

Analysis of Halal Certification for Micro and Small Business Actors from the Perspective of *Maslahah* Principles and Legal Certainty Theory

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Abstract: Based on the latest data, the number of Muslim population in Indonesia is currently recorded at 245,973,915 people. They all need the availability of food and beverages that meet the provisions of sharia, namely *halâlan thayyibâ* food and beverages. For this reason, the Government, through Law Number 33 of 2014 concerning Halal Product Guarantee, requires every producer to produce food and beverages that are proven by having a halal certificate. One way to obtain the certificate is through the Halal Self Declare Program. This program is free and is intended only for Micro and Small Business Actors (MSEs). This study aims to discuss the halal certification program for micro and small entrepreneurs as well as the benefits of the program from the perspective of *maslahah* theory and legal certainty. The results of the study concluded that the Halal certification program can provide benefits to many parties, ranging from entrepreneurs, consumers, and also the Government. For business actors, the benefits obtained are greater than for business actors who do not have the certificate, especially in terms of increasing sales turnover. This is because consumers tend to choose products that are guaranteed halal rather than other products that are not or are not clear about their halalness. With the increase in turnover, the entrepreneur's income will automatically increase and will ultimately have a positive effect on the income of his employees.

Keywords: Islamic jurisprudence, halal certification, UMK, worker wages

Abstrak: Berdasarkan data terakhir, jumlah penduduk Muslim di Indonesia saat ini tercatat sebanyak 245.973.915 jiwa. Mereka itu semua membutuhkan ketersediaan makanan dan minuman yang memenuhi ketentuan syaria, yakni makanan dan minuman yang *halâlan thayyibâ*. Untuk itu, Pemerintah, melalui Undang-Undang Nomor 33 Tahun 2014 tentang Jaminan Produk Halal, mewajibkan kepada setiap produsen untuk memproduksi makanan dan minuman yang dibuktikan dengan adanya sertifikat halal. Salah satu cara memperoleh sertifikat itu adalah melalui Program Halal *Self Declare*. Program ini bersifat gratis dan ditujukan hanya untuk Pelaku Usaha Mikro dan Kecil (UMK). Penelitian ini bertujuan untuk membahas program sertifikasi halal bagi pengusaha mikro dan kecil sekaligus manfaat dari program itu dari perspektif teori *maslahah* dan kepastian hukum. Hasil penelitian

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menyimpulkan bahwa program sertifikasi Halal dapat memberikan manfaat kepada banyak pihak, mulai dari para pengusaha, konsumen, bahkan juga Pemerintah. Bagi pelaku usaha, manfaat yang diperoleh berupa lebih banyak dibanding dengan pelaku usaha yang tidak memiliki sertifikat itu, khususnya dari segi peningkatan omzet penjualan. Hal ini dikarenakan para konsumen cenderung akan memilih produk yang sudah terjamin halalnya ketimbang produk lain yang belum atau tidak jelas kehalalannya. Dengan adanya peningkatan omzet, maka secara otomatis pendapatan pengusahapun bertambah dan akhirnya akan berpengaruh positif pula terhadap pendapatan para karyawannya.

Kata kunci: fiqh Islam, sertifikasi halal, UMK, upah pekerja

Introduction

Indonesia is a country with a majority Muslim population. Based on data from the Directorate General of Population and Civil Registration (Ditjen Dukcapil) of the Ministry of Home Affairs (Kemendagri), until the first semester of 2024, the population in Indonesia will reach 282.477,584 people. Of that number, 245,973,915 people, or 87.08%, are Indonesian Muslims.¹ As a country with a majority Muslim population, Indonesia needs the availability of food and beverages that meet *Sharia* requirements and are guaranteed halal. Law Number 33 of 2014 concerning Halal Product Assurance (JPH) mandates the Government to organize Halal Product Assurance, the implementation of which is organized by the Halal Product Assurance Organizing Agency (BPJPH). This agency runs the halal certification program from receiving applications, processing, and issuing certificates to the supervision stage.

Nowadays, everything has become easier, including the halal certification program. Halal certificates serve as a legalization tool and guarantee the halalness of a product made by a business actor after fulfilling certain requirements determined by law.² The certificate also

¹ Rizki Baiquni Pratama, 'Jumlah Penduduk di RI 282 Juta Jiwa: Terbanyak Laki-Laki Hingga Jabar Terpadat', *Kumparan News*, 2024 <<https://kumparan.com/kumparannews/jumlah-penduduk-di-ri-282-juta-jiwa-terbanyak-laki-laki-hingga-jabar-terpadat-23ICcBl0Xmj/4>> [accessed 22 November 2024].

² Chon-Lok Siaw and Nazatul Shima Abdul Rani, 'A Critical Review on the Regulatory and Legislation Challenges Faced by Halal Start-up SMEs Food Manufacturers in Malaysia', *Procedia - Social and Behavioral Sciences*, 57 (2012) <<https://doi.org/https://doi.org/10.1016/j.sbspro.2012.09.1222>>.

serves as a s for prospective Muslim consumers that the products they produce and trade are free from haram elements.³ And also, this program is intended so that halal products that have not been certified can immediately have halal certification easily.⁴

The authority of the Halal Product Assurance Organizing Agency (BPJPH) to supervise halal assurance is based on Article 49 of the Law Number 33 of 2014 concerning Halal Product Assurance (JPH) Law, which includes several responsibilities such as Halal Product Certification, verifying halal certification validity period, issuing permits to establish a Halal Guarantee Institution (LPH), inclusion of non-halal information, inclusion of labels, ensuring separation of equipment, separation of storage locations and production processes, packaging, sales, distribution processes, and presentation between halal and non-halal products; ensuring the presence of a halal supervisor; and/or other activities related to Halal Product Assurance (JPH).⁵

With those authorities mentioned above, BPJPH then opened the opportunity to apply for halal certificates to all business actors, both from within and outside the country, who are engaged in the food and beverage industry, slaughtering services, cosmetics, and pharmaceutical industries, and other products that are in contact with halal issues. To help business actors obtain the certificate, the institution provides two service options, namely through regular and non-recurring program that is Self Declare.

The Regular program is a paid certificate application through the Inspection Institution (LPH). At the same time, the Self Declare Program is a free certificate application carried out through the Halal Product

³ Hatoli, 'Halal Certification of the Indonesian Ulema Council on Electronic and Non-Consumer Products from the Maslahah Perspective', *Journal of Islamic Law*, 1.2 (2020): 237–255 <<https://doi.org/10.24260/jil.v1i2.45>>.

⁴ Repelita, Nuzul Iskandar, and Mursal, 'Halal Without Label: Implementation of *Maqâshid al-Shari'ah* in Community-Based Tourism in Kerinci, Indonesia', *Malaysian Journal of Syariah and Law*, 12.1 (2024): 192–205 <<https://doi.org/10.33102/mjssl.vol12no1.477>>.

⁵ Fatika Rahma Hamidah, 'Efektivitas Badan Penyelenggara Jaminan Produk Halal (BPJPH) dalam Menerbitkan Sertifikat Halal' (Universitas Islam Negeri Syarif Hidayatullah, 2022). <[https://repository.uinjkt.ac.id/dspace/bitstream/123456789/61838/1/FATIKA RAHMA HAMIDAH - FSH.pdf](https://repository.uinjkt.ac.id/dspace/bitstream/123456789/61838/1/FATIKA%20RAHMA%20HAMIDAH%20-%20FSH.pdf)>.

Process Assistance Institution (LP3H). Halal certificates produced through the regular and Self-Declare programs indirectly signify to Muslim consumers that the products offered are guaranteed halal according to Sharia so that consumers no longer hesitate to consume the product.⁶

The emergence of this halal phenomenon has attracted several researchers to research the issue of halal products using various theories and approaches.⁷ Among the previous researchers who have conducted studies on the issue of halal is Mochammad Soleh, who studied the influence of spiritual capital on halal awareness among traders in the Traditional Market, Surabaya.⁸ The next researchers are Maisyarah Rahmi Hasan and Munawar Rizki Jailani, who examined the problems of Halal Certification through the Self Declare program among Micro and Small Business Actors (PUMK). The results of their research show that the implementation of halal certification through the Self Declare program still has several shortcomings and obstacles, both related to the organizers, namely BPJPH, as well as LP3H, assistants, and also the MSME actors themselves.⁹

Other researchers who also pay attention to the halal issue are Istianah & Gemala Dewi, who researched the development of the Self Declare Program before and after the enactment of the Job Creation Law, especially in terms of convenience for micro and small business actors (MSMEs) in obtaining business permits, supervision, and integration in various regulations.¹⁰ In addition, other researchers study the same

⁶ Suparto and others, 'Harmonisasi dan Sinkronisasi Pengaturan Kelembagaan Sertifikasi Halal Terkait Perlindungan Konsumen Muslim Indonesia', *Mimbar Hukum*, 28.3 (2016) <<https://doi.org/10.22146/jmh.16674>>.

⁷ Nasruddin Yusuf and others, 'The Difficulty of Finding Halal Food for Muslim Minorities: Analysis of *Maqâsid Sharî'a*', *Al-Istinbath: Jurnal Hukum Islam*, 8.2 (2023): 325–346 <<https://doi.org/10.29240/jhi.v8i2.8182>>.

⁸ Mochammad Soleh, 'Increasing Halal Awareness Through Spiritual Capital Awareness Case Study On Traditional Market Traders In Surabaya', *Journal of Halal Product and Research (JHPR)*, 2022.

⁹ Maisyarah Rahmi Hasan and Others, 'The Problem of Implementing Self Declared Halal Certification for Micro and Small Enterprises', *JESKaPe: Jurnal Ekonomi Islam Akuntansi dan Perbankan*, 8.1 (2024) <<https://doi.org/10.52490/jeskape.v8i1.2945>>.

¹⁰ Istianah and Gemala Dewi, 'Analisis Mashlahah Pada Konsep Halal Self-Declare Sebelum dan Pasca Enactment Undang-Undang Cipta Kerja', *Magister Hukum Universitas Indonesia*, 2021.

theme, namely Agung Yonanda Pratama through his research entitled *Perceptions of Food Industry Actors Regarding Halal Assurance*.¹¹ In addition, another researcher, Ahmad Muhlisin, studied the attitudes and views of Micro and Small Business Actors in Surabaya regarding the implementation of halal certification regulations.¹²

In contrast to previous studies, this study attempts to analyze the Halal Certificate application procedure through the Self Declare Program for Micro and Small Business Actors and to find out its influence in encouraging business development, including its benefits for workers.

Research Method

This normative legal study analyzes the procedural aspects of the halal certification program and its benefits for Micro and Small Business Actors. Data were collected from several pieces of literature that were related to the topic being studied. This study uses descriptive analysis techniques, namely a form of analysis that describes data in the form of descriptions and then analyzes it to obtain conclusions. This study uses several theories and approaches, including the theory of the supremacy of law, the theory of legal certainty, the theory of *Maslahah Mursalah*.

Results and Discussion

The Concept of Halal in Islam and the Theory of *Maslahat*

Islam has five basic laws called *ahkâmul khamsa*, namely *mubâh*, *makrûh*, *sunnah*, *wâjib* and *harâm*. These five laws are the benchmarks for an activity/action carried out by humans. *Mubâh* means it is permissible without getting a reward from Allah SWT for its goodness. *Makrûh* means it is permissible to do as long as no elements have the potential to cause harm, but if it is abandoned, it will get a reward. *Sunnah* means it is recommended to do because there is goodness and reward, but if

¹¹ Ahmad Muhlisin, 'Mandatory Sertifikasi Halal' (UIN Sunan Ampel Surabaya, 2021) <<http://digilib.uinsa.ac.id/49331/>>.

¹² Agung Yonanda Pratama, 'Persepsi Pelaku Industri Makanan Terhadap Jaminan Halal' (Institut Agama Islam Negeri (IAIN) Metro, 2020).

it is not done, then the perpetrator is not sinful. *Wājib* is an obligatory thing that cannot be abandoned because it is a command from Allah. The person who does it will get a reward, while the person who leaves it gets a sin. Meanwhile, *harām* cannot be done, either consumed or used. The person who does the act will get a sin, and the person who leaves it will get a reward.

On the other hand, Islam teaches its people always to do good and leave prohibited actions. The same applies to property. The wealth obtained must come from a correct transaction process, not from the results of prohibited acts such as stealing, robbing, cheating, corruption, and so on. If someone obtains wealth from a halal activity, he will also receive rewards and blessings from Allah and gain goodness. On the other hand, someone who obtains wealth from a forbidden path will receive sin, and the wealth he obtains will not be blessed.

About service or trade activities, the objects or goods that are the object of the transaction must also be *halâl* goods, not *harām* goods that may not be traded. The same thing also applies to food and beverage products.¹³ Islam teaches its followers to always consume food and drinks that are good, halal, and beneficial, can improve mental and physical health, and must not contain harmful elements (*mudhârat/harâm*). Regarding food and drink products, items that are forbidden by Islam to be eaten are carrion, blood, flesh or body parts of pigs, dogs, wild animals, animals slaughtered without mentioning the name of Allah, animals beaten to death, animal carcasses (except fish or sea animals), and human flesh. Meanwhile, prohibited beverage products are all drinks that contain alcohol or are intoxicating. The legal basis for haram food is surah al-Maidah: 3:

It is forbidden for you (to eat) carrion, blood, pork, and (flesh of animals) slaughtered not in (the name of) Allah, those that are strangled, those that are beaten, those that fall, those that are gored, and those that are torn apart by wild animals, except those that you (have)

¹³ Ramlan and Nahrowi, 'Sertifikasi Halal Sebagai Penerapan Etika Bisnis Islami dalam Upaya Perlindungan Bagi Konsumen Muslim', *Abkam: Jurnal Ilmu Syariah*, 17.1 (2014) <<https://doi.org/https://doi.org/10.15408/ajis.v17i1.1251>>.

*slaughtered. 198) (It is also forbidden) that which is slaughtered for idols. (Similarly) casting lots of fortunes with azlâm (arrows), 199) (because) it is an impious act.*¹⁴

Meanwhile, the prohibition of intoxicating drinks is in Surah al-Maidah: 90 and the hadith of the Messenger of Allah, which reads:

*Indeed, Allah curses khamr, the one who squeezes it, the one who asks for it to be squeezed, the seller, the buyer, the drinker, the one who eats the proceeds of the sale, the carrier, the one who asks for it to be brought and the one who pours it.*¹⁵

From the above arguments, it can be understood that Muslims are prohibited from producing haram goods, trading, ordering, or taking the proceeds from products that contain haram elements.

Islamic law sourced from the provisions of Allah (Qur'an) and the Messenger (*Sunnah*) contains very high humanitarian values. All the provisions (commandments and prohibitions) contained in the Qur'an and al-Hadith have deep wisdom and aim to bring goodness and benefits to humans, both physically and spiritually, individually and communally. Such are the objectives of the Sharîa, which Imam al-Shâtibi has formulated as *maqâshid sharîa*, to maintain the interests of religion, reason, soul, property, and descendants.¹⁶

Turning to the theory of *maslahah*, al-Ghâzali defines the word *maslahah* as something that brings goodness/profit) and keeps away from *harâm* (damage).¹⁷ Then, al-Khwarizmi provides a definition similar to al-Ghazâlî's above. He emphasizes that the aim of Sharîa in establishing laws is to prevent damage to humans. In this way, bringing

¹⁴ Departemen Agama RI, *Al-Qur'an dan Terjemah* (Jakarta: Pustaka al-Kautsar, 2020).

¹⁵ Marsuni Sasaky and Muhammad bin Kamal Khalid As-Suyuthi, *Kumpulan Hadits Yang Disepakati 4 Imam: Abu Daud, Tirmidzi, Nasa'i dan Ibnu Majah* (Jakarta: Pustaka Azzam, 2006).

¹⁶ Dewi, Galuh Saputri, and S.Ag Rizka. "Tinjauan Masalahah Sertifikasi Halal Skema Self Declare dalam Kepastian Hukum Perlindungan Konsumen Pelaku Usaha Mikro dan Kecil." PhD diss., Universitas Muhammadiyah Surakarta, 2023.

¹⁷ Akbar Syarif and Ridzwan bin Ahmad, 'Konsep Masalahah dan Mafsadah Sebagai Asas Pemikiran *Maqâsid Syariah*: Satu Analisis', *Ijtihad: Jurnal Hukum dan Ekonomi Islam*, 10.2 (2016): 3.

benefit also means rejecting evil, and rejecting evil means bringing benefit.¹⁸

In his book *Qawâid al-Ahkâm*, al-Iez bin Abdi al-Salam defines *maslahah* in its essential form as "benefit and enjoyment." Meanwhile, the form of analogy is the causes that bring benefits and enjoyment.¹⁹

The Concept of the Rule of Law and Legal Certainty

According to Julius Stahl, the concept of the Rule of Law, which he calls "*rechtsstaat*" includes four important elements, there must be a protection of human rights, permission or division of power, government based on regulations (*wetmatigheid van bestuur*) and Independent Administrative Justice in disputes.²⁰ While A.V. Dicey describes three important characteristics in every Rule of Law, which he calls "The Rule of Law", there must be a Supremacy of law, equality before the law and fair legal process.²¹ In a rule of law, every activity must be based on law, which must contain clear and definite rules.

According to Gustav Radbruch in his book "*Einführung in die Rechtswissenschaft*", there are four things in the concept of legal certainty, namely:

1. Law is something positive because it applies in the form of statutory regulations.
2. Law is based on a fact, meaning that law is made based on reality.
3. The facts contained or stated in the law must be formulated clearly so that there are no errors in meaning or interpretation and that it can be easily implemented.
4. Positive law cannot be easily changed.²²

¹⁸ Muhammad Ibn Ali al-Syawkanî, *Irsyâd al-Fuhûl Ilâ Tahqîq al-Haq Min 'Ilm al-Usûl, Abî Hafîs Samî Ibn al- 'Arabi al-Asyra (Muhâqiq), Juz II* (Riyadh: Dâr al-Fadilah, 2000).

¹⁹ Amir Syarifuddin, *Ushul Fiqh Jilid 2* (Jakarta: Kencana, 2011), p. 37.

²⁰ F.A. Hayek, *The Constitution of Liberty, The Definitive Edition* (Chicago: University of Chicago Press, 2011).

²¹ Albert Venn Dicey, *Introduction to the Study of the Law of the Constitution*, 10th edn (London: Macmillan, 1950).

²² Gustav Radbruch, *Einführung In Die Rechtswissenschaften*. (Germany: Koehler Verlag Stuttgart, 1952).

According to Jan M. Otto, legal certainty requires realizing several things.

1. The law provides clear and real rules that are consistent and easy to obtain or access. State's power must also issue legal rules and have three characteristics, namely clear, consistent, and easy to obtain;
2. Several governments or government institutions must apply the rules of law consistently and submit to or obey them;
3. The majority of citizens in a country have the principle of being able to agree to the contents of a regulation. Therefore, the behavior of citizens will also adjust to the regulations issued by the Government;
4. Court judges have an independent nature; In other words, judges in applying the rules of law must be consistent and must not be biased;
5. Court decisions must be implemented concretely.²³

Sudikno Mertokusumo stated that legal certainty guarantees that the law can run as it should. With legal certainty, individuals who have rights have received a decision from the legal decision itself. Legal certainty is closely related to justice, but law and justice differ. Law has general characteristics, binds every individual, and is equal, while justice has different characteristics, namely being subjective, individualistic, and not equal. From the nature of law and justice itself, it can be seen that justice and law are different things.²⁴

Another opinion on legal certainty was put forward by Nurhasan Ismail who argued that creating legal certainty in laws and regulations requires several requirements related to the internal structure of the legal norms. The requirements in question are:

1. The concept used is clear. Legal norms describe certain behaviors, which are then combined into certain concepts.
2. The hierarchy is clear, which is considered important because it

²³ Jan Michiel Otto and Tristan Moeliono, *Reele Rechtszekerheid in Ontwikkelingslanden, Kepastian Hukum Di Negara Berkembang Diterjemahkan Oleh Tristan Moeliono*, 1st edn (Jakarta: Komisi Hukum Nasional RI, 2003).

²⁴ Sudikno Mertokusumo, *Teori Hukum*, 5th edn (Yogyakarta: Cahaya Atma Pustaka, 2016).

concerns whether or not it is valid and whether or not it is binding in a regulation that is made. The clarity of the hierarchy can provide direction as a form of law that is authorized to form a regulation from certain laws and regulations.

3. Legal norms are consistent. This means that several regulations' provisions are related to a particular subject matter and do not conflict with each other.²⁵

A Glimpse of the Halal Certification Program through the Self Declare Pathway

It has been stated above that submitting a halal certificate to BPJPH can be done through two pathways, namely the Regular Path and the Independent Declaration Path. The halal certification process through the Regular Path is intended for medium to large entrepreneurs. It is subject to a fee, the amount of which is regulated in the Regulation of the Minister of Finance (PMK) Number 57/PMK.05/2021 concerning the Service Tariff of the Public Service Agency for the Halal Product Guarantee Agency. This fee is necessary because to ensure that the submitted product is guaranteed to be halal, a complicated and strict inspection mechanism is required, starting from the raw material inspection stage, production process, and packaging to the marketing stage. All stages are carried out carefully and strictly, even in many cases requiring laboratory inspection/testing. This is done to meet the standard provisions in the Halal Guarantee System (SJH in Indonesian) as regulated in Law No. 33 of 2014 concerning Halal Product Guarantee.²⁶

Unlike the certification process through the Regular Path, in the Independent Declaration Path, everything is based on the statement of the business actor, both individually and in an organization, that the products or food and beverages they produce are guaranteed to be halal

²⁵ Nurhasan Ismail, *Perkembangan Hukum Pertanahan: Pendekatan Ekonomi Politik* (Yogyakarta: Universitas Gadjah Mada, 2007), p. 39.

²⁶ Warto Warto and Samsuri Samsuri, 'Sertifikasi Halal dan Implikasinya Bagi Bisnis Produk Halal di Indonesia', *Al Maal: Journal of Islamic Economics and Banking*, 2.1 (2020): 98 <<https://doi.org/10.31000/almaal.v2i1.2803>>.

and do not contain or come into contact with haram elements. The statement's truth is proven and supervised directly by the Halal Product Process Companion (PPPH) officers. Halal certification through this Path is specifically for Micro and Small Business Actors through the Free Halal Certification (SEHATI) application without fees. All costs are borne by the Government or a third party that states it is willing to bear them.²⁷

Halal certification through the Self-Declare pathway is a simple and affordable way for producers, especially MSMEs. This is because the application process is very easy and affordable, unlike the regular halal certification pathway, which is complicated and requires a lot of money. In order to obtain a certificate through the Self Declare pathway, several requirements must be met as stipulated in Article 2 paragraph (3) of Permenag 20/2021, namely:

1. The product does not contain any haram risks.
2. Using materials that have been confirmed as halal (positive list).
3. The production process is also confirmed as halal.
4. Using Simple technology/home business.
5. The number of products submitted does not exceed the specified number.²⁸

In addition, as stated in Article 4 paragraph (1) of Permenag 20/2021, the product's basic ingredients do not use hazardous materials, and the halal product process assistant officer (PPPH) has verified their halalness.

In registering for halal certification of Independent Statement, several requirements must be met as stipulated in the Decree of the Head of the Halal Product Guarantee Agency in 2002 as follows:

- 1) Products must use safe materials, are not high risk to health, and must be guaranteed halal.

²⁷ Auliya Izzah Hasanah, Rizka Fauziah, and Rachmad Rizqy Kurniawan, 'Konsep Makanan Halal dan *Thayyib* dalam Perspektif al-Qur'an', *Ulumul Qur'an: Jurnal Ilmu al-Qur'an dan Tafsir*, x (2021), p. 10.

²⁸ Zulham. "Self Declare dan Peran Negara dalam Kebijakan Sertifikasi Halal." (2022), pp. 1–23.

- 2) In the production process, its halalness must be ensured.
- 3) Must have a NIB (Business Identification Number).
- 4) Must have a location, PPH process equipment, and a separate location.
- 5) At least have a distribution permit (PIRT/MD/UMOT/UKOT), Hygiene Sanitation Eligibility Certificate (SLHS) for food/drink products with a shelf life of less than 7 (seven) days, or other industrial permits for products produced by related agencies/institutions.
- 6) The products produced are in the form of food or beverages, and the types of products as in the attachment to the decree.
- 7) The materials to be used must be guaranteed halal.
- 8) Do not use hazardous materials.
- 9) The halalness of the product has been tested and verified by PPH in the halal product inspection process.
- 10) The group or type of product that is certified must contain elements of animals slaughtered according to sharia or poultry slaughterhouses that have been certified halal.
- 11) Using simple automatic or manual production tools.
- 12) The preservation process must be simple and no more than one combination.
- 13) Willing to independently complete documents or files to apply for halal certification online.²⁹

Every micro and small business actor who wants to obtain a halal certificate must understand the provisions regarding the safety and quality requirements that are marketed or distributed. In essence, they are required to guarantee that the products or food and beverages that are made have truly met the standards and requirements that have been

²⁹ Annisa Ananda Putri and others, 'Penerapan CPPB-IRT dan Sistem Jaminan Produk Halal Sebagai Upaya Peningkatan Mutu dan Kehalalan Produk UMKM', *Jurnal Inovasi Hasil Pengabdian Masyarakat (JIPEMAS)*, 6.2 (2023): 373–391 <<https://doi.org/10.33474/jipemas.v6i2.19633>>.

set from the beginning of the production process to the final stage of production, even to the stage where the goods reach the hands of consumers.³⁰

After these provisions are met, Business Actors then follow the halal certification registration procedure for MSMEs through the following stages:

- a. Register via the website ptsp.halal.go.id.
- b. Prepare several files and data for the halal certification application and select a Companion (PPH).
- c. Complete the Application and Companion (PPH) data.
- d. Submit a halal certification application by attaching a statement letter from the business actor using the SIHALAL application.³¹

After the above procedural stages are met, business actors need only wait for the Halal Certificate, which will be issued by BPJPH, for a maximum of one week from the time the application is made.³²

Several parties are involved in the halal product verification process in the stages of granting Halal Certification: BPJPH, LPPOM MUI, a halal inspection institution (LPH), Halal Committee, and MUI. BPJPH takes the role of administrator or party that implements halal product assurance. While LPPOM, LPH, and LPPH act as verifiers of incoming submission documents and their conformity between documents and reality in the field, while the Fatwa Committee and MUI Fatwa Commission act as legislators or parties that determine the halalness of products based on the results of audits/inspections in the field.³³

³⁰ Purwanto and others, 'Policy Analysis of Enforcement of Halal Product Guarantee Regulations through the Regulatory Impact Analysis (RIA) Approach', *Journal of Digital Marketing and Halal Industry*, 3.2 (2021) <<https://doi.org/10.21580/jdmhi.2021.3.2.9345>>.

³¹ Alissa Qotrun Nadya and others, 'Pendampingan Sertifikasi Halal UMKM Desa Pondokagung Kecamatan Kasembon Kabupaten Malang', *Jurnal Penelitian dan Pengabdian Masyarakat*, 1.1 (2023): 1–9 <<https://doi.org/10.61231/jp2m.v1i1.25>>.

³² Nasori Nasori and others, 'Proses Sertifikasi Halal *Self Declare* di Sentra Wisata Kuliner Convention Hall Surabaya dan UMKM di Wilayah Benowo Surabaya: Studi Perbandingan: Analisis Perbandingan Proses Sertifikasi Halal *Self-Declaring* di Sentra Wisata Kuliner Convention Hall Surabaya dan UMKM di Benowo Surabaya.' *Sewagati*, 8.1 (2024): 1156–1163.

³³ Zainal Azwar and Farid Afif Syahputra Rinaldi, 'Consistency of the Indonesian Ulama Council in Using *Istishlāḥ* as a Method for Legal *Istinbāṭh*', *Al-Istinbath: Jurnal Hukum Islam*, 9.1 (2024): 1–24 <<https://journal.iaincurup.ac.id/index.php/alistinbath/article/view/7680/pdf>>.

On the Regular track, the party that will carry out the verification is the Auditor Team. This team will check the adequacy of documents, make schedules and carry out audits, hold auditor meetings, issue audit notes, and submit minutes of the audit results to the Indonesian Council of Ulama (MUI) Fatwa Commission. While on the Self Declare track, the party that will verify in the field is the Halal Product Process Companion (PPPH). Halal Product Process Companions carry out verification tasks similar to those carried out by the Auditor Team on a Regular track. However, here, the Halal Product Assurance System (SJPH) verification process - a series related to examining materials, production processes, resources, and procedures to maintain the continuity of halal products - is simpler and does not use laboratory tests.³⁴ The assistance results are then sent to BPJPH, which forwards them to the Fatwa Committee for approval.³⁵

Halal Certification Program in Theoretical Perspective

The objectives of the State, as stated in the fourth paragraph of the Preamble to the 1945 Constitution, include the hope of achieving welfare and social justice for all Indonesian people. To achieve these State's objectives, attention and shared responsibility are needed from all Indonesian people, not just the Government.

In this context, the Government has the authority to issue halal certificates for MSMEs based on the mandate of the constitution and existing laws and regulations. The State's authority is then delegated to BPJPH based on the competence of the institutions and people exercising this authority. Business actors must carry out halal certification to provide legal certainty to the public that their products and services are truly halal for consumption or use. To obtain a certificate, all business actors must follow the institution's provisions, conditions, and procedures. The

³⁴ Indah Purwaning Yuwana and others, 'Literasi Produk Bersertifikasi Halal dalam Rangka Meningkatkan Penjualan Pada UMKM', *Jurnal Pengabdian Masyarakat Madani (JPMM)*, 1.2 (2021): 104-112.

³⁵ Dian Hasni and others, 'Program Pendampingan Pengurusan Sertifikasi Halal pada Dua Umkm Pangan di Banda Aceh', *Jurnal Pengabdian Mahakarya Masyarakat Indonesia*, 2.1 (2024): 24-29 <<https://doi.org/10.24815/pemasi.v1i1.37810>>.

granting of halal certificates to MSME actors also shows that the law is present in society to guarantee certainty for every consumer, especially Muslim consumers, regarding the halalness of the products produced according to religious law and national law.³⁶

Halal certification is also one of the Government's efforts to improve the efforts of MSME actors. Running a business is one form of livelihood or work to meet daily needs. Through the halal certification program, the Government shows its seriousness in supporting the economic growth of small communities while fulfilling the mandate of the 1945 Constitution, which emphasizes that everyone has the right to live decently and obtain a decent living.

The granting of halal certificates to Micro and Small Business Actors aims to guarantee consumer rights guaranteed by Law Number 8 of 1999 concerning Consumer Protection³⁷, namely:

1. The right to comfort, security, and safety in consuming goods and/or services.
2. The right to choose goods and services and to obtain goods and/or services following the exchange rate and provisions and guarantees promised.
3. The right to correct, clear, and honest information regarding the provisions and guarantees of goods and/or services.
4. The right to be heard for opinions and complaints regarding the goods and services used.
5. The right to obtain defense, protection, and efforts to resolve consumer protection disputes properly and correctly.
6. The right to obtain guidance and education for consumers.
7. The right to be treated or served honestly and without discrimination.

³⁶ Zulkifli Zulkifli and Mualimin Mochammad Sahid, 'Pensijilan Halal: Prosedur dan Implementasi di Indonesia', *Malaysian Journal of Syariah and Law*, 6.3 (2018): 49–59 <<https://doi.org/10.33102/mjsl.v6i3.125>>.

³⁷ Liantika Rizky Rindani, 'Perlindungan Konsumen Menurut Undang-Undang Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen dan Hukum Islam', 5.1 (2017): 169–180 <<https://ejournal.uin-suka.ac.id/syariah/almazahib/article/view/1397>>.

8. The right to obtain compensation, damages, or replacement if the goods and/or services received do not comply with the agreement or are not as they should be.
9. Rights regulated in other statutory provisions.

Halal certification is a right for consumers and business actors (producers). All business actors have the right to obtain the certificate for the smooth running of their business. In addition to eliminating consumer doubts about the products they produce, the existence of a halal certificate will also strengthen the image of MSME products in the eyes of Muslim consumers.

Regarding benefits, halal certification is very important for MSMEs because it will impact increasing business progress. A business will not develop if no consumers shop or are interested in the products being traded. With a halal certificate, consumer trust in business actors will increase, so the desire to buy and consume the products being traded will also increase. With the number of customers, the results or profits obtained will also increase; with increasing income, the welfare of business actors will also increase.³⁸

By following the Self-Declare halal certification pathway, Micro and Small Entrepreneurs will gain several benefits, including:

- 1) Affordability and convenience

MSMEs with below-average incomes, especially for micro and small-scale producers who have financial limitations, can register their business products easily and for free.

- 2) Increased competitiveness

The business world is increasingly competitive, so business actors must also be more creative in marketing their products. With the halal certificate, the opportunity for MSMEs to participate in the free market can help them compete with medium and large-scale producers.

³⁸ Muhammad Mush'ab, 'Potensi Manfaat Sertifikasi Halal Terhadap Produk UMKM', *KASABA: Jurnal Ekonomi Islam*, 14.1 (2021) <<https://doi.org/https://doi.org/10.32832/kasaba.v14i1.4451>>.

3) Global market recognition

Small entrepreneurs can also expand their businesses abroad and increase their international sales potential.

4) Reaching the Muslim market

With the "halal" label on their products, MSMEs can more easily enter markets filled with Muslim consumers. Most Muslims in the world, including in Indonesia, tend to prefer products that have halal certification rather than products that are not certified. This tendency will make it easier for MSME products to be accepted by Muslim consumers.³⁹

5) Halal certification guarantees the safety of the products consumed. This is because the certificate is issued by an official and trusted institution. So that it can be ensured that the product is safe for consumption and its halalness is guaranteed.

6) The documentation and administration process in the halal certification system is better and more efficient because it goes through a standardized process. With the documentation system, all parties can obtain information easily while improving modern and up-to-date business management.

7) Halal products have a great opportunity to compete in the global market. Indonesian business actors, producers, or exporters will find it easier to determine their marketing targets based on the characteristics of their consumers.

8) The halal label on the product packaging can function as a Unique Selling Point (USP) and Unique Selling Proposition. Products with a halal label on their packaging will have a unique selling point that can be used as a unique strategy to increase sales. Products that are halal certified will have a positive image among Muslim consumers, increasing their competitive advantage in the eyes of consumers.⁴⁰

³⁹ bpjph.halal.go.id, 'Manfaat Sertifikasi Halal Self Declare Bagi UMKM', 2023, p. 1.

⁴⁰ Warty and Samsuri.

Based on the explanation above, halal certification can benefit MSMEs by increasing their business competitiveness in the domestic and international markets.⁴¹

On the other hand, consumers, especially Muslim consumers, will also benefit from the existence of the halal label, at least in two aspects, namely:

1. The aspect of belief that allows consumers to make choices based on the information they receive.
2. The aspect of quality that shows that the product not only meets halal requirements but also follows hygienic practices.⁴²

Essentially, the halal certification program aims to protect consumers, especially Muslims. Consumers, as the ultimate goal of the marketing process, will generally make various considerations before purchasing a product, especially in Indonesia.⁴³ The halalness of a product that will be used, especially for Muslims, will be the main priority for consuming and using it. Therefore, before deciding to buy, consumers will assess the product in detail, starting with the ingredients, composition, and halal labeling. With the halal label on the product packaging, Muslim consumers no longer hesitate to consume a product because the halal label is a sign and, at the same time, a guarantee that the product is halal.

In addition to providing benefits for Producers and Consumers, the Halal Certification Program also indirectly impacts employee income and job seekers. For workers/employees, an increase in business will affect the company's income. An increase in company income will also encourage an increase in the salaries of workers/employees. With an increase in salary/wages, the welfare of workers/employees and their families will also increase based on the income received. Furthermore, an increase

⁴¹ Noor Cholifah and Yunus Mustaqim, 'Aspek Penting Sertifikasi Halal Produk', *Jurnal Abdimas Indonesia*, 5.1 (2023): 47–50 <<https://doi.org/10.26751/jai.v5i1.2106>>.

⁴² Agus Suroso. Erny Rahmawati, Suliyanto, *Peran Kesadaran Merk Halal pada Perilaku Konsumen*, ed. by Vera Revius, 1st edn (Purwokerto: UM Purwokerto Press, 2019).

⁴³ Supriyadi Supriyadi and others, 'Legal Effectiveness of Halal Product Certification in Improving Business Economics in Indonesia and Malaysia', *Al-Ahkam*, 34.1 (2024): 193–220 <<https://doi.org/10.21580/ahkam.2024.34.1.20546>>.

in business or development among business actors will also affect the need for workers.⁴⁴

The bigger and wider the business development, the more workers will be needed. This tendency means that halal certification, in addition to being beneficial for producers, consumers, and workers, is also beneficial for the wider community because it can create job opportunities. On the government side, the increase in worker recruitment will also indirectly benefit the Government. The opening of new jobs means the Government's burden of creating jobs for all people will be slightly reduced.

Furthermore, when viewed from the perspective of Islamic Law theory, the halal certification program, both the Regular Path and Self-Declare, is in line with the principle of *maslahah mursalah*.⁴⁵ In the theory of *maslahah mursalah*, every business activity or product produced must be able to provide benefits for humans, whether the product is in the form of food and beverages or other goods needed by mankind. Providing halal certificates to business actors aims to benefit the community, especially Muslims. With the guarantee that food and beverage products or products sold are halal, Muslims no longer need to hesitate to consume or use these products because their halal status is clear.⁴⁶

For MSME actors, having halal certification issued by BPJPH allows business Actors to automatically and immediately include halal labels on their product packaging. This gains the trust and buying interest of the community or consumers, ultimately leading to increased competitiveness and income from the sale of their products.⁴⁷

⁴⁴ Ashabul Kahpi, 'Pengupahan : Tinjauan Terhadap Permasalahan Ketenagakerjaan di Indonesia', *Jurisprudentie : Jurusan Ilmu Hukum Fakultas Syariah dan Hukum*, 5.2 (2018): 67 <<https://doi.org/10.24252/jurisprudentie.v5i2.6464>>.

⁴⁵ Muhajirin dan May Dedu, '*Maslahah Mursalah* dan Implementasinya dalam Akad Muamalah', *Al-Maslahah*, 09.1 (2021): 172–200 <<https://doi.org/10.30868/am.v9i01.963>>.

⁴⁶ Siti Nur Azizah, 'The Regulation of Halal Label in Non-Packaged Fast-Food Products in Indonesia Online Business', *Malaysian Journal of Syariah and Law*, 10.1 (2022): 132–139 <<https://doi.org/10.33102/mjssl.vol10no1.364>>.

⁴⁷ Arekatun Nama and others, 'Implementasi Sertifikasi Halal Untuk Meningkatkan Penjualan Pada UMKM Kuliner Tahu Gimbal Pak Edi Kota Semarang', *Jurnal Manajemen*, 11.3 (2024): 33–37.

The growth and development of businesses and the importance of halal certification for business actors and the food, beverage, cosmetic, and other industries are very important to note and implement.⁴⁸ The benefits obtained by business actors and the development of industries that already have halal certification will be able to create safe, smooth, healthy, and safe businesses, and worker welfare will increase because their products are purchased by increasing consumers.⁴⁹

Conclusion

Based on what has been described in the previous discussion points, it can be concluded that providing halal certificates for business actors, either through the Reguker or the Self Declare route, can bring great benefits to entrepreneurs and society, especially Muslims, as a whole. With the halal certificate, entrepreneurs can increase sales turnover while expanding their business reach, increasing employee income, and opening new jobs.

Furthermore, when viewed from the perspective of Islamic law, the program's implementation is also in line with the *maslahah* theory because it can positively affect many parties, not only entrepreneurs but also consumers, including the Government. Herein lies the urgency and benefits of the halal certification program that the Government is currently intensifying.

Author Contribution

The main author, Endeh Suhartini, is responsible for the administrative and managerial aspects of the research activities. The second author, Euis Hertiani, designed the research and determined the methodology. The third author, R. Djuniarsono, collected and verified the data. The fourth author, Hidayat Rumatiga, discussed, analyzed, and concluded

⁴⁸ Syafrida, 'Sertifikat Halal Pada Produk Makanan dan Minuman Memberi Perlindungan dan Kepastian Hukum Hak-Hak Konsumen Muslim', *ADIL: Jurnal Hukum*, 7.2 (2016): 159–174.

⁴⁹ Firdaus Firdaus, 'Implikasi Sertifikat Halal dalam Manajemen Bisnis Industri Makanan dan Minuman', *At-Tawazun, Jurnal Ekonomi Syariah*, 11.02 (2023): 39–54 <<https://doi.org/10.55799/tawazun.v11i02.322>>.

the research results. The fifth author, Nurfajrina Sabila, searched for references, edited, and submitted them to the Journal.

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