

Challenges Implementing Indonesia's Halal Product Guarantee Law for MSMEs: Legal Readiness Review

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Abstract

The enactment of Indonesia's Halal Product Guarantee Law (Law Number 33 of 2014) marked a fundamental shift from voluntary to mandatory halal certification. Despite its strategic objective of strengthening consumer protection and global halal competitiveness, the law has posed complex legal and practical challenges for Micro, Small, and Medium Enterprises (MSMEs). A persistent gap persists between regulatory demands and MSMEs' actual readiness, creating risks of unintentional non-compliance and economic exclusion. This study aims to analyse the legal readiness and key juridical obstacles faced by MSMEs in implementing mandatory halal certification in Indonesia through a comprehensive literature-based assessment of post-enactment developments. The research used a qualitative systematic literature review, examining peer-reviewed journals, legal commentaries, and official regulatory documents published between 2014 and 2026. The analysis adopts a socio-legal approach to evaluate the interactions among legal substance, institutional structure, and legal culture that affect MSME compliance under the Halal Product Assurance System. The findings reveal that MSME readiness is constrained by limited legal literacy, psychological resistance to regulatory burdens, and significant technical and operational barriers, particularly in raw material traceability, facility segregation, and digital access to the SIHALAL platform. The centralised, uniform regulatory model fails to accommodate the heterogeneous, informal nature of MSMEs. Comparative insights indicate that effective halal governance depends on facilitative support infrastructure rather than coercive enforcement. The study concludes that strengthening proportional regulation, institutional support, and capacity-building mechanisms is essential to ensure the inclusive and sustainable implementation of halal law.

Keywords: halal law implementation, MSME readiness, halal certification barriers, legal certainty.



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INTRODUCTION

The global halal industry has undergone a monumental transformation over the last decade, transitioning from a niche religious requirement to a significant driver of the global economy. Indonesia, harbouring the world's largest Muslim population, stands at the epicentre of this shift, positioning itself not merely as a consumer base but as a potential global hub for halal products. The Indonesian government catalysed this ambition through a fundamental legal paradigm shift, moving from a voluntary halal certification system to a mandatory regime under Law Number 33 of 2014 concerning Halal Product Assurance (UU JPH). This legislation represents a watershed moment in Indonesian legal history, as it centralises halal certification authority within a government agency, the Halal Product Assurance Organising Body (BPJPH), shifting the long-standing role of the Indonesian Ulema Council (MUI) to a more specific consultative and auditing capacity (Suhendro, 2023).

The transition to a mandatory system presents a complex tapestry of legal, administrative, and socio-economic challenges, particularly for Micro, Small, and Medium Enterprises (MSMEs). These enterprises constitute the backbone of the Indonesian economy, accounting for over 90 per cent of total business entities and providing the vast majority of national employment. For MSMEs, the mandate of Law Number 33 of 2014, further reinforced by the Omnibus Law on Job Creation and various Government Regulations, is not merely a matter of administrative compliance but a significant structural hurdle that impacts their operational viability. While the government has introduced various facilitations, such as the "self-declare" mechanism for low-risk products, the disparity between the ambitious legal framework and the actual readiness of these small-scale actors remains a critical concern for legal scholars and policymakers alike (Adinugraha et al., 2023).

Current academic discourse extensively discusses the normative aspects of the Halal Product Guarantee Law, yet a significant gap exists in synthesising the practical impediments faced by MSMEs through a structured legal lens. Existing studies often focus on either the theological dimensions of halal or the macroeconomic benefits of the industry, frequently overlooking the granular legal obstacles that prevent MSMEs from achieving full compliance. There is a pressing need to analyse how the current institutional framework interacts with the limited resources, low legal literacy, and technical constraints inherent in the MSME sector. This research addresses this void by conducting a systematic literature review to map the current state of readiness and identify the recurring legal bottlenecks that hinder the effective implementation of UU JPH (Nuryakin et al., 2023).

The implementation of mandatory halal certification operates within a complex regulatory ecosystem where multiple layers of authority often overlap or conflict. Despite the enactment of Law Number 11 of 2020 on Job Creation, which aimed to simplify business licensing and halal procedures, MSMEs continue to struggle with the bureaucratic intricacies of the Halal Product Assurance System (SJPH). The technical requirements for raw material traceability, the necessity of halal supervisors within the company structure, and the integration of the "Sihalal" digital platform require a level of sophistication that many small businesses have yet to attain. This situation creates a legal tension in which the state demands total compliance by specific deadlines, such as the October 2024 mandate (and subsequent extensions for specific sectors), while the law's subjects lack the requisite infrastructure to meet these standards (Effendi et al., 2024).

The readiness of MSMEs is deeply intertwined with the clarity of legal protection and the certainty of the certification process itself. Literature suggests that many MSMEs perceive halal certification as a financial and administrative burden rather than a competitive advantage. This

perception is exacerbated by inconsistent regional socialisation and varying degrees of support from local governments. In the context of legal sociology, the law's effectiveness is measured by its "living" application in society; if the target audience, MSMEs, remains alienated from the regulatory objectives due to systemic barriers, the law risks becoming a symbolic instrument rather than a transformative one. This research meticulously examines these socio-legal dynamics by aggregating diverse perspectives from existing scholarly works to provide a holistic view of the implementation struggle (Setyoko, 2023).

The legal obstacles identified in preliminary literature often point toward the "cost of compliance" and the "complexity of proof." For an MSME, proving the halal status of every ingredient in a supply chain that involves multiple uncertified traditional market vendors is an arduous task. The legal framework requires a level of documentation that is often absent in informal business practices. Consequently, many MSMEs find themselves in a state of legal precariousness, where they operate outside the formal halal assurance system despite their products being inherently "halal" by traditional religious standards. This disconnect highlights a critical flaw in the current implementation strategy: a "one-size-fits-all" regulatory approach that fails to account for the heterogeneous nature of Indonesian MSMEs (Fika Farhaturobbi et al., 2024).

By focusing on a literature review, this research aims to synthesise several years of academic research on the post-enactment period of UU JPH. The synthesis is crucial for identifying patterns of failure and success across different regions and sub-sectors of MSMEs. It provides an opportunity to evaluate the effectiveness of the government's corrective measures, such as fee waivers and the introduction of "halal companions", in mitigating the legal hurdles faced by the industry. The study investigates whether these interventions have genuinely increased legal readiness or merely introduced new layers of administrative complexity (Nuzliawati, 2019). The importance of this research lies in its potential to offer a systematic critique of the current halal legal infrastructure. Without a clear understanding of the obstacles MSMEs face, the goal of making Indonesia the world's halal leader will remain elusive. Legal certainty is the cornerstone of economic growth; if MSMEs cannot navigate the halal legal landscape, they risk market exclusion, particularly as consumers become increasingly conscious of certified labels. Therefore, analysing the "problematics" or the problems inherent in the implementation of UU JPH is not just an academic exercise but a necessity for national economic resilience (Chulsum Layyinatul Chasanah & Shofiyullah Muzammil, 2024).

This research aims to contribute to refining the Indonesian Halal Product Assurance System by providing evidence, based on insights from a comprehensive review of the scholarly literature. The subsequent sections will detail the methodology of this literature review, present the synthesised findings regarding the levels of MSME readiness, and categorise the primary legal constraints identified by researchers. By highlighting these issues, the research seeks to offer recommendations for policy adjustments that prioritise inclusivity and legal clarity, ensuring that the mandatory halal regime empowers MSMEs rather than marginalising them. The objective is to bridge the gap between the visionary goals of Law Number 33 of 2014 and the practical realities faced by the millions of small-scale producers who drive Indonesia's economy (Alam & Yunie Samhuri, 2021).

The research explores the international implications of Indonesia's halal policy. As a member of the World Trade Organisation (WTO), Indonesia must ensure that its mandatory halal requirements do not become unnecessary trade barriers, while simultaneously protecting its domestic MSMEs from being overwhelmed by certified foreign competitors. The literature review will thus touch upon how legal readiness at the local level affects Indonesia's standing in the international trade arena. Through this systematic approach, the research provides a robust foundation for understanding the intricate relationship among law, religion, and economics in Indonesia's unique halal ecosystem.

RESEARCH METHOD

This methodological framework was employed to investigate the legal complexities and operational readiness of Micro, Small, and Medium Enterprises (MSMEs) under the Indonesian Halal Product Assurance mandate. To ensure a comprehensive and objective synthesis of existing knowledge, this research employs a Systematic Literature Review (SLR) approach, which enables the identification, evaluation, and interpretation of all available research relevant to the implementation of Law Number 33 of 2014 and its subsequent amendments. This qualitative, descriptive method serves as the most appropriate tool for mapping the evolutionary landscape of halal regulation in Indonesia, as it captures the multifaceted perspectives of legal scholars, economists, and public policy experts within a single analytical framework.

The data collection process initiates with an extensive search across reputable academic databases, including Google Scholar, Sinta (Science and Technology Index), and Scopus, to ensure a high standard of scholarly integrity. The search strategy employs specific operational keywords and Boolean operators such as “UU JPH implementation,” “MSME halal readiness,” “Halal certification barriers,” and “Indonesian legal certainty for small businesses.” To maintain contemporary relevance, the inclusion criteria prioritise peer-reviewed articles, legal commentaries, and official government reports published between 2014, the year the original Halal Product Guarantee Law was enacted, and the present year 2026. This timeframe is critical as it encompasses the transition from the MUI-led voluntary system to the BPJPH-managed mandatory regime, as well as the significant regulatory shifts introduced by the Omnibus Law on Job Creation.

The analysis follows a thematic synthesis procedure in which the collected literature undergoes a three-stage filtering process: initial title and abstract screening, full-text eligibility assessment, and final thematic categorisation. The researcher scrutinises each selected document to extract qualitative data on the specific legal hurdles cited, the level of digital and administrative literacy among MSMEs, and the effectiveness of government-led interventions. By adopting a “legal dogmatic” approach alongside a “socio-legal” lens, the study interprets the statutory provisions of UU JPH not only as abstract norms but also as functional instruments whose success depends on the readiness of the legal subjects. This dual perspective enables the research to identify patterns of “regulatory friction” in which the law’s formal requirements collide with the practical constraints of informal, economic actors.

Furthermore, the research ensures data validity through triangulation of sources, comparing academic findings with official legislative documents and statutory regulations to identify gaps between *das sollen* (what the law intends) and *das sein* (the reality in the field). The synthesised data is then organised into a coherent narrative that categorises problems into structural, substantial, and cultural dimensions of the legal system. This systematic approach guarantees that the resulting conclusions are not merely anecdotal but are grounded in a broad consensus of scholarly observation, providing a robust foundation for the subsequent discussion of results. The final stage of the methodology involves formulating strategic recommendations based on the recurring themes of the literature, ensuring that the study contributes meaningful insights to the ongoing refinement of Indonesia’s halal legal infrastructure.

RESULTS AND DISCUSSION

MSMEs’ Readiness for Mandatory Halal Certification in Indonesia

The transition of the Indonesian halal certification regime from a voluntary to a mandatory system under Law Number 33 of 2014 concerning Halal Product Assurance (UU JPH) has had a significant administrative and psychological impact on the nation’s Micro, Small, and Medium Enterprises (MSMEs). The research findings, synthesised from a comprehensive review of recent scholarly literature, reveal that the dynamics of MSME readiness fluctuate significantly across different regions and business scales. This section evaluates three primary dimensions of

readiness: cognitive understanding of regulations, psychological preparedness, and technical, operational capacity to comply with the Halal Product Assurance System (SJPH) (Adham et al., 2024).

The synthesis of available literature indicates a profound gap between general awareness of the law and a deep understanding of its technical legal requirements. Most MSME actors possess a superficial awareness that halal certification is now mandatory; however, they exhibit significant confusion about the specific roles of the Halal Product Assurance Organising Body (BPJPH) and the Indonesian Ulema Council (MUI). Research conducted across various urban and rural clusters suggests that while the “Halal” label is culturally familiar, the legal concept of “halal assurance” as a structured process involving raw material traceability and legal documentation remains foreign to many. This lack of cognitive readiness stems from the complexity of the regulatory language used in government socialisation programs, which often fails to translate legal jargon into practical, actionable steps for small-scale entrepreneurs (Krisna & Yusuf, 2023).

The introduction of the “self-declare” mechanism through the Job Creation Law has added another layer of cognitive complexity. While this policy aims to simplify the process for low-risk products, the literature shows that many MSMEs do not fully grasp the legal implications of a self-declaration. They often perceive it as a simple waiver rather than a formal legal commitment to maintaining halal integrity. This misunderstanding creates a significant legal risk, as entrepreneurs may inadvertently provide false information, which could lead to administrative sanctions. The data suggests that regulatory literacy remains the primary bottleneck, as legal compliance requires a clear understanding of the “Halal Product Process” (PPH) and the obligation to appoint a Halal Supervisor, a requirement many small businesses find cognitively and financially daunting (Hamdan et al., 2018).

The psychological readiness of MSME actors presents a complex duality where religious conviction meets economic pragmatism. Scholars frequently identify a “religio-legal tension” in their findings. On one hand, Muslim entrepreneurs feel a moral obligation to ensure their products are halal. On the other hand, the law’s mandatory nature transforms this moral conviction into a bureaucratic burden. The literature indicates that many MSMEs view mandatory certification not as a competitive advantage for market expansion, but rather as a “regulatory hurdle” that threatens their survival. This psychological resistance is particularly prevalent among traditional home-based industries that have operated for decades based on community trust without formal government oversight (Adinugraha et al., 2025).

Mental readiness is heavily influenced by the “cost perception” of certification. Even when the government offers free certification programs (Sehati), the psychological fear of hidden costs, such as the cost of upgrading production facilities to meet hygiene standards or the time lost during the administrative process, remains a deterrent. The transition from “trust-based” halal to “document-based” halal requires a paradigm shift that many MSMEs are mentally unprepared for. This indicates that the legal culture among small business owners is still rooted in informal agreements, making the formal, rigid requirements of UU JPH seem alien and intimidating. The discussion of these findings suggests that the government’s approach to socialisation must move beyond mere legal dissemination and address these deep, seated psychological anxieties through more empathetic, localised engagement (Alam & Yunie Samhuri, 2021).

Technical readiness represents the most significant physical barrier identified in the literature. Compliance with UU JPH requires MSMEs to implement the Halal Product Assurance System (SJPH), which mandates strict segregation of tools, storage, and production lines from non-halal contaminants. The research findings consistently show that most MSMEs operate in limited spaces, often home kitchens, where such segregation is physically impossible without significant capital investment. Furthermore, the requirement for raw material traceability poses a massive operational challenge. Many MSMEs source their ingredients from traditional markets

where suppliers lack halal certificates, creating a “traceability gap” that prevents the final product from being certified as halal (Waarden & Dalen, 2010).

The research also underscores the technical struggle with the “Sihalal” digital platform. While digitalisation is intended to streamline processes, the digital divide in Indonesia means many elderly or rural MSME owners lack the technical literacy to navigate the online application system. This reliance on digital infrastructure without adequate technical support on the ground has led to a reliance on third-party “consultants” or intermediaries, thereby increasing the risk of exploitation. The technical requirement to appoint a “Halal Supervisor” also faces operational hurdles, as many small businesses cannot afford to designate a specific staff member for this role, nor do the owners have the time to undergo the necessary training themselves. This operational paralysis suggests that the physical and technical realities of the MSME sector currently outpace the legal mandates (Setiawan et al., 2024). When analysing these three dimensions together, it becomes clear that the “dynamics of readiness” are characterised by a significant mismatch between the law’s aspirations and the subjects’ capabilities. From a legal and sociological perspective, this phenomenon aligns with the theory of the “legal gap,” in which the law exists on paper (*das Sollen*). However, it fails to manifest effectively in reality (*das sein*) due to structural and cultural impediments. The discussion of these results suggests that the mandatory halal regime risks creating a large class of “unintentional lawbreakers”, MSMEs that produce inherently halal products but cannot satisfy the legal formalities required to prove it.

The implications of this unreadiness are profound. If the government strictly enforces the 2024 and 2026 deadlines without addressing these systemic issues, millions of MSMEs could face market exclusion or legal penalties, with devastating effects on the national economy. The literature suggests that the “Self, Declare” path, while helpful, is not a panacea; it requires a robust network of Halal Companions, who are currently insufficient in number and in the quality of their training. The discussion highlights that legal effectiveness in the halal sector cannot be achieved solely through top-down mandates; it requires a “bottom-up” empowerment strategy that treats MSMEs as partners in the halal ecosystem rather than mere objects of regulation.

Comparing findings across studies indicates that regional disparities play a crucial role. MSMEs in Java generally show higher readiness scores due to better infrastructure and closer proximity to government centres. In contrast, those in the outer islands struggle with limited access to basic information and high logistics costs for raw materials. This regional imbalance points to a need for a more decentralised and flexible implementation of UU JPH. The synthesis of literature ultimately confirms that while the vision of a “Halal Indonesia” is strategically sound, the current legal infrastructure lacks the inclusivity required to bring the backbone of the economy, the MSME sector, along on the journey (Chulsum Layyinatul Chasanah & Shofiyullah Muzammil, 2024).

MSME readiness is not a static condition but a fluctuating state influenced by legal clarity, psychological support, and technical facilitation. The discussion of these dynamics provides a critical evaluation of the current state of halal law in Indonesia, suggesting that the implementation problem stems from a fundamental disconnect between regulatory ambition and microeconomic reality. To bridge this gap, the legal framework must evolve to become more facilitative and less punitive, ensuring that the path to halal certification is seen as an opportunity for growth rather than a threat to survival. To further strengthen the academic rigour of your research, the following table summarises the specific legal and operational constraints identified in the systematic literature review. This categorisation follows the legal system theory, dividing the problematic issues into Substantial, Structural, and Cultural dimensions.

Table 1. Legal and Operational Constraints for MSMEs

| Dimension | Specific Legal/Operational Constraint | Impact on MSME Compliance & Readiness |
|-------------|--|---|
| Substantial | Rigidity of Traceability Requirements (UU JPH Art. 17, 18) | MSMEs struggle to provide formal halal documentation for raw materials sourced from traditional markets or uncertified vendors. |
| Substantial | Ambiguity in “Self, Declare” Standards | Small businesses often misunderstand their legal liability for self-declaration, leading to potential administrative or criminal sanctions for inaccurate claims. |
| Structural | Digital Bureaucracy (Sihalal Platform) | The mandatory use of the Sihalal application creates a “digital wall” for entrepreneurs with limited technological literacy or poor internet access in remote regions. |
| Structural | Shortage of Halal Companions | The shortage of trained companions creates bottlenecks in the verification and validation (Verval) process for microenterprises. |
| Structural | Centralisation of Authority (BPJPH) | While centralisation aims for efficiency, it often leads to a “one size fits all” policy that ignores the unique geographical and economic diversity of Indonesian regions. |
| Operational | Mandatory Halal Supervisor | The legal requirement to appoint an internal supervisor is often financially and human resource-wise impossible for one-person micro businesses. |
| Operational | Physical Segregation Facility | Strict legal requirements for separate production, storage, and distribution lines are physically unattainable for home-based industries. |
| Cultural | Legal Literacy Gap | A deep-seated preference for “trust-based” informal certification over formal, document-heavy, legal systems hinders the adoption of the mandatory regime. |

Table 1 shows that the “problematics” of UU JPH implementation are not a single-issue failure but a multi-layered systemic challenge. The literature reveals that, while the Substantial law provides a strong religious and legal foundation, the Structural tools (digital platforms and human resources) and the Cultural readiness of business actors are not yet aligned. Current research suggests that the most critical bottleneck remains the substantial operational overlap, where the legal demand for “absolute traceability” encounters the reality of an informal supply chain. This friction effectively prevents millions of MSMEs from entering the formal halal

ecosystem, regardless of their products being “halal” in a theological sense. By identifying these specific variables, your research provides a clear roadmap for policymakers to target their interventions, specifically by increasing the number of Halal Companions and simplifying the traceability requirements for the micro sector.

The implementation of the Halal Product Assurance Law (UU JPH) in Indonesia remains in a critical transition, characterised by a significant “legal gap.” While the shift from a voluntary to a mandatory certification regime represents a visionary step toward establishing Indonesia as a global halal leader, the research highlights a profound disconnect between the state’s normative expectations and MSMEs’ actual capacity. The core of the problem lies in the structural complexity of the Halal Product Assurance System (SJPH), which assumes a level of formal business infrastructure that the majority of Indonesian MSMEs, often operating within the informal economy, do not possess (Hamidatun & Pujilestari, 2022). The law’s highly technical nature hampers cognitive readiness. In contrast, the perception of certification undermines psychological readiness, as it is seen as an administrative and financial burden. Moreover, the technical and operational barriers, particularly regarding raw material traceability and facility segregation, present almost insurmountable hurdles for home-based industries. The literature suggests that the “one size fits all” approach of the current legal framework fails to account for the heterogeneous nature of MSMEs, potentially leading to a massive wave of non-compliance as the 2024 and 2026 deadlines approach. Ultimately, the effectiveness of UU JPH is not merely a matter of legal enforcement but depends on the government’s ability to transform the halal mandate into a facilitative tool for economic empowerment rather than a restrictive bureaucratic gatekeeper.

Legal Issues and Structural Barriers in Implementing the Halal Product Guarantee Law

The implementation of the Halal Product Assurance Law (UU JPH) in Indonesia marks a historic shift in the nation’s legal architecture. However, it simultaneously reveals a complex web of juridical inconsistencies and structural bottlenecks that impede its success. This section evaluates the empirical and normative findings gathered from various scholarly sources, focusing on the legal friction, bureaucratic hurdles, financial burdens, and the inadequacy of the current support ecosystem for Micro, Small, and Medium Enterprises (MSMEs). By applying a socio-legal lens, the discussion identifies how the rigid application of mandatory certification often clashes with the organic, informal nature of the Indonesian economy (Rahem, 2019).

The primary juridical problem identified in the literature concerns the tension between the original mandate of Law Number 33 of 2014 and the subsequent amendments introduced by the Job Creation Law (Omnibus Law). While the Omnibus Law intended to streamline business licensing, it introduced a dualistic certification path, regular and self-declaration, that lacks a unified standard of legal certainty. Scholars point out that the self-declaration mechanism, though designed to ease the burden on MSMEs, operates on a “good faith” principle that occasionally conflicts with the strict liability standards in Consumer Protection Law. This creates a legal paradox: a business might comply with the Halal Law’s simplified procedure but remain vulnerable to litigation if consumer groups later challenge a product (Sofiana et al., 2021).

The legal framework suffers from a lack of harmony between central government mandates and regional autonomy regulations. Many local governments have not yet aligned their regional development plans with the national halal mandate, leaving a legal vacuum for local MSMEs that rely on regional subsidies. The literature suggests that the rapid pace of regulatory changes, moving from voluntary to mandatory in a relatively short timeframe, has outpaced the judiciary’s and administrative bodies’ ability to provide consistent interpretations. This regulatory friction creates a state of legal precariousness for MSMEs, as they are forced to navigate a landscape where the rules of engagement are in constant flux, often without a grace period for technical adjustments (Sopiah et al., 2024).

Primarily focusing on the centralised nature of the Halal Product Assurance Organising Body (BPJPH). Although centralisation aimed to unify the certification process, it has inadvertently created a bureaucratic bottleneck that distances the regulator from the regulated. The literature indicates that the “Sihalal” digital platform, which serves as the primary gateway to applications, frequently experiences technical failures and design flaws that fail to account for the varying levels of digital literacy among MSME owners. Instead of simplifying the process, the digital bureaucracy often acts as a gatekeeper, excluding traditional businesses that lack the hardware or technical knowledge to navigate the system (Mukhlisin et al., 2023).

The structural relationship between the BPJPH, the Halal Inspection Agencies (LPH), and the Indonesian Ulema Council (MUI) continues to present coordination challenges. Even though the Omnibus Law accelerated MUI’s timeline to issue a fatwa, the administrative handover among these three entities often remains sluggish. Researchers have documented instances where applications remain stagnant in the “review” phase for months due to a lack of integrated data between the BPJPH and the independent auditors. This bureaucratic inertia discourages MSMEs from pursuing certification, as the time and energy required to follow up on applications divert resources away from their primary business operations. The discussion of these findings suggests that the current institutional structure prioritises administrative control over service, oriented facilitation (Mohammad, 2021).

Although the government frequently promotes the “Sehati” (Sertifikasi Halal Gratis) program, the literature identifies high hidden costs that make “free” certification a misnomer for many MSMEs. The legal requirement to implement a Halal Product Assurance System (SJPH) often necessitates physical upgrades to production facilities, which entail substantial capital investment. For instance, a small-scale food producer might need to renovate their kitchen to ensure a strictly segregated production line or purchase new, dedicated equipment to avoid cross-contamination. These capital expenditures are not covered by the government’s certification subsidies, creating a financial wall that prevents the most vulnerable enterprises from achieving compliance (Malahayati & Faizah, 2023).

The “cost of compliance” includes operational expenses associated with sourcing certified raw materials. Many MSMEs operate on thin margins and rely on local traditional markets where vendors do not possess halal certificates for their ingredients. Transitioning to certified suppliers often means paying a premium for materials or incurring higher logistics costs, which can render the MSME’s final product uncompetitive in the local market. Scholarly analysis reveals that this economic burden is particularly acute for microenterprises, as the legal framework does not provide a tiered cost-benefit analysis based on business scale. Consequently, the mandatory halal regime risks inadvertently favouring larger corporations that possess the economies of scale to absorb these costs, while marginalising the small-scale actors who are supposed to be the law’s primary beneficiaries (Robbani & Mukhlis, 2024).

The success of a mandatory legal regime depends heavily on the robustness of its support system; however, this study finds that Indonesia’s halal support infrastructure remains critically underdeveloped. The most prominent gap is the shortage and uneven distribution of Halal Companions. While the law relies on these individuals to facilitate the self-declaration process, the literature indicates that many companions lack the necessary depth of training in both legal substance and technical auditing. This deficiency results in inconsistent verification processes, where the quality of the “Verval” (verification and validation) varies significantly from one region to another, undermining the overall integrity of the halal label (Syahlani et al., 2024).

The supporting infrastructure, such as accredited halal laboratories and regional “Halal Centres,” is heavily concentrated in Java. MSMEs in the outer islands face logistical nightmares when they are required to send samples for laboratory testing or attend physical training sessions. This regional disparity highlights a structural failure in the law’s implementation, creating an uneven playing field based on geography. The literature suggests that the “support system” is currently more of a conceptual framework than a functional reality for most MSMEs. Without a

massive investment in human capital and regional infrastructure, the legal mandate remains a hollow requirement that millions of businesses cannot meet, regardless of their willingness to comply (Sadali et al., 2024). Synthesising these findings through Lawrence Friedman's theory of the legal system reveals that the "problematics" of UU JPH implementation is a multifaceted failure of substance, structure, and culture. From a broader perspective, the law is too rigid and fails to account for the nuances of the informal economy. From a structural perspective, the institutions are centralised and technologically disconnected from their target audiences. Finally, from a cultural perspective, there is a lack of "legal consciousness" among MSMEs who perceive the law as a threat rather than a benefit. The interaction among these three elements creates a "systemic resistance" in which practical realities consistently undermine the law's objectives.

The current implementation strategy relies too heavily on "command and control" mechanisms. Legal scholars argue that, for a law as socially and religiously significant as UU JPH, the state should adopt a more "responsive law" approach, in which the rules are flexible enough to accommodate the needs of subjects while still maintaining the objective's integrity. The findings suggest that the government must pivot toward a "facilitative" model that prioritises removing structural and economic barriers before strictly enforcing penalties for non-compliance. Only by addressing these foundational juridical and structural problems can Indonesia hope to create a truly inclusive and sustainable halal ecosystem for its millions of MSMEs (Nur et al., 2021).

The path to a "Halal Indonesia" is fraught with systemic challenges that require more than legislative amendments alone. The evidence points to a need for a massive overhaul of the bureaucratic process, a more realistic approach to compliance costs, and a significant expansion of support networks in underdeveloped regions. The current "problematics" serves as a critical lesson in legal implementation: a law is only as effective as the system that supports it. For the millions of MSMEs that form the backbone of the Indonesian economy, the mandatory halal requirement remains a looming legal challenge that requires urgent, integrated solutions from both the central and regional governments to prevent widespread economic displacement (Pratama, 2022). To gain a broader understanding of the challenges inherent in Indonesia's mandatory halal regime, this research compares the Indonesian model with the approaches adopted by other leading halal hubs, namely Malaysia, Singapore, Thailand, and Australia. This comparative analysis highlights that, while the objective of consumer protection remains universal, the legal mechanisms and institutional support systems vary significantly, offering critical lessons for refining the Indonesian system.

Malaysia is often cited as the gold standard for halal certification due to its highly centralised, long-standing regulatory framework, managed by the Department of Islamic Development Malaysia (JAKIM). Unlike Indonesia's relatively recent shift to a mandatory system, Malaysia has integrated halal certification into its national industrial policy for decades. The Malaysian model succeeds primarily because it treats halal certification as a "business enabler" rather than a mere regulatory hurdle. JAKIM provides specific standards tailored to different business scales, including a dedicated "Micro Industry" category that allows for more flexible compliance pathways without compromising sharia integrity. Malaysia's structural advantage lies in its "Halal Industry Development Corporation" (HDC), which works in parallel with JAKIM to ensure that small businesses are not only certified but also "market-ready." This dual-track approach, in which one agency handles audit and certification while another manages capacity building, effectively mitigates the bureaucratic fatigue observed in the Indonesian BPJPH model. Furthermore, Malaysia's digital infrastructure is highly mature; integrating halal status with national trade databases enables MSMEs to leverage their certification for immediate export opportunities, creating a tangible economic incentive that drives voluntary compliance even in sectors where certification is not strictly mandatory (Salam et al., 2023).

In contrast to Indonesia's mandatory regime, Singapore employs a voluntary certification system managed by the Majlis Ugama Islam Singapura (MUIS). Despite being a Muslim,

minority country, Singapore consistently ranks as one of the most trusted halal hubs globally. The MUIS model demonstrates that high compliance rates can be achieved through “service excellence” and digital efficiency rather than legal compulsion. The Singaporean system is characterised by a high degree of digital integration, with the application process streamlined to minimise time and to market for small entrepreneurs (Mohd Salleh et al., 2020). The lack of legal mandate in Singapore actually fosters a higher level of “organic readiness” among businesses. Because certification is a choice made to capture the Muslim market, businesses enter the process with a proactive mindset. MUIS also maintains a robust “Halal competency” training program that is widely accessible and affordable, ensuring that small business owners possess the necessary technical literacy before they even begin the audit process. This “education, first” strategy contrasts sharply with the Indonesian approach, where the threat of legal sanctions often precedes adequate technical training.

Thailand represents a unique case of a non-Muslim-majority country that has successfully captured a massive share of the global halal market. The Central Islamic Council of Thailand (CICT) oversees the religious aspects of certification, while the government provides substantial structural support through the Halal Science Centre at Chulalongkorn University. This centre serves as a technical backbone for small businesses, providing laboratory testing and raw material verification that would otherwise be cost-prohibitive for MSMEs. Thailand’s strategy focuses on “Technical Readiness.” By subsidising the scientific verification of ingredients, the Thai government removes the “traceability gap” that plagues Indonesian MSMEs. While an Indonesian small business owner might struggle to prove the halal status of an ingredient sourced from a local market, their Thai counterpart can access state-funded testing facilities to validate their supply chain. This model demonstrates that the “problematics” of technical compliance can be addressed through state-sponsored scientific infrastructure rather than solely through rigid administrative documentation (Chanin et al., 2015).

In Western and Middle Eastern contexts, such as Australia and the UAE, the focus is increasingly on “Harmonisation” and “Self-Regulation.” Australia’s halal certification for exports is industry-led but strictly supervised by government-approved Islamic bodies. This model prioritises efficiency and market access, ensuring that small meat processors can meet international standards with minimal bureaucratic interference. Meanwhile, the UAE has moved toward a more flexible framework that recognises international standards (SMIIC), reducing the need for redundant audits. The comparative data reveal that these regions prioritise “Outcome-Based Compliance.” Rather than focusing on the minute details of administrative records, the emphasis is on the integrity of the final product and the robustness of the quality management system. This approach offers a significant lesson for Indonesia. By focusing on high-level outcomes and aligning with international standards, the government could significantly reduce the “administrative friction” currently overwhelming Indonesian MSMEs (Alfarajat, 2024).

These international perspectives reveal a recurring theme: successful halal implementation requires a balance between Religious Integrity and Economic Practicality. The Indonesian “mandatory” model is unique in its scale and ambition, but it currently lacks the “facilitative infrastructure” found in Malaysia and Thailand. The comparative analysis suggests that Indonesia’s problems are not inherent to the concept of halal certification itself, but are instead a result of a “regulatory, heavy” approach that a “support, heavy” infrastructure has not yet matched.

Table 2. Global Halal Management Models for Small Businesses

| Country | Regulatory Nature | Primary Strength for MSMEs | Key Lesson for Indonesia |
|-----------|-------------------|---|---|
| Malaysia | Mandatory/Mixed | Integrated Industrial Policy & SME, specific standards. | Separate “Audit” from “Empowerment” via dedicated agencies. |
| Singapore | Voluntary | High Digital Efficiency & Service, Oriented approach. | Prioritise “Service Quality” and “Digital Ease” over legal compulsion. |
| Thailand | Voluntary | State-funded “Halal Science” & Lab support for SMEs. | Resolve “Traceability Gaps” through state-funded technical testing. |
| Australia | Export, Mandated | Industry-led efficiency with government oversight. | Reduce bureaucratic layers and focus on “Outcome-Based” compliance. |
| Indonesia | Mandatory | Strong Legal Foundation & Universal Coverage. | Needs to bridge the “Support Gap” to match its ambitious legal mandate. |

Table 2 underscores that Structural Constraints in Indonesia are essentially a byproduct of its centralised, mandatory choice. While Malaysia is also centralised, its 40-year head start allowed for a gradual maturation of the support ecosystem. Indonesia’s “forced acceleration” requires an equally accelerated investment in Digital Literacy, Scientific Support, and Regional Empowerment. The discussion of these findings suggests that Indonesia can “leapfrog” some of its bureaucratic hurdles by adopting Thailand’s scientific support model (to address the traceability problem) and Singapore’s digital-first mindset (to address the bureaucratic problem). By incorporating these international insights, your research argues that the path forward for Indonesia is not to weaken the law, but to strengthen the Support Infrastructure so that MSMEs can finally meet the law’s ambitious standards without facing economic extinction.

Strategic Framework to Strengthen the Halal Ecosystem for Sustainable Micro and Small Businesses

The synthesis of strategies to strengthen the Indonesian halal ecosystem represents a critical pivot from purely regulatory mandates to a more holistic, supportive, and sustainable framework for Micro, Small, and Medium Enterprises (MSMEs). This section analyses and synthesises various strategic solutions offered by contemporary literature to mitigate the legal, structural, and economic barriers identified in previous chapters. By integrating legal theory with economic pragmatism, the discussion outlines a multifaceted “way out” that ensures the mandatory halal regime empowers rather than excludes the primary drivers of the Indonesian economy (Musarrofa et al., 2024).

The most prominent strategy identified across scholarly works involves refining the legal substance from a rigid, monolithic requirement to a tiered, risk-based compliance model. The literature suggests that the “Self, Declare” mechanism, while a significant step forward, requires further juridical calibration to ensure legal certainty without overwhelming the MSME actor. Scholars argue for a “Proportionate Legalism” approach, in which the intensity of state oversight

matches the product's actual Sharia risk profile. For instance, single-ingredient plant-based products from microenterprises should operate under a streamlined legal presumption of halal, supported by simplified documentation that focuses on hygiene rather than complex chemical traceability (Jakiyudin & Fedro, 2022). The synthesis of these findings implies that the government should institutionalise a "Regulatory Sandbox" for halal certification. This would allow testing simplified procedures in specific regions or sectors before full-scale implementation. By adopting this approach, the state fulfils its mandate under Law Number 33 of 2014 while acknowledging the diverse operational realities of the informal economy. This strategy effectively shifts the legal burden from the entrepreneur to the system, where the law acts as a facilitator of compliance rather than a source of administrative friction.

A second recurring theme in the literature concerns the professionalisation and expansion of the Halal Product Process (PPH) Companions. The current support system often suffers from poor quality control and a shortage of personnel in remote areas. To overcome this, the scholarly synthesis proposes a "Community-Based Legal Clinic" model in which Halal Companions are integrated into existing local structures, such as village cooperatives (KUDs) or religious institutions (Pesantrens). These companions should be trained not only in Sharia technicalities but also in fundamental business law and digital literacy to provide a comprehensive support package for MSMEs (Asmuni et al., 2020).

The literature suggests implementing a "Certification of Competency" for these companions to ensure that the assistance they provide meets a national standard. By transforming these intermediaries into professional legal and technical consultants, the state can bridge the "trust gap" between the BPJPH and the MSME community. This strategy transforms the companion from a mere administrative checker into a vital component of the business's growth trajectory, ensuring that the certification process adds value beyond a simple sticker on a package. To address the "Digital Divide" identified as a significant structural barrier, research points toward the necessity of "Inclusive Digitalisation" within the SIHALAL platform. The synthesis of technological strategies suggests that the platform must evolve beyond a desktop-centric application to a mobile-first, lightweight interface that functions in low-bandwidth environments. Many scholars propose integrating AI-driven "Chatbots" and voice recognition tools to enable less digitally literate entrepreneurs to initiate applications through simple, conversational interfaces (Magfiratun & Awaludin, 2024).

The integration of Blockchain technology is frequently cited as a solution for the "Traceability Gap." By creating a shared ledger where raw material suppliers can record their halal status once, MSMEs can automatically pull this data into their applications, eliminating the need for redundant documentation. This "Data, Sharing Ecosystem" would significantly reduce the administrative burden on the final producer. The discussion emphasises that digitalisation must be viewed as a tool for inclusion, where the technology adapts to the user's limitations rather than forcing them to adopt a level of technical sophistication beyond their current reach (Iskandar et al., 2022).

One of the most innovative solutions proposed in recent literature is the development of "Halal Industrial Clusters," or communal production centres. Recognising that many MSMEs cannot afford to upgrade their private facilities to meet strict segregation requirements, researchers propose that local governments and private developers establish shared, certified kitchens and warehouses. In this model, multiple small-scale producers use a single state-of-the-art facility already certified by the BPJPH, thereby sharing the "cost of compliance." (Fitria, 2023).

This collaborative strategy not only resolves the physical barrier to certification but also fosters economies of scale. When MSMEs are clustered together, they can collectively source certified raw materials, reducing logistics costs and improving their bargaining power in the market. The synthesis of this strategy suggests that the government should shift its focus from subsidising individual certifications to investing in "Public Halal Infrastructure." This transition

would create a permanent, sustainable foundation for the halal ecosystem, ensuring that even the smallest producer has access to world-class production standards. To mitigate the financial burden of certification and its subsequent operational costs, scholars strongly advocate integrating Halal Certification into the national Islamic social finance framework (ZISWAF). The literature suggests that Zakat, Infaq, Sadaqah, and Waqf funds can be strategically deployed as “Halal Certification Grants” or low-interest revolving funds for MSME upgrades. This creates a sustainable financing loop in which the wealthy’s religious obligation directly supports the religious compliance of the entrepreneurial poor (Muqorobin & Urrosyidin, 2023).

The discussion of this synergy highlights that halal certification is a form of “Economic Empowerment” (Empowerment of the Mustahik). By providing the capital required for facility upgrades or raw material sourcing, Islamic social finance institutions can help MSMEs graduate from informal to formal status. This strategy ensures that the “Mandat Halal” does not become a regressive tax on low-income people but instead serves as a catalyst for social justice and economic redistribution. The synthesis confirms that the sustainability of the halal ecosystem depends heavily on its ability to leverage Indonesia’s vast Islamic financial resources. A critical “soft” strategy identified in the literature involves a cultural transformation in how halal certification is communicated. Currently, the narrative is heavily weighted toward “compulsion and sanctions.” Scholars suggest a shift toward “Incentive-Based Communication,” where the government and industry associations highlight the tangible market benefits of certification, such as access to formal retail shelves, digital marketplaces, and international export channels (Mohd Ali et al., 2023).

Certification should be coupled with “Market Access Programs.” For example, the state could mandate that a certain percentage of shelf space in modern retailers be reserved for certified MSME products. When entrepreneurs see a direct correlation between certification and increased revenue, their “mental readiness” and willingness to comply will naturally increase. This strategic shift transforms the law from a “policing instrument” into a “marketing asset,” aligning the entrepreneur’s profit motive with the state’s regulatory objectives (Taufik et al., 2023). Strengthening the halal ecosystem requires a move away from “Command and Control” regulation toward a “Responsive and Facilitative” legal framework. The identified solutions, regulatory calibration, professionalised intermediaries, technological inclusion, communal infrastructure, and financial synergy, form a holistic response to the multi-layered problematics of UU JPH implementation. From a theoretical perspective, these strategies align with the “Systemic Integration” theory, which holds that a law’s success is measured by its harmony with the economic and social systems it regulates. The discussion underscores that the sustainability of MSMEs within the halal regime is not just a legal necessity but a national economic imperative. By implementing these synthesised strategies, Indonesia can bridge the gap between its ambitious legal goals and the practical realities faced by its millions of small-scale producers, ensuring a truly resilient, inclusive, and globally competitive halal ecosystem (Kusumaningtyas et al., 2022).

This research finds that MSME readiness is not a binary state but a dynamic continuum influenced by cognitive, psychological, and technical factors. Currently, a significant portion of the MSME sector remains in a state of “unintentional non-compliance,” where the desire to fulfil religious and legal obligations is stifled by the complexity of the Halal Product Assurance System (SJPH). The identified juridical problems, ranging from the lack of regional regulatory harmony to the rigid interpretation of raw material traceability, highlight a fundamental need for a more responsive legal framework. Furthermore, the structural barriers inherent in the centralised BPJPH model and the digital divide on the SIHALAL platform underscore the need for a decentralised, technologically inclusive approach. By comparing Indonesia with international peers like Malaysia and Thailand, it becomes evident that success lies in the strength of the “support infrastructure” rather than the severity of legal sanctions.

CONCLUSION

This research concluded that the implementation of Indonesia's Halal Product Guarantee Law (Law Number 33 of 2014) faces persistent and systemic challenges when applied to Micro, Small, and Medium Enterprises (MSMEs). Based on an extensive literature review, the research demonstrates that an equivalent level of legal, institutional, and operational readiness among MSMEs has not accompanied the shift from a voluntary to a mandatory halal certification regime. As a result, a significant gap persists between the law's normative objectives and its practical implementation in the field. MSME readiness is shaped by intertwined cognitive, psychological, and technical dimensions. Limited legal literacy and regulatory complexity hinder entrepreneurs' understanding of certification obligations. At the same time, psychological resistance emerges from the perception of halal certification as a bureaucratic and financial burden rather than a strategic business asset. Technical constraints, particularly related to raw material traceability, facility segregation, and digital access to the SIHALAL platform, further exacerbate non-compliance risks, especially for home-based and informal enterprises.

From a legal perspective, the study reveals that a uniform, centralised, and compliance-driven approach is incompatible with Indonesia's heterogeneous MSME sector. The existing framework tends to prioritise formal legality over socio-economic realities, thereby leading to unintentional non-compliance and potential market exclusion. Comparative insights from other halal-producing countries reinforce the conclusion that effective halal governance depends less on coercive mandates and more on strong support infrastructure, proportional regulation, and inclusive facilitation mechanisms. This research affirms that the effectiveness of the Halal Product Guarantee Law cannot be measured solely by statutory enforcement. Legal success requires a responsive and facilitative model that aligns religious integrity with economic practicality. Strengthening institutional support, simplifying legal procedures for low-risk MSMEs, and enhancing capacity, building initiatives are essential to ensuring that halal regulation functions as an instrument of empowerment rather than exclusion. Such an approach is critical to sustaining MSMEs and advancing Indonesia's ambition to build an inclusive and globally competitive halal ecosystem.

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