

Legal Review of the Contamination of Prohibited Substances in Certified Products: A Perspective of the Halal Product Assurance Law

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Abstract

The issue of haram contamination in certified halal products has become a critical challenge for both regulators and industries in ensuring consumer trust and compliance with Islamic law. In Indonesia, the world's largest Muslim-majority country, several cases of cross-contamination in food, cosmetics, and pharmaceuticals have revealed the vulnerability of the halal certification system and raised questions about the effectiveness of Law No. 33 of 2014 on Halal Product Assurance (UU JPH). This study examines the regulatory framework, institutional arrangements, and enforcement mechanisms in addressing contamination, while also comparing Indonesia's system with Malaysia, Brunei Darussalam, and South Korea. Using a normative legal research approach supported by empirical data, the study integrates legal, economic, and socio-cultural perspectives. Findings show that Indonesia's multi-actor model involving BPJPH, MUI, and Halal Inspection Bodies often results in overlapping authority and weak supervision capacity. Small and medium enterprises (SMEs) face significant challenges in meeting certification costs and technical requirements, making them more vulnerable to allegations of non-compliance. Moreover, existing sanctions remain largely administrative and fail to provide sufficient deterrence. Comparative analysis demonstrates that centralized authority (Malaysia), strong penal enforcement (Brunei), and international collaboration (South Korea) offer important lessons for Indonesia. This research contributes novelty by highlighting the interlegal dynamics of halal governance and proposing a reconstruction of the system through regulatory simplification, institutional consolidation, and risk-based supervision. Strengthening transparency and adopting digital traceability mechanisms are essential to enhance consumer trust and position Indonesia as a credible global halal hub.

Keywords: Halal Product Assurance, Haram Contamination, Legal Pluralism, Regulatory Governance.

Abstrak

Kontaminasi unsur haram pada produk bersertifikat halal menjadi tantangan serius dalam menjaga kepercayaan konsumen Muslim serta memastikan kepatuhan terhadap hukum Islam. Di Indonesia, sebagai negara dengan populasi Muslim terbesar di dunia, sejumlah kasus pencemaran silang pada produk makanan, kosmetik, dan farmasi menunjukkan kerentanan sistem sertifikasi halal serta menimbulkan pertanyaan mengenai efektivitas Undang-Undang Nomor 33 Tahun 2014 tentang Jaminan Produk Halal (UU JPH). Penelitian ini menganalisis kerangka regulasi, kelembagaan, dan mekanisme penegakan hukum dalam mengatasi kontaminasi, sekaligus membandingkannya dengan sistem di Malaysia, Brunei Darussalam, dan Korea Selatan. Dengan menggunakan pendekatan penelitian hukum normatif yang diperkuat data empiris, studi ini mengintegrasikan perspektif

hukum, ekonomi, dan sosial. Hasil penelitian menunjukkan bahwa model multi-aktor yang melibatkan BPJPH, MUI, dan Lembaga Pemeriksa Halal sering menimbulkan tumpang tindih kewenangan dan lemahnya kapasitas pengawasan. Usaha mikro, kecil, dan menengah (UMKM) menghadapi tantangan biaya serta keterbatasan teknis, sehingga rentan dituduh melanggar standar halal. Sanksi hukum yang berlaku masih dominan bersifat administratif sehingga belum menimbulkan efek jera. Analisis perbandingan memperlihatkan bahwa otoritas tunggal (Malaysia), penegakan pidana yang tegas (Brunei), serta kolaborasi internasional (Korea Selatan) menjadi pelajaran penting bagi Indonesia. Kebaruan penelitian ini terletak pada analisis multidisipliner yang menyoroti dinamika interlegalitas hukum halal serta menawarkan rekonstruksi sistem melalui penyederhanaan regulasi, konsolidasi kelembagaan, dan pengawasan berbasis risiko. Transparansi dan adopsi teknologi traceability digital diperlukan untuk memperkuat kepercayaan konsumen dan menempatkan Indonesia sebagai pusat halal global yang kredibel.

Kata Kunci: Jaminan Produk Halal, Kontaminasi Unsur Haram, Pluralisme Hukum, Tata Kelola Regulasi.

Introduction

The contamination of prohibited substances in halal-certified products has emerged as a global issue affecting the trust of Muslim consumers across various countries. Amid the growing international demand for halal products, the risk of cross-contamination with non-halal materials poses significant challenges for both industry stakeholders and regulators in ensuring the authenticity of halal certification. Several studies indicate that non-compliance with halal standards may lead to economic and social consequences, including the decline of the halal market's credibility and financial losses for consumers and producers who adhere to the regulations (Randeree, 2019).

In Indonesia, the world's largest Muslim-majority country, the issue of contamination of prohibited substances in halal products has become increasingly prominent. Contamination cases have been identified in food and beverages, cosmetics, and pharmaceuticals, such as the discovery of porcine content in processed products that were expected to be halal (Marasabessy, 2022; Salsabila et al., 2023). A notable recent case involved the recall of processed food products from the market following an audit by LPPOM MUI, which revealed the presence of non-halal contamination (Majelis Ulama Indonesia, 2025). This situation has raised public concern and prompted the government to strengthen regulatory oversight.

The central problem addressed in this study concerns the effectiveness of the Halal Product Assurance Law in preventing and addressing the contamination of prohibited

substances in halal-certified products. This includes assessing the extent to which the regulation governs certification processes, monitoring, and enforcement against violations, thereby ensuring the optimal fulfillment of consumers' rights to obtain guaranteed halal products (Akbar et al., 2023).

Ideally, the law should be able to provide comprehensive protection, covering the entire process from production to the distribution of halal products, including stringent regulations on the handling of raw materials and the hygiene of production facilities. In addition, transparent and accountable mechanisms of supervision and law enforcement are required to achieve legal certainty for all parties and to foster consumer trust in halal products within both domestic and international markets (Shafie & Othman, 2014; Supriyadi et al., 2024; Waluyo, 2020). Within the academic framework, this underscores the importance of integrating legal norms, technical standards, and industrial practices to ensure the sustainability of the halal product assurance system.

Various studies have approached this issue from different perspectives. First, the positive law perspective examines the effectiveness of regulations and institutional mechanisms for halal product supervision, highlighting shortcomings in the implementation of the Halal Product Assurance Law and its derivative regulations (Sayekti, 2014). Second, the economic perspective explores the impact of contamination on the halal industry and consumer trust, emphasizing the importance of standardization and certification transparency (Mohammad Yusuf et al., 2022; Secinaro et al., 2021). Third, the socio-cultural perspective discusses the implications of contamination for the religious identity and practices of Muslim communities, stressing the significance of collective awareness in safeguarding the halal integrity of products (Tieman, 2011).

This research is expected to contribute both theoretically and practically to strengthening the governance of halal certification, making it more transparent, accountable, and adaptive to industrial dynamics. Furthermore, it offers novelty through a comprehensive analytical focus that integrates legal aspects with multidisciplinary approaches to understand the problem of prohibited substance contamination within the regulatory framework of the newly enacted Halal Product Assurance Law. The study also examines recent cases as empirical examples that provide a real picture of legal implementation in practice, while simultaneously assessing the gap between regulations and the actual practices of the halal industry in Indonesia.

The findings of this research are anticipated to provide strategic recommendations for policymakers, halal certification bodies, and industry actors in enhancing the effectiveness of supervision and law enforcement concerning the contamination of prohibited substances in halal products. In doing so, it aims to strengthen the halal product assurance system in line with societal needs and international standards. Beyond that, this study enriches the body of literature on Islamic economic law by emphasizing the interconnection between regulation and industrial practices. The outcomes are expected to foster harmonization between national regulations and international legal frameworks, thereby enhancing Indonesia's competitiveness in the global halal industry. Thus, this research not only offers theoretical value in advancing the study of halal law but also carries practical implications for improving governance quality and public trust in halal certification.

Research Method

This study employs a normative legal research approach (doctrinal legal research) supported by empirical data to strengthen the analysis. The normative legal approach was chosen because the primary focus of this research is the examination of legal norms contained in Law No. 33 of 2014 on Halal Product Assurance and its derivative regulations, particularly Government Regulation No. 39 of 2021 concerning the Administration of Halal Product Assurance.

The collection of legal materials was carried out through a literature study covering primary, secondary, and tertiary legal sources. Primary legal materials include legislation related to halal product assurance (laws, government regulations, and derivative regulations). Secondary legal materials consist of academic literature such as journal articles, books, and research reports on halal certification and the issue of prohibited substance contamination. Meanwhile, tertiary legal materials were utilized to reinforce comprehension, such as legal dictionaries and halal encyclopedias (Soekamto & Mamudji, 2015).

The analytical technique employed is prescriptive qualitative analysis, which involves examining applicable legal norms and linking them to practical realities. The analysis was conducted through stages of legal data reduction, interpretation of statutory provisions, and the systematization of norms to identify gaps between the ideality of law and its practical implementation (Marzuki, 2017). This approach enables the research to generate

recommendations that are not only descriptive but also normatively solution-oriented, thereby strengthening the effectiveness of halal regulation.

To strengthen the findings, this study also employs secondary empirical data in the form of recent cases of prohibited substance contamination and challenges in halal certification in Indonesia. The data were obtained from halal audit reports by LPPOM MUI, official publications of the Halal Product Assurance Organizing Agency (BPJPH), as well as credible media coverage. This approach allows the research to go beyond legal texts and assess the implementation of regulations in practice (Kharrazi et al., 2024).

A multidisciplinary approach is also considered by integrating legal, economic, and social aspects. This is crucial because halal issues are not only normative in nature but also closely linked to consumer trust, the sustainability of the halal industry, and Indonesia's reputation in the global halal supply chain. Accordingly, the research method can be categorized as socio-legal studies, which emphasizes the reciprocal relationship between law and social reality (Banakar & Travers, 2005). This framework provides a comprehensive conceptual foundation for understanding the complexity of halal regulation while offering a critical perspective in formulating evidence-based solutions.

The validity of this research is maintained through source triangulation by comparing the analysis of legislation, academic literature, and empirical field data. Such triangulation is essential to reduce bias in legal interpretation and to strengthen the resulting arguments. In addition, the use of updated regulations and internationally indexed literature serves as the foundation for ensuring the relevance of this study to both academic and practical needs (John W. Creswell, 2016).

With this methodological framework, the research is expected to produce a comprehensive analysis of the effectiveness of the Halal Product Assurance Law in preventing and addressing the contamination of prohibited substances in halal-certified products. At the same time, the method ensures that the study meets international academic standards, thereby providing a valuable reference for policymakers, legal practitioners, and halal industry stakeholders in Indonesia and beyond.

Results and Discussion

Regulatory and Institutional Framework of Halal Product Assurance in Indonesia

Law No. 33 of 2014 on Halal Product Assurance (UU JPH) serves as the main pillar of halal regulation in Indonesia. This regulation mandates halal certification for all products circulating in the market, including food, beverages, pharmaceuticals, and cosmetics. The shift from a voluntary mechanism to a compulsory one marks a paradigm shift in state law, increasingly emphasizing the protection of Muslim consumers (Azizah, 2021). This aligns with the view that product halalness constitutes part of the consumer's right to accurate information and guaranteed safety.

The implementation of the Halal Product Assurance Law involves a complex network of institutional actors. The Halal Product Assurance Organizing Agency (BPJPH), under the Ministry of Religious Affairs, functions as the administrative body responsible for registration and issuance of certificates. However, the determination of halal status remains within the domain of the Indonesian Ulema Council (MUI) through the issuance of fatwas, while Halal Inspection Bodies (LPH) operate in the field. In practice, this distribution of authority can generate institutional frictions, marked by overlapping supervisory functions (Sayekti, 2014). This condition highlights the necessity for a clearer and more integrated governance design to achieve the effectiveness of the halal product assurance system.

The legal position of halal in Indonesia is also connected to the principle of consumer protection as regulated under Law No. 8 of 1999 on Consumer Protection. Hence, halal is not only a matter of religious compliance but also an integral part of consumer rights. In many Muslim-majority countries, the halal label is understood as a consumer trust label rather than merely a religious certificate (Shafie & Othman, 2014). Accordingly, halal certification functions as both a religious instrument and a regulatory tool that enhances the assurance of safety, quality, and product transparency in domestic and global markets.

Although regulations are already in place, harmonization remains a challenge. For instance, Government Regulation No. 39 of 2021 seeks to clarify the technical aspects of certification, yet polemics persist, particularly concerning the costs imposed on micro, small, and medium enterprises (MSMEs). Several studies have emphasized that the limited institutional capacity of BPJPH may hinder the effective implementation of the Halal Product Assurance Law (Supriyadi et al., 2024). This condition reflects the urgency of reformulating policies that are more equitable so that the halal product assurance system is not only normatively effective but also ensures equal accessibility for all business actors.

From the perspective of legal pluralism, Indonesia's halal system illustrates the interaction between state law, religious law, and global industrial standards. The halal fatwas issued by MUI, rooted in Islamic law, are not always identical with international halal standards, such as those applied in Malaysia or Brunei. Tieman points out that such differences have a direct impact on the competitiveness of Indonesian products in international markets (Tieman, 2011). These discrepancies indicate the need for harmonization of regulations across jurisdictions so that the legitimacy of Indonesia's halal law can be broadly recognized within the global trade regime.

Furthermore, the regulatory governance approach reminds us that regulation cannot remain merely at the normative level. Without clear coordination mechanisms among stakeholders, regulations tend to face an implementation gap that weakens their supervisory function. The effectiveness of the Halal Product Assurance Law largely depends on industrial compliance and public oversight. Secinaro, Calandra, and Biancone emphasize that halal governance is multi-level in nature, requiring the engagement of the state, religious institutions, industry, and consumers to be interconnected within the same compliance chain (Secinaro et al., 2021).

Using the institutionalism framework, the establishment of BPJPH can be understood as a form of halal institutionalization within the state structure. However, Banakar and Travers argue that every process of legal institutionalization inevitably leaves room for resistance, particularly when traditional authorities (in this case, the ulama), perceive their role as being diminished by the state (Banakar & Travers, 2005). Therefore, the state should design a collaborative institutional framework in which religious authorities continue to be recognized in the issuance of fatwas, while administrative and supervisory functions are reinforced through transparent and accountable bureaucratic mechanisms.

Thus, the regulatory and institutional framework of halal in Indonesia is not merely an administrative matter but a socio-legal construct that continues to evolve. The integration of religious norms, state interests, and global standards constitutes the key to the system's success. Its effectiveness will largely depend on the state's capacity to manage legal pluralism, strengthen regulatory governance, and maintain a balance of institutional authority so that public trust is not undermined.

Contamination of Prohibited Elements in Halal Products

The issue of contamination with prohibited elements in halal products poses a major challenge to the effectiveness of the Halal Product Assurance Law (UU JPH). Such contamination does not always result from deliberate violations but often occurs due to cross-contamination within the production chain. From the perspective of fiqh, the presence of prohibited substances, even in minimal amounts, can nullify the halal status of a product (Kamali, 2021a). This stands in contrast to the logic of positive law, which often considers certain threshold limits based on laboratory testing (Kamali, 2021b).

The concept of cross-contamination may arise at various critical points, such as the mixing of raw materials, the use of shared production equipment, and uncontrolled distribution. Tieman emphasizes that the halal supply chain must be understood as a fragile system, where even a single negligence can revoke the halal status of the entire product (Tieman, 2011). Therefore, strict supervision across all stages of production is imperative. Even the smallest gaps in hygiene standards, raw material certification, or logistics distribution may have significant implications for the legitimacy of halal status and may reduce consumer trust.

Several cases in Indonesia illustrate how contamination with *ḥarām* elements triggers public concern. Marasabessy reported the discovery of pork content in processed products marketed as halal (Marasabessy, 2022), while a report from LPPOM MUI revealed the presence of non-halal gelatin in imported pharmaceutical products. A similar issue emerged in the cosmetics industry, where the use of animal-derived ingredients with uncertain slaughtering status led to the revocation of distribution permits (mui.or.id, 2025).

This problem becomes increasingly complex because field supervision is often constrained by bureaucratic hurdles and the limited capacity of regulatory institutions. Shafie and Othman emphasize that the longer the production chain, the greater the risk of cross-contamination, which cannot be effectively managed solely through normative regulations (Shafie & Othman, 2014). The situation is even more challenging when it involves cross-border supply chains, where discrepancies in halal standards, logistics systems, and certification mechanisms can heighten the risks of inconsistency and undermine the legitimacy of Indonesian halal products in the global market.

For micro, small, and medium enterprises (MSMEs), the problem is even more critical. The cost of halal certification is often perceived as burdensome, while their technical capacity to implement strict hygiene standards and production segregation remains limited.

Consequently, MSMEs are vulnerable to allegations of violations, even when there is no deliberate intention to disregard halal principles (Azizah, 2021; Siti Zakiah Abu Bakar et al., 2023). This situation creates a regulatory dilemma, in which the ideal legal obligations become difficult to fulfill for small-scale businesses without adequate affirmative policy support from the state.

From the perspective of regulatory enforcement theory, cases of halal contamination reflect the weakness of deterrence. The existing regulatory framework has not fully generated a deterrent effect, as legal sanctions are predominantly administrative rather than criminal. As a result, some business actors find it more convenient to pay fines than to overhaul their production systems (Baldwin & Cave, 1999).

In addition, the risk governance approach can be applied to understand the vulnerability of the halal industry. Current monitoring mechanisms are not yet fully risk-based, even though halal products are increasingly challenged by the globalization of supply chains. Without a clear risk assessment framework, halal supervision tends to be reactive, addressing cases only after they occur, rather than preventive (Renn, 2012). Therefore, the issue of *haram* contamination in Indonesia should not be viewed merely as a technical error, but rather as a manifestation of structural weaknesses in regulation, bureaucracy, and industrial capacity. Moving forward, addressing this issue requires a combination of Islamic jurisprudence, positive law, and modern risk governance to ensure halal integrity and safeguard consumer trust.

Reconstructing an Ideal Halal Assurance System

The weaknesses of Indonesia's halal assurance system can be examined from both regulatory and institutional perspectives. From a regulatory standpoint, Law No. 33 of 2014 and Government Regulation No. 39 of 2021 still leave gray areas in implementation, particularly concerning the financing of halal certification for MSMEs and the coordination mechanisms between BPJPH, MUI, and Halal Inspection Bodies (LPH). The success of halal regulation is highly dependent on the clarity of authority distribution among these institutions, as ambiguity tends to create overlapping jurisdictions that ultimately undermine the effectiveness of the system (Shafie & Othman, 2014).

At the institutional level, the halal assurance system in Indonesia continues to face significant capacity challenges. BPJPH, as a relatively new body, has not yet fully developed the human resources, technical expertise, or infrastructure required to effectively supervise

the vast halal industry. As a result, monitoring activities are largely administrative in nature and have yet to adequately cover substantive aspects of the supply chain. This structural gap makes it difficult to systematically prevent *ḥarām* contamination, thereby creating vulnerabilities that compromise the integrity of halal certification. Consequently, strengthening institutional capacity emerges as an indispensable prerequisite for the successful implementation of the Halal Product Assurance Law (Supriyadi et al., 2024).

When compared to Malaysia, Indonesia’s halal system appears less integrated. Malaysia has established the Department of Islamic Development Malaysia (JAKIM) as a single authority with comprehensive powers over both certification and supervision. The JAKIM model is widely recognized for its effectiveness due to its centralized and streamlined structure, which enhances legitimacy in the eyes of global consumers (Tieman, 2011). Centralization also facilitates cross-sectoral coordination and accelerates the halal certification process, an ongoing challenge in Indonesia’s multi-actor framework.

Brunei Darussalam adopts an even stricter approach through the Halal Food Control Order 2013, which imposes criminal sanctions on violations, thereby creating a stronger deterrent effect. This model demonstrates how legal certainty can be reinforced through more stringent enforcement mechanisms (Sulaiman et al., 2023). By contrast, South Korea, as a minority-Muslim country, has developed a halal system in collaboration with the Korea Muslim Federation (KMF), emphasizing international cooperation rather than domestic monopoly of authority (Kim, 2021).

These comparisons illustrate that Indonesia must strengthen institutional consolidation to avoid the dualism of authority in halal certification. The JAKIM model highlights the importance of a one-stop service system, while Brunei’s experience underscores the need for stronger legal sanctions. At the same time, South Korea’s approach suggests that international collaboration is equally vital to ensure wider global acceptance of Indonesia’s halal-certified products.

**Table 1. Comparative Analysis of Halal Product Assurance Systems
in Selected Countries**

Country	Institutional Model	Key Characteristics	Recommendations for Indonesia
Indonesia	BPJPH, MUI, LPH (multi-actor)	Comprehensive regulation, but coordination often overlaps	Need for authority consolidation and enhanced monitoring

			capacity
Malaysia	JAKIM (single authority)	Centralized, high legitimacy, globally recognized	The need for centralization to make certification more efficient
Brunei	Halal Food Control Order (2013)	Strict regulations, clear criminal sanctions	Importance of deterrent effect through law enforcement
South Korea	Korea Muslim Federation (KMF)	Based on Muslim minority community, global collaboration	Relevance of international collaboration for market access

The reconstruction of Indonesia's halal system should ideally be directed toward strengthening regulations that are simpler and more consistent. Technical regulations must eliminate ambiguities, particularly regarding certification costs for micro, small, and medium enterprises (MSMEs), with the possibility of government subsidies. In addition, authority consolidation is essential so that the Halal Product Assurance Agency (BPJPH) can exercise full authority without dependency on other institutions in both administrative and substantive matters.

From the perspective of good regulatory governance, transparency and accountability are indispensable prerequisites. Consumers must have open access to information concerning certification procedures, lists of certified products, and inspection results. A blockchain-based halal traceability system could even be considered to reinforce accountability across the supply chain (Secinaro et al., 2021).

Another recommendation is to strengthen supervision mechanisms through a risk-based supervision approach. This model prioritizes high-risk sectors such as processed food, pharmaceuticals, and cosmetics. With this framework, supervision is no longer limited to administrative compliance but becomes preventive and risk-mitigation oriented. Risk-based governance has been proven more effective in addressing the complexity of global supply chains compared to conventional regulatory approaches (Renn, 2012). Moreover, this model allows for the integration of digital audit technologies and traceability systems, thereby enhancing both transparency and efficiency in oversight.

In sum, the reconstruction of Indonesia's halal assurance system requires regulatory reform, institutional consolidation, stronger law enforcement, and digital innovation in supervision. If these measures are implemented, Indonesia has the potential to emerge as a

global halal hub with a credible, efficient, and internationally competitive system. Consequently, both domestic and international consumer trust would increase, the national halal industry would gain sustainable competitiveness, and Indonesia's vision of becoming a global halal hub could be realistically achieved.

Conclusion

This study demonstrates that the contamination of unlawful elements in certified halal products in Indonesia constitutes a structural problem, reflecting weaknesses in regulation, institutional capacity, and supervisory effectiveness. Although Law No. 33/2014 on Halal Product Assurance (UU JPH) and its implementing regulations provide a comprehensive legal foundation, implementation remains constrained by serious challenges, particularly inter-agency coordination (BPJPH, MUI, and LPH), limited supervisory capacity, and the certification cost burden for micro, small, and medium enterprises (MSMEs).

From the perspective of legal pluralism, Indonesia's halal system operates at the intersection of state law, religious fatwas, and global halal standards. The effectiveness of the JPH Law thus depends not only on normative clarity but also on the state's ability to manage legal pluralism, strengthen regulatory governance, and maintain public legitimacy. In addition, insights from regulatory governance and risk-based supervision highlight the necessity of shifting oversight from a predominantly administrative approach toward a preventive model, emphasizing risk mitigation across the halal supply chain.

Comparative analysis with Malaysia, Brunei Darussalam, and South Korea reveals that institutional consolidation, stronger legal sanctions, and international collaboration are critical success factors in halal governance. Accordingly, the reconstruction of Indonesia's halal assurance system should be directed toward: (1) simplifying regulations and consolidating institutional authority; (2) strengthening institutional capacity through human resources, digital audit technologies, and halal traceability systems; and (3) implementing risk-based supervisory models adaptive to the dynamics of the global supply chain.

The novelty of this study lies in its multidisciplinary analysis that integrates legal, economic, and social dimensions in assessing the effectiveness of the JPH Law in addressing the issue of unlawful contamination. Theoretically, it contributes to expanding the discourse on interlegality in halal law, while practically, it provides strategic recommendations for policymakers, certification bodies, and industry actors. If regulatory reform, institutional

consolidation, and supervisory innovation are successfully realized, Indonesia holds significant potential to establish itself as a global halal hub with a credible, transparent, and internationally competitive system.

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