Islamic law, such as the protection of religion (*hifz al-din*), life (*hifz al-nafs*), wealth (*hifz al-mal*), intellect (*hifz al-‘aql*), and lineage (*hifz al-nasl*). The consumption of halal products reflects obedience to Islamic teachings and serves as protection for physical health, spiritual integrity, and societal sustainability. Scholars such as Imam Al-Ghazali, Al-Shatibi, and contemporary thinkers like Yusuf Al-Qaradawi and Jasser Auda emphasize that Islamic law must promote public benefit (*maslahah*) and eliminate undue hardship (*raf’ al-haraj*). Therefore, halal policy should not merely focus on procedural compliance but must ensure the realization of values such as social justice, community empowerment, and public welfare—especially for small business actors vulnerable to regulatory pressure.

Nevertheless, the implementation of halal certification for MSMEs has not fully embodied the values of *maqashid* in a comprehensive manner. Financial burdens, limited legal literacy, and unequal access to technology place MSMEs in a vulnerable legal and economic position. The lack of adequate affirmative measures also indicates that the principle of legal proportionality has not been properly upheld. In this regard, it is necessary to reconsider the policy of administrative sanctions for small business actors who are unable to meet certification obligations. Law must be applied fairly and without discrimination, taking into account the

socio-economic realities of its subjects. Thus, halal certification should be oriented not only as a legal obligation but also as an inclusive instrument for legal protection and economic empowerment.

Ultimately, the success of halal certification as a legal policy greatly depends on the synergy between state regulations, *maqashid shariah* values, and a participatory approach that prioritizes education, facilitation, and subsidies for MSMEs. Harmonizing positive law with shariah principles must be realized through concrete technical policies, MSME-friendly public service systems, and strong political will to guarantee equitable economic access. In this way, the fundamental objectives of the Halal Product Assurance Law and *maqashid shariah* can be jointly achieved: protecting the ummah, empowering business actors, and building a fair, transparent, and sustainable national halal ecosystem.

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