

# LEGALITY OF HALAL FOOD CERTIFICATION ON MASLAHAH MURSALAH PERSPECTIVE

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**Abstract:** This study aims to comprehensively determine the legality of halal certification on food circulating in the community. Researchers reviewing the legality of halal food certification use the masalah mursalah approach. Masalah mursalah is more appropriate to use because the issue of halal food certification does not yet have a specific argument that discusses it. This study includes literature research with a normative approach. The data collection technique used in this research is the documentation technique. While the analysis technique used is the inductive analysis technique. The result of this study is that halal certification of eating based on masalah mursalah follows Islamic law. There are many benefits of halal food certification following Islamic law principles. Food products that have obtained the halal certification label will give consumers a stronger sense of confidence that this food is genuinely halal ( al-halal bayyinun ) because a competent and authorized institution has verified it. It is different if a meal does not yet have a halal certification label, then consumers can doubt and be unsure about the halalness and quality of the product. The quality of food products that are doubtful of their halalness can change the law from halal to subhat; it is a different case if the product is already labeled with a halal certificate, consumers will be more sure of the quality and halalness of the product.

**Keywords:** Halal Food Certification, Masalah Mursalah.

**Abstrak:** Penelitian ini bertujuan untuk mengetahui secara komprehensif legalitas sertifikasi halal pada makanan yang beredar di masyarakat. Peneliti mengkaji legalitas sertifikasi makanan halal menggunakan pendekatan masalah mursalah. Masalah mursalah lebih tepat digunakan karena masalah sertifikasi makanan halal belum memiliki argumentasi khusus yang membahasnya. Penelitian ini termasuk penelitian kepustakaan dengan pendekatan normatif. Teknik pengumpulan data yang digunakan dalam penelitian ini adalah teknik dokumentasi. Sedangkan teknik analisis yang digunakan adalah teknik analisis induktif. Hasil dari penelitian ini adalah bahwa sertifikasi halal makan berdasarkan masalah mursalah mengikuti hukum Islam. Ada banyak manfaat dari sertifikasi makanan halal mengikuti prinsip-prinsip hukum Islam. Produk pangan yang telah mendapatkan label sertifikasi halal akan memberikan keyakinan yang lebih kuat kepada konsumen bahwa pangan tersebut benar-benar halal (al-halal bayyinun) karena telah diverifikasi oleh lembaga yang kompeten dan berwenang. Lain halnya jika suatu makanan belum memiliki label sertifikasi halal, maka konsumen bisa ragu dan ragu akan kehalalan dan kualitas produk tersebut. Kualitas produk pangan yang diragukan kehalalannya dapat mengubah hukum dari halal menjadi subhat; Lain halnya jika produk tersebut sudah berlabel sertifikat halal, konsumen akan semakin yakin dengan kualitas dan kehalalan produk tersebut.

**Kata kunci:** Sertifikasi Makanan Halal, Masalah Mursalah.

## Introduction

Halal labeling is permits installing the word halal on company product packaging by the Food and Drug Supervisory Agency. Permits for the inclusion of halal labels on food product packaging issued by the Food and Drug Supervisory Agency are based on recommendations from the Indonesian Ulema Council in the form of halal certificates. This halal certificate is issued based on an examination by the Indonesian Ulema Council Food, Drugs and Cosmetics Research Institute. The government has responded positively to the importance of certification and the inclusion of halal signs or writings on products (halal labeling) through several regulations. However, this regulation still seems sectoral and partial. Food as a basic human need whose fulfillment is a human right of every Indonesian, must always be sufficient at all times, safe, quality, nutritious, and varied at an affordable price by people's purchasing power.<sup>1</sup>

Every food product on the market should have a halal certificate, but the facts on the ground are that there are still many products that are not halal certified. A Muslim's need for halal products should be supported by halal guarantees. However, not all of the products circulating in Indonesia are guaranteed to be halal. Several examples of cases have been very detrimental to Muslim consumers in Indonesia, and this consumer loss ultimately causes huge losses for producers and the business world. Examples of these cases are the case of meatballs containing pork in Bandung (1984), the case of food using ingredients from pork in Malang (1988), and the case of the Meningitis Vaccine of Hajj

pilgrims containing pork enzymes (2009).<sup>2</sup>

As happened in the Tebet area, South Jakarta, the following example was that food containing borax (a dangerous substance) was found in one of the minimarkets. Another phenomenon that occurred on Jalan Pandan Wangi 75, Sidoharjo, Lamongan, East Java, was that the Surabaya Food and Drug Supervisory Agency (BBPOM) officers, together with the Lamongan Police, raided a traditional herbal medicine shop in Surabaya, the officers found cosmetics containing mercury that harms the skin.<sup>3</sup> Halal certification helps eliminate consumer doubts about the halalness of the food product. The issue of consumer doubts about the halalness of food products has occurred in Jatinangor. For example, the issue of using tiren chicken (died yesterday) quickly spread among consumers, and the impact is very detrimental to producers because it will reduce or even kill sales. On the other hand, producers find it difficult to dismiss the issue considering that producers do not have proof of halal certification issued by the MUI.<sup>4</sup>

Facts like this are detrimental to consumers and Muslim consumers, including those disadvantaged by many products without halal labels or non-halal information. Halal food certificate is consumer protection from various foods considered inappropriate in Islamic law. Based on certification data from the Indonesian Ulema Council (LPPOM

<sup>2</sup> KN Sofyan Hasan, "Kepastian Hukum Sertifikasi Dan Labelisasi Halal Produk Pangan," *Jurnal Dinamika Hukum* 14, no. 2 (May 25, 2014): 228, <https://doi.org/10.20884/1.jdh.2014.14.2.292>.

<sup>3</sup> Ahda Segati, "Pengaruh Persepsi Sertifikasi Halal, Kualitas Produk, Dan Harga Terhadap Persepsi Peningkatan Penjualan," *JEBI (Jurnal Ekonomi Dan Bisnis Islam)* 3, no. 2 (December 3, 2018): 160, <https://doi.org/10.15548/jebi.v3i2.175>.

<sup>4</sup> Yuli Agustina et al., "Pentingnya Penyuluhan Sertifikasi Jaminan Produk Halal Untuk Usaha Kecil Menengah (Ukm)," *Jurnal Graha Pengabdian* 1, no. 2 (November 30, 2019): 141.

<sup>1</sup> Panji Adam Agus, "Kedudukan Sertifikasi Halal Dalam Sistem Hukum Nasional Sebagai Upaya Perlindungan Konsumen Dalam Hukum Islam," *Amwaluna: Jurnal Ekonomi dan Keuangan Syariah* 1, no. 1 (January 31, 2017): 153, <https://doi.org/10.29313/amwaluna.v1i1.2172>.

MUI) Food, Drug and Cosmetics Assessment Institute (LPPOM MUI), during the last eight years (2011-2018), there were a total of 59,951 companies. Of the 727,617 products produced by the company, 69,985 products have been certified halal (LPPOM MUI). This fact shows that only 9.6 percent of the products have been certified, while the rest do not yet have a halal certificate. A product that is not certified halal does not mean it must be haram, but it could be that the product has not been submitted for halal certification.<sup>5</sup>

There are many reasons that a product has not been submitted for halal certification. One of them is the lack of legal awareness; many think that the law of halal certification is permissible, even though it should be sunnah and even become mandatory if conditions in the field have a lot of haram food. The Government (State) is obliged to guarantee the community's product consumed and used halal. In this case, it does not mean that the government is obliged to prohibit importing or producing haram goods, but with the existence of a halal certificate on a product, it can be separated which products are halal and which products are haram so that people can choose without any doubts in it.<sup>6</sup>

Specifically, Islam does not indicate an order to label products as halal. However, this is an ijtihad construction that becomes absolute.<sup>7</sup> Based on this fact, researchers are

interested in conducting more in-depth research related to halal food certification from the perspective of maslahah mursalah. The purpose of this research is to know the legal legality of halal food certification holistically. Look at the issue of halal certification not only on the formal legal rules but consider the *maslahah mafsadah* (benefits and dangers) of the existence of halal certification. So that the rules that are implemented will bring benefits, and it is hoped that the emergence of a lawful movement for halal certification is expected.

## Method

This study is qualitative research (literature study) that uses a normative approach. The data collection technique used in this research is the documentation technique. This documentation technique was used because the primary data in this study came from scientific journals, books, and the internet related to the object of research, namely data related to halal food certification. The analytical technique used in this research is the inductive analysis technique.

## The Concept of Stipulating Islamic Law Using the Maslahah Mursalah Approach

The theory of determining Islamic law using *maslahah mursalah* is a method of the legal determination based on benefit (benefit), where this benefit does not receive particular legality from the texts (al-Qur'an and hadith). *Maslahah mursalah* is a benefit for which no argument expressly states the law, either the law of permissibility or the prohibition.<sup>8</sup> From this definition, it can be seen that the object of the study of *maslahah mursalah* is a legal issue for which there is no specific argument that explains the status of the legal issue, but there are still some general arguments

<sup>5</sup> Hayyun Durrotul Faridah, "Halal Certification in Indonesia; History, Development, and Implementation," *Journal of Halal Product and Research (JPHR)* 2, no. 2 (December 21, 2019): 69, <https://doi.org/10.20473/jhpr.vol.2-issue.2.68-78>.

<sup>6</sup> Muhammad Arafat and Anisah Budiwati, "Dampak Penghapusan Kewajiban Label Halal Pada Peraturan Menteri Perdagangan (Permendag) Nomor 29 Tahun 2019 Pada Kebijakan Sertifikat Halal Lppom Mui Yogyakarta," *At-Thullab Jurnal Mahasiswa Studi Islam* 2, no. 1 (September 14, 2020): 232.

<sup>7</sup> Devid Frastiawan Amir Sup et al., "Dinamika Regulasi Sertifikasi Halal di Indonesia," *JESI (Jurnal Ekonomi Syariah Indonesia)* 10, no. 1 (August 31, 2020): 38, [https://doi.org/10.21927/jesi.2020.10\(1\).36-44](https://doi.org/10.21927/jesi.2020.10(1).36-44).

<sup>8</sup> Muhammad Rusfi, "Validitas Maslahah Mursalah Sebagai Sumber Hukum," *AL-'ADALAH* 12, no. 1 (2014): 66, <https://doi.org/10.24042/adalah.v12i1.175>.

that are consistent and do not conflict with the Qur'an and Hadith.<sup>9</sup>

Determination of law using *maslahah mursalah* must be based on the nature of prudence and strict standardization. The formation of law based on absolute benefit without following the conditions is feared to open the door to harm (danger).<sup>10</sup> So it is natural that the scholars strictly limit the use of *maslahah mursalah* as a source of determining Islamic law. Imam al-Ghazali argues that two conditions must be met if want to perform *maslahah mursalah*, among others:

- a) *maslahah* must be *mula'imah / mula'amah* (in line with the principles of establishing Islamic law / *munasib* and *muttarid*).
- b) *Maslahah* does not conflict with the arguments of the Qur'an, Sunnah, or *ijma*.<sup>11</sup>
- c) Determination of law using *maslahah The mursalah* must be carried out in several stages, including:
  - a) Describe, collect and present data on the object under study.
  - b) Ensure that the benefits of the object under study are included in the category of *mursalah objects*. The way to confirm this is by checking whether the object being studied has specific arguments that discuss it, both the arguments from the Qur'an and the arguments from al-Hadith.
  - c) It verifies the suitability of the benefits of the object under study with the

<sup>9</sup> Wahyu Abdul Jafar, "Eksistensi Wakaf Tunai Dalam Tinjauan Maslahah Mursalah," *Jurnal Al Hurriyah* 4, no. 1 (2019): 29, <https://doi.org/10.30983/alhurriyah.v4i1.817>.

<sup>10</sup> Wahyu Abdul Jafar, "Kerangka Istibath Maslahah Mursalah Sebagai Alternatif Problem Solving Dalam Hukum Islam," *Istinbath: Jurnal Hukum* 13, no. 1 (April 26, 2016): 91.

<sup>11</sup> Syarif Hidayatullah, "Maslahah Mursalah Menurut Al-Ghazali," *Al-Mizan: Jurnal Hukum Dan Ekonomi Islam* 2, no. 1 (February 22, 2018): 125, <https://doi.org/10.33511/al Mizan.v2n1.115-163>.

conditions for determining Islamic law using *maslahah mursalah* how to verify it by looking at the conditions for determining Islamic law using *maslahah* whether it has been fulfilled on the object to be studied

## Result and Discussion

### Definition of Halal Certification

Halal certification is a process to obtain a halal certificate through several stages to prove that the materials, production processes, and the Halal Assurance System (SJH) meet the LPPOM MUI standards. After implementing the Halal Product Assurance Act Number 33 of 2014, Halal certification is defined as an acknowledgment of the halalness of a product issued by the Halal Product Assurance Agency (BPJPH) based on a written fatwa issued by the Indonesian Ulema Council. In Indonesia, the authoritative institution implementing Halal Certification prior to enacting the Halal Product Guarantee Act (JPH), which was implemented voluntarily, was the Indonesian Ulema Council (MUI). It was technically handled by the Institute for the Study of Food, Drugs, and Cosmetics (LPPOM). Meanwhile, halal labeling includes halal writing or statements on product packaging to indicate that the product in question has the status of a halal product. Halal labeling activities are managed by the Food and Drug Supervisory Agency (Badan POM). Law No. 7 of 1996 concerning food, which is an umbrella provision concerning food, contains the obligation to attach labels to packaged foods with a minimum of six elements, of which the other element is a description of halal. Information or halal labels on a product can be a reference for Muslim consumers to choose and buy the product.<sup>12</sup>

The purpose of Halal Certification for

<sup>12</sup> Wanto Wanto and Samsuri Samsuri, "Sertifikasi Halal Dan Implikasinya Bagi Bisnis Produk Halal Di Indonesia," *Al Maal: Journal of Islamic Economics and Banking* 2, no. 1 (July 14, 2020): 101, <https://doi.org/10.31000/almaal.v2i1.2803>.

food products, medicines, cosmetics, and other products is to provide certainty of halal status to reassure the community in consuming food according to their faith, to support the smooth and stable national development. The producers guarantee the continuity of the halal production process by implementing the Halal Assurance System. Likewise, with halal certification, food producers will not be harmed; in fact, their business continuity will be guaranteed.<sup>13</sup>

### National Legal Basis for Halal Certification

The halal certification position in Indonesia's national legal system is central because halal certification is enshrined in Law Number 33 of 2014 concerning Halal Product Guarantee, a legal system part of the legal system, namely legal substance that has legal force and legal certainty is imperative. Moreover, this is an effort to protect consumers in Islamic law.

The government and Muslims obey the halal fatwa produced by the MUI, and the government complies with it as reflected in the existing laws and regulations. The government's adherence to the MUI halal fatwa can be seen in the applicable laws and regulations and the policies made by the government related to the issue of halal food. This is reflected in Law Number 36 of 2009 concerning Health, Law Number 18 of 2012 concerning Food, Law Number 8 of 1999 concerning Consumer Protection, and Law Number 33 of 2014 concerning Guaranteed Halal Products.<sup>14</sup>

Law Number 33 of 2014 concerning Halal Product Guarantee (UUJPH) emphasizes the urgency of halal-haram issues in the

production chain from business actors to consumers and consumed by consumers. Prior to the formation of Law Number 33 of 2014 concerning Guaranteed Halal Products (UUJPH), there was already Law Number 18 of 2012 concerning Food; Law Number 36 of 2009 concerning Health, Law Number 8 of 1999 concerning Consumer Protection, Government Regulation Number 69 of 1999 concerning Food Labels and Advertisements, Presidential Instruction (Inpres) 1991 concerning Improvement of Guidance and Supervision of Processed Food Production and Distribution Ministerial Decrees and Joint Ministerial Decrees. Laws and regulations on halal product guarantees are not only intended to provide protection and guarantees to consumers but are also helpful for producers in Guiding how to process, process, produce, and market products to the consumer community and how to provide information on halal products to consumers.<sup>15</sup>

After the enactment of Law No. 33 of 2014 concerning Guaranteed Halal Products (UUJPH) Moreover, PP No. 31 of 2019 concerning JPH has implications for changing the procedure and registration system for halal certification from voluntary to mandatory starting October 17, 2019. In addition, the JPH Law has created a new agency called the Halal Product Guarantee Agency (BPJPH) under the Ministry of Religion. The JPH Law mandates that as of October 17, 2019, all products must be certified halal by BPJPH. Before PP JPH was issued, the Indonesian Ulema Council (MUI) still carried out the halal certification process. However, after PP JPH is issued, the authority to issue halal certification rests entirely with BPJPH as the leading sector for halal product guarantees.

Based on the 2014 JPH Law and the 2019 PP, BPJPH replaces the role of LPPOM MUI in the halal certification process, but BPJPH's readiness does not accompany this

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<sup>13</sup> Asri Wahyuningrum, H. Anasom, and Thohir Yuli Kusmanto, "Strategi Dakwah Mui (Majelis Ulama Indonesia) Jawa Tengah Melalui Sertifikasi Halal," *Jurnal Ilmu Dakwah* 35, no. 2 (August 21, 2017): 194, <https://doi.org/10.21580/jid.v35.2.1618>.

<sup>14</sup> Panji Adam Agus, "Kedudukan Sertifikasi Halal Dalam Sistem Hukum Nasional Sebagai Upaya Perlindungan Konsumen Dalam Hukum Islam," *Amwaluna: Jurnal Ekonomi dan Keuangan Syariah* 1, no. 1 (January 31, 2017): 163, <https://doi.org/10.29313/amwaluna.v1i1.2172>.

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<sup>15</sup> May Lim Charity, "Jaminan Produk Halal Di Indonesia," *Jurnal Legislasi Indonesia* 14, no. 1 (May 3, 2018): 106, <https://doi.org/10.54629/jli.v14i1.77>.

change, so it can potentially hamper the halal certification process running so far. To avoid this, the Minister of Religion issued the Decree of the Minister of Religion of the Republic of Indonesia No. 982 of 2019 regarding halal certification services. The contents of the decision emphasize that in providing halal certification services, BPJP will cooperate with the Indonesian Ulema Council (MUI) in determining the fatwa for halal products and the MUI Food, Drug, and Cosmetics Study Institute (LPPOM-MUI) in terms of inspection and testing of product halalness.<sup>16</sup>

### The Urgency and Benefits of Halal Food Product Certification

Products at Micro, Small, and Medium Enterprises (MSMEs) that have been certified halal can be one of the added values for these SMEs to increase consumer purchasing power. The existence of halal certification labels on food products can make consumers loyal. This business will be very prospective in a country with a Muslim majority, such as Indonesia, while producers who do not have halal certification are less attractive to consumers.<sup>17</sup>Data from LPPOM MUI shows a significant increase in halal certification from year to year, and this increase can be seen in the table below.

Table 1. LPPOM MUI Halal Certification Data for the Period 2011-2019

Year	Number of Companies	Halal Certificates	Number of Halal Products
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2011	4325	4869	39002
2012	5829	6157	32890
2013	6666	7014	64121
2014	10180	10322	68576
2015	7940	8676	77256
2016	6564	7392	114264
2017	7198	8157	127286
2018	11249	17398	204222
2019	13951	15495	274796
Amount	73902	85480	1002413
Total			

Source: LPPOM MUI 2019

The function of halal certificates can be seen from two perspectives, namely consumers and producers. From a consumer perspective, halal certificates have functions including:

1. Protection of Muslim consumers from consuming food, medicine, and cosmetics that are not halal and harmful to the body
2. Psychologically, the feelings of the consumer's heart and mind will be calm
3. Defending body and soul from adversity due to illicit products
4. Halal certification will provide legal certainty and protection.

In the producer's perspective, the halal certificate functions:

1. As the responsibility of producers to Muslim consumers, considering the halal issue is part of the principles of Muslim life.
2. Increase consumer trust and satisfaction
3. Improve the image and competitiveness of the company.
4. Halal certificate is a marketing tool as well as to expand the marketing network area
5. Provide benefits to producers by increasing competitiveness and sales production turnover.<sup>18</sup>

<sup>16</sup> Warto Warto and Samsuri Samsuri, "Sertifikasi Halal Dan Implikasinya Bagi Bisnis Produk Halal Di Indonesia," *Al Maal: Journal of Islamic Economics and Banking* 2, no. 1 (July 14, 2020): 102, <https://doi.org/10.31000/almaal.v2i1.2803>.

<sup>17</sup> Belladina Anggun Kinanti, Totok Pujianto, and Roni Kastaman, "Analisis Titik Kritis Halal pada Proses Produksi di Komunitas UKM Aksara Cimahi Menggunakan Failure Mode Effect Analysis (FMEA)," *Jurnal Ekonomi Pertanian dan Agribisnis* 4, no. 4 (October 18, 2020): 739, <https://doi.org/10.21776/ub.jepa.2020.004.04.04>.

<sup>18</sup> Muhammad Syarif Hidayatullah, "Sertifikasi dan Labelisasi Halal Pada Makanan dalam Perspektif Hukum Islam (Perspektif Ayat Ahkam)," *Yudisia: Jurnal Pemikiran Hukum dan Hukum Islam* 11, no. 2 (November 2, 2020): 264, <https://doi.org/10.21043/yudisia.v11i2.8620>.

Halal certification in food products has a decisive function and role from the consumer (society) and business actors (producers) perspectives. Consumers need food products that are safe for consumption, free from disease, nutritious and healthy, and bring an inner peace that is not mixed with non-halal ingredients. In terms of business actors, they need loyal consumers as marketing targets for their products. Moreover, at this time, halal food is not only needed for the Muslim community but has become an urgent need for non-Muslim communities. This is factually proven by the widespread halal trend, which is currently symptomatic in countries with a non-Muslim majority population. This phenomenon is understandable because scientifically, food that is declared halal is, of course, Safe and healthy, and awareness of the world community about the importance of halal food is also starting to increase.<sup>19</sup>

### Halal Certification Agency

In Indonesia, the institution that deals with the issue of halal certification is the Halal Product Assurance Agency (BPJPH), in collaboration with the Halal Inspection Agency (LPH) and the Indonesian Ulema Council (MUI). BPJPH is a state institution under the ministry of religion, officially launched on October 11, 2017. BPJPH as an Echelon 1/Dirjen Institution was led by the head of the JPH agency or BPJPH on August 2, 2017. The task is to prepare the implementation of the mandate of Article 4 UUJPH, namely, products that are entering, circulating, and being traded in the territory of Indonesia must be certified halal because previously, halal certificates were voluntary.

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<sup>19</sup> Asep Syarifuddin Hidayat and Mustolih Siradj, "Sertifikasi Halal Dan Sertifikasi Non Halal Pada Produk Pangan Industri," *AHKAM: Jurnal Ilmu Syariah* 15, no. 2 (July 20, 2015): 210, <http://journal.uinjt.ac.id/index.php/ahkam/article/view/2864>.

BPJPH also has other duties, namely (1) Formulating and establishing JPH policies (2) Establishing JPH norms, standards, procedures, and criteria (3) Issuing and revoking Halal Certificates and Halal Labels on Products (4) Registering Halal Certificates on products abroad (5) Conducting socialization, education, and publication of Halal Products (6) Accrediting LPH (7) Registering Halal Auditors (8) Supervising JPH (9) Conducting Halal Auditor development; and (10) Cooperating with domestic and foreign institutions in the field of JPH implementation (Vide Article 6 of the JPH Law). BPJPH stipulates a logo or label that is enforced throughout Indonesia. In addition, it is also authorized in the issuance and revocation of the halal logo.

BPJPH was established based on Article 5 paragraph (2) of the 1945 Constitution of the Republic of Indonesia; BPJPH was at least formed to implement the provisions of Article 11, Article 16, Article 21 paragraph (3), Article 44 paragraph (3), Article 46 paragraph (3), Article 47 paragraph (4), Article 52, and Article 67 paragraph (3) of Law Number 33 of 2014 concerning Product Guarantees need to stipulate a Government Regulation concerning Implementing Regulations of Law Number 33 of 2014 concerning Halal Product Guarantee.<sup>20</sup>

In Islamic countries such as the United Arab Emirates, Turkey, and Arab, the Halal Product Guarantee (JPH) is carried out by Islamic religious institutions (ulama institutions) that are recognized nationally, not by the state. Secular countries such as Australia, the Netherlands, Belgium, and the United States are also doing the same thing, where a clerical institution carries out the halal guarantee institution. Only Malaysia

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<sup>20</sup> Mutiara Fajrin Maulidya Mohammad, "The Pengaturan Sertifikasi Jaminan Produk Halal Di Indonesia," *Kertha Wicaksana* 15, no. 2 (July 22, 2021): 151–52, <https://doi.org/10.22225/kw.15.2.2021.149-157>.

has a halal inspection agency carried out by the government. This is because Malaysia is a country with an Islamic kingdom system, where the King of Malaysia serves and the Mufti.<sup>21</sup>

### Halal Certification Process

The Halal Certification process by BPJPH is as follows: First, the Business Actor submits a written application to BPJPH, which is accompanied by the following documents: Business Actor data, Product name and type, list of Product materials used, and Product processing process. On the orders of BPJPH, the Halal Inspection Agency conducts inspection and testing of the halalness of the Products within 5 (five) working days from the date the application documents are declared complete. The LPH Halal Auditor checks the halalness of the product, and if there are ingredients that are doubtful of being halal, LPH conducts testing in the laboratory. The inspection and halal testing by LPH are reported to BPJPH. The Halal Product Assurance Organizing Body then submits the LPH report to MUI to determine the halalness of the product through the Halal Fatwa session. The Indonesian Ulema Council and experts, elements of Ministries or Institutions, and related agencies conduct a halal fatwa session to determine the Decision on Determining Halal Products which is the basis for the issuance of Halal Certificates. The decision to determine Halal Products is produced no later than 30 (thirty) working days after MUI receives the inspection and test result file from BPJPH. After the product's status is determined to be Halal, BPJPH issues a Halal Certificate no later than 7 (seven) working days after the decision on the Determination of Halal Products is received from MUI. The Halal Certificate

owned by the Business Actor is valid for 4 (four) years from the date of issuance by BPJPH, unless there is a change in the composition of the ingredients. At the latest 3 (three) months before the validity period ends, the Halal Certificate must be extended by the Business Actor by submitting a renewal of the Halal Certificate.

Meanwhile, BPJPH is authorized to issue and revoke Halal Labels on products for the Halal Labelling process. BPJPH also stipulates a form of Halal Label that applies nationally. Business Actors who have obtained Halal Certification must include Halal Labels on product packaging, where the label must be easy to see and read and not easily removed, removed, and damaged.<sup>22</sup>

### Halal Food Product Certification Law in the Perspective of Maslahah Mursalah

To conduct a legal analysis of halal food certification from the perspective of *maslahah mursalah* is necessary to carry out several stages, including:

- a) Describe, collect and present data related to halal certification.
- b) Ensure that the benefits contained in halal certification are included in the category of *mursalah maslahah objects*.
- c) Verifying the benefits contained in halal certification can be used as a basis for determining Islamic law using *maslahah mursalah*.

In the previous discussion, the author has explained clearly the benefits obtained from halal certification. The core benefit of halal certification is to protect the interests of consumers and producers. Furthermore, the author tries to verify whether the

<sup>21</sup> Nidya Waras Sayekti, "Jaminan Produk Halal dalam Perspektif Kelembagaan," *Jurnal Ekonomi & Kebijakan Publik* 5, no. 2 (December 1, 2014): 195, <https://doi.org/10.22212/jekp.v5i2.84>.

<sup>22</sup> Iffah Karimah, "Perubahan Kewenangan Lembaga-Lembaga Yang Berwenang Dalam Proses Sertifikasi Halal," *Journal of Islamic Law Studies, Sharia Journal* 1, no. 1 (February 6, 2020): 126, <http://js.law.ui.ac.id/index.php/about/article/view/5>.

benefits contained in halal certification can be categorized as *maslahah mursalah benefits*. However, before verifying the benefits, the author will check whether the benefits of halal certification are included in the object of the study of *maslahah mursalah*.

To find out is necessary to check whether there is a good argument from the Qur'an or hadith that discusses halal certification. When explored more deeply, it turns out that no argument directly addresses the issue of halal certification. The arguments in the Qur'an are only about the issue of halal and haram food products, including:

First, Surah Al-Baqoroh verse 168

يَا أَيُّهَا النَّاسُ كُلُوا مِمَّا فِي الْأَرْضِ حَلَالًا طَيِّبًا وَلَا تَتَّبِعُوا  
خُطُوَاتِ الشَّيْطَانِ إِنَّهُ لَكُمْ عَدُوٌّ مُبِينٌ

Meaning: "O mankind, eat what is lawful and good from what is on earth, and do not follow the steps of the devil, for indeed the devil is a real enemy to you."

This verse commands to eat halal and good food; eating halal and suitable is healthy and does not cause adverse effects when consumed. The hallmark of halal eating is that there is no prohibition against eating these foods in Islamic law.

Second, Surah Al-Baqoroh, Verse 172,

يَا أَيُّهَا الَّذِينَ آمَنُوا كُلُوا مِن طَيِّبَاتِ مَا رَزَقْنَاكُمْ

Meaning: O you who believe, eat the good food from what We have given you all.

The two verses above explain that the food and drinks allowed to be consumed by Muslims are halal and must be tayyib. If the first word halal is related to Islamic law, the second word, tayyib, is related to medical.

<sup>23</sup>Food can be haram because of three things: haram because of its substance, haram because of how it is obtained, and haram because of how it is processed. Eating is unlawful because of its substance, as in the word of Allah in the letter al An'am verse 145,

قُلْ لَا أجدُ فِي مَا أُوحِيَ إِلَيَّ مُحَرَّمًا عَلَى طَاعِمٍ يَطْعَمُهُ إِلَّا أَنْ  
يَكُونَ مَيْتَةً أَوْ دَمًا مَسْفُوحًا أَوْ لَحْمَ خِنْزِيرٍ فَإِنَّهُ رِجْسٌ أَوْ  
فِسْمًا أَهْلًا لِعَيْبٍ اللَّهُ بِهِ فَمَنْ اضْطُرَّ غَيْرَ بَاغٍ وَلَا عَادٍ فَإِنَّ  
رَبَّكَ غَفُورٌ رَحِيمٌ

Meaning: Say, "I do not find in what was revealed to me, anything that is forbidden to eat it for those who want to eat it, except the flesh of a dead animal (carcass), flowing blood, pork - because all of it is dirty - or an animal that is slaughtered not on (name) Allah. However, whoever is forced not because of desire and does not exceed (emergency limits) then indeed, your Lord is Forgiving, Most Merciful.

Haram food because the method of obtaining it is food obtained from unlawful means such as stealing, buying food with the proceeds of corruption, deceiving others, etc. At the same time, the Food is Haram because the way of processing it is like a person who slaughters a non-Muslim animal does not mention the name of Allah and does not use a sharp knife. They were slaughtering animals for offerings (offering to idols). Materials or tools used for slaughtering, cooking, cooking facilities, seasonings, and other raw materials are processed illegally. The halalness of the food consumed is not only influenced by the substance factor and how to get it but how to process it also has an essential role in determining which food is halal and

<sup>23</sup> Nuraini Nuraini, "Halalan Thayyiban Alternatif Qurani Untuk Hidup Sehat," *Jurnal Ilmiah Al-Mu'ashirah: Media Kajian Al-Qur'an dan Al-Hadits Multi Perspektif* 15, no. 1 (January 29, 2018): 83, <https://doi.org/10.22373/jim.v15i1.5460>.

excellent or halal thayyiban.<sup>24</sup>

Third, the Qur'an letter al-Maidah verse 3,

حُرِّمَتْ عَلَيْكُمْ الْمَيْتَةُ وَالِدَّمُ وَلَحْمُ الْخِنْزِيرِ وَمَا أُهْلِيَ لِعَيْرِ اللَّهِ بِهِ  
وَالْمُنْحَرِقَةُ وَالْمُؤَفَّقَةُ وَالْمُتَرَدِّيَةُ وَالنَّطِيحَةُ وَمَا أَكَلَ السَّبُعُ إِلَّا  
مَا ذَكَّيْتُمْ

Meaning: It is forbidden for you (to eat) carrion, blood, pork, (animal meat) that is slaughtered in the name of other than Allah, the strangled, the beaten, the fallen, the horned, and the wild beast torn apart, except for those you had time to slaughter.

Based on this verse, it is evident that animals are forbidden to be consumed, including; carrion, blood, pork, animals slaughtered in the name of other than Allah, animals that suffocate to death, animals that die from being hit, animals that die on horns and animals that die are attacked by wild animals. Even though the carcass is unlawful, there are exceptions, namely the carcasses of fish and grasshoppers. Carcasses of fish and grasshoppers are lawful for consumption based on the hadith.

أُحِلَّتْ لَكُمْ مَيْتَاتَانِ وَدَمَانِ فَأَمَّا الْمَيْتَاتَانِ فَالْحَوْثُ وَالْجُرَادُ  
وَأَمَّا الدَّمَانِ فَالْكَبِدُ وَالطَّحَالُ

Meaning: "It is lawful for all of you two carcasses and two types of blood. As for the two carcasses, namely fish and grasshoppers, while the two blood are the liver and spleen." (HR. Bukhari)

In another hadith, the Prophet also explained that wild animals are included in the category of animals that are forbidden to be consumed,

كُلُّ ذِي نَابٍ مِنَ السَّبَاعِ فَأَخْلَهُ حَرَامٌ

<sup>24</sup> Halim Setiawan, "Karakteristik Makanan Halalan Thayyiban Dalam Al-Qur'an," *Halalan Thayyiban: Jurnal Kajian Manajemen Halal Dan Pariwisata Syariah (Journal of Halal Management, Sharia Tourism and Hospitality Studies)* 3, no. 2 (November 25, 2020): 46-48.

Meaning: "Every wild animal that has fangs is forbidden to eat" (HR. Muslim)

Based on the arguments above, it can be seen that halal certification is included in the category of *maslahah mursalah* objects because there are no specific arguments that discuss the issue of halal certification; the existing arguments only explain the characteristics of foods that are allowed to be consumed and those that are haram (forbidden) to be consumed. Halal Food is Food that is lawful and thoyyib (good), while the consumption of unlawful (prohibited) food is carrion, blood, pork, animals slaughtered in the name of other than Allah, animals that die of suffocation, animals that die from being hit, animals that die with horns, animals with fangs (savage) and animals that die are attacked by wild animals.

After it is known that the issue of halal certification is included in the object of the study of *maslahah mursalah* because there are no specific arguments to discuss it, then the researcher will verify whether the benefits contained in the halal certification are in the category of benefits (can be used as a reason for establishing Islamic law) in *maslahah mursalah*.

According to Dr. Abdul Wahab Khalaf, the terms of benefit can be categorized as the benefits of *maslahah mursalah* as follows:<sup>25</sup>

- a) Must be in the form of factual benefits, (*maslahah haqiqiyah qot'iyyah*) not in the form of mere conjecture benefits (*maslahah wahmiyyah*). This benefit materializes in reality, not just a fantasy.
- b) It must be in the form of public benefits (*maslahah 'ammah kulliyah*), not in the form of personal or individual benefits (*maslahah fardiyah* or repertoire).
- c) It must be in harmony with and not

<sup>25</sup> Abdul Wahab Kholaf, *Ilmu Ushul Fiqh* (Kairo: Darul Ilmi, 2012), 86.

conflict with the general principles that have been established based on the texts (al-Qur'an and al-hadith) or ijma'.

According to the researcher's analysis, all the benefits of halal certification have met the requirements to be included in the benefits of *maslahah mursalah*. a detailed explanation of the benefits of halal certification can be seen in the table below:

Table 2. Verification of the Benefits of Halal Certification

No	Forms of Benefits of Halal Certification	Factual Benefits (haqiqiyah qot'iyah)	Benefits of 'amma kulliyah	Matched with Nas dan Ijma'
1	Clarity and legal certainty of the halalness of a product	✓	✓	✓
2	increase competitiveness and production turnover of a product	✓	✓	✓
3	Consumer Protection from products that are not good for health	✓	✓	✓
4	Increase consumer trust and satisfaction	✓	✓	✓
5	Improve company image and competitiveness	✓	✓	✓
6	As a marketing tool and to expand the marketing network area	✓	✓	✓

Description:

✓ : Exist, X: None

The table above shows that six benefits can be used to determine Islamic law using *maslahah mursalah*. The reasons are the reasons for clarity and legal certainty of the halalness of a product, increasing competitiveness and production turnover of a product, Consumer protection from products that are not good for health, Increased consumer trust and satisfaction, improve the image and competitiveness of the company, as well as a marketing tool and to expand the marketing network area.

These six benefits are included in the category of Factual benefits (*haqiqiyah qot'iyah*) because if a food product already

has a halal certification label, this benefit will materialize in reality, not just wishful thinking (*maslahah wahmiyyah*). Facts in the field show that the labeling of a halal certificate on a particular product will provide legal certainty and clarity on the halalness of the product so that consumers feel safe and protected from products that are not halal and are not good in terms of health. Consumers are protected from harmful substances to the body, free from disease, and the product is nutritious and healthy for consumption. This aspect of security and inner peace is what every Muslim wants when using food, medicine, and cosmetic product. Therefore, consumers need to get a legal certainty that the products used do not contain anything that is not halal and are also produced in a halal manner.<sup>26</sup>

These six benefits are included in the category of public benefits (*maslahah 'ammah kulliyah*), not in the form of personal or individual benefits (*maslahah fardiyah*). Halal certification in food products provides comprehensive benefits to all consumers and producers. There are no consumers or producers who feel disadvantaged by halal certification; all of them enjoy the benefits of having halal certification. Halal certificates benefit Muslim consumer rights legal protection against non-halal products and increase the selling value of business actors' products because consumers will no longer hesitate to buy products traded by business actors. According to Islamic law, the halal certificate logo provides legal certainty to Muslim consumers that the product is halal.<sup>27</sup>

In addition, the benefits of legal

26 Ramlan Ramlan, "Sertifikasi Halal Sebagai Penerapan Etika Bisnis Islami Dalam Upaya Perlindungan Bagi Konsumen Muslim," *Kumpulan Berkas Kepangkatan Dosen*, November 21, 2020, 151, <https://publication.umsu.ac.id/index.php/ht/article/view/528>.

27 Syafrida Syafrida, "Sertifikat Halal Pada Produk Makanan Dan Minuman Memberi Perlindungan Dan Kepastian Hukum Hak-Hak Konsumen Muslim," *ADIL: Jurnal Hukum* 7, no. 2 (2016): 171, <https://doi.org/10.33476/ajl.v7i2.353>.

certainty and clarity obtained from halal certification are in line with the principles contained in the hadith of the Prophet,

إِنَّ الْحَلَالَ بَيِّنٌ وَإِنَّ الْحَرَامَ بَيِّنٌ، وَبَيْنَهُمَا أُمُورٌ مُشْتَبِهَاتٌ، لَا يَعْلَمُهُنَّ كَثِيرٌ مِنَ النَّاسِ، فَمَنْ اتَّقَى الشُّبُهَاتِ فَقَدْ اسْتَبْرَأَ لِدِينِهِ وَعِزِّهِ، وَمَنْ وَقَعَ فِي الشُّبُهَاتِ وَقَعَ فِي الْحَرَامِ كَالرَّاعِي يَرْعَى حَوْلَ الْحِمَى يُوشِكُ أَنْ يَرْتَعَ فِيهِ

Means: Verily kosher, explicit, and illegal is also evident. While among them, there are doubtful (vague) matters that most people do not know (the law). Whoever avoids doubtful matters (vaguely), then he has cleared his religion and honor. Whoever falls into the obscure things, he has fallen into the unlawful things, like a shepherd near a forbidden fence (of people), and is afraid that he will enter it.

The contents of the hadith above are very much in line with the goal of halal certification to provide halal assurance to consumers. Food products that have obtained the halal certification label will give consumers a stronger sense of confidence that this product is genuinely halal ( *al-halal bayyinun* ) because a competent and authorized institution has verified it. It is different if a food product does not yet have a halal certification label, then consumers can doubt and be unsure about the halalness and quality of the product. Moreover, many naughty traders like to deceive consumers in this modern era. The quality of food products that are doubtful of their halalness can change the law from halal to subhat; it is a different case if the product is already labeled with a halal certificate, consumers will be sure of the quality and halalness of the product.

## Conclusion

Halal certification based on *maslahah mursalah* follows the method of determining Islamic law. There are many benefits of halal

certification following the principles of Islamic law. Food products that have obtained the halal certification label will give consumers a stronger sense of confidence that this product is genuinely halal ( *al-halal bayyinun* ) because a competent and authorized institution has verified it. It is different if a food product does not yet have a halal certification label, then consumers can doubt and be unsure about the halalness and quality of the product. Moreover, many naughty traders like to deceive consumers in this modern era. The quality of food products or beauty cosmetics that are doubtful of their halalness can change the law from halal to subhat, in contrast to the case if the product is already labeled with a halal certificate, consumers will be sure of the quality and halalness of the product.

The benefits of halal certification include the category of Factual benefits (*haqiqiyah qot'iyyah*) because if a food product or beauty cosmetic product already has a halal certification label, then this benefit will materialize in reality, not just wishful thinking ( *maslahah wahmiyyah* ). Facts in the field show that the labeling of a halal certificate on a particular product will provide legal certainty and clarity on the halalness of the product so that consumers feel safe and protected from products that are not halal and are not good in terms of health. Consumers are protected from harmful substances to the body, free from disease, and the product is nutritious and healthy for consumption. In addition, the benefits of halal certification are included in the category of public benefits (*maslahah 'ammah kulliyah*), not in the form of personal or individual benefits (*maslahah fardiyah* or treasures). Halal certification in food or cosmetic products provides comprehensive benefits to all consumers and producers. There are no consumers or producers who feel disadvantaged by halal certification; all of them enjoy the benefits of having halal certification. Halal certificates

benefit Muslim consumer rights legal protection against non-halal products and increase the selling value of business actors' products because consumers will no longer hesitate to buy products traded by business actors.

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