

## Relationships (Relational Patterns) of the Main Actors in The Halal Product Certification Chain in Indonesia

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### ABSTRACT

Since the enactment of law no. 33 of 2014 concerning Halal Product Guarantee, matters of halal certification are no longer entirely in the hands of the Indonesian Ulema Council, where previously halal certification norms were voluntary, but now they are mandatory. There are three main actors in the halal certification chain in Indonesia. These actors are the Halal Product Guarantee Organizing Agency (BPJPH), the Halal Inspection Institute (LPH), and the Indonesian Ulema Council (MUI). This research focuses on studying the role of each actor and the relationships (relationship patterns) between each institution or actor in creating a good halal industrial ecosystem in Indonesia, especially for food products. It is hoped that the results of this research will provide an overview and understanding of the flow of halal certification and the authority of each actor involved, especially explaining the relationship patterns of each actor involved in the halal certification chain in Indonesia. In fact, in implementing the JPH Law, halal registration and labeling matters fall under the authority of the State through BPJPH which is an administrative area, ingredients and product content are checked which is a scientific area through LPH, and halalness is determined, which is an area of religious substance through the MUI. The method used in this research is qualitative, analyzing the points using a critical legal theory approach or critical legal studies (CLS), supported by a stakeholder analysis approach to identify, categorize, and investigate relationships between stakeholders.

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## **INTRODUCTION**

Indonesia is a country with a majority Muslim population. According to information from the Ministry of Home Affairs (Kemendagri), as of December 31, 2021, the Muslim population in Indonesia reached 237.53 million people. This figure is equivalent to 86.9% of Indonesia's total population of 273.32 million individuals (Dimas Bayu, 2022). Indonesia is a country where the majority of consumers are Muslim (Hartati). Therefore, the need for products with guaranteed halal (permissible) status is crucial. The issue of halal and haram (permissible) is a sensitive and fundamental issue for Muslims worldwide, including in Indonesia. This issue is not trivial, as halal and haram encompass not only social relationships between humans but also the individual's relationship with the Creator, Allah SWT. For a Muslim, consuming halal food and avoiding haram food is one way to demonstrate a servant's obedience to the Creator. In the Qur'an, Allah SWT emphasizes that Muslims should only consume halal and good food, as stated in the following verse, "O you who believe! Eat of the good (halal) things that We have given you and give thanks to Allah, if it is true that you only worship Him." (Q.S. Al Baqarah: 172)

To guarantee the halal status of food and beverages, the government passed Law No. 33 of 2014 concerning Halal Product Assurance (abbreviated as the JPH Law). The JPH Law not only provides protection and assurance to consumers through the halal certification system, but producers also benefit from the legal certainty of their products (Charity, March 2017). With legal certainty, producers benefit from the value of their products. Therefore, Muslim consumers in Indonesia no longer have to worry or hesitate about products that have been guaranteed halal by displaying the halal logo on the product.

Before the enactment of the Halal Product Assurance Law (JPH Law), the process of halal certification in Indonesia was conducted by the Indonesian Ulema Council (MUI) through its Food, Drug, and Cosmetics Assessment Institute, known as LPPOM MUI. The JPH Law now mandates the establishment of the Halal Product Assurance Organizing Agency (BPJPH) as a state institution authorized to conduct halal certification in Indonesia (Suparto, Djanurdi, Yuanitasari, & Suwandono, October 2016). The BPJPH was established with the aim of implementing the government's duties and functions of halal certification. This central role of BPJPH also serves as a liaison between religious affairs and state governance (Al-Mawarid & Rohmah, 2023). With the implementation of the Halal Product Assurance Law (JPH Law), the norm governing halal certification has formally shifted from a voluntary system to a mandatory requirement. The goal is to provide legal certainty, increase the acceptability and international recognition of Indonesian halal certification, and ensure that these products meet globally recognized halal standards (Durratul et al., 2019).

Under the Halal Product Assurance Law, the implementation of the Halal Product Assurance (JPH) system is carried out through the establishment of the Halal Product Assurance Agency (BPJPH), which operates under and is accountable to the Minister. However, the responsibility for implementing the Halal Product Assurance system does not rest solely with BPJPH. The JPH Law provides responsibilities that illustrate the principle of division of responsibilities

with interrelated roles and functions between each stakeholder. Article 7 of Law No. 33 of 2014 concerning Halal Product Assurance states that in exercising its authority, BPJPH collaborates with related Ministries, Agencies, and/or Institutions; Halal Inspection Institutions (LPH); and the Indonesian Ulema Council (MUI). The purpose of cooperation with LPH is for product inspection and/or testing. Meanwhile, cooperation with MUI includes Halal Auditor certification, LPH accreditation, and determination of product halal status (Charity, March 2017).

From a sociological perspective, Article 7 of the Halal Certification Law divides authority in the halal certification process with the aim of regulating the distribution of authority among the three actors/stakeholders involved: BPJPH, LPH, and MUI. This distribution of authority ensures that the halal certification process is carried out in accordance with the specific expertise and procedures held by each actor. This approach is an effort to prevent the concentration of power in a particular party, so that there is no monopoly in the halal certification process. Empowering these three actors acknowledges the role each plays within the halal certification chain and aims to enhance transparency and accountability in the certification process, while also maintaining a balance of power among the parties involved.

Therefore, this research will attempt to explore the roles, functions, and responsibilities of each actor, as well as the relationships (relationship patterns) between them in more detail, using a stakeholder analysis approach to the three main actors in the halal certification chain in Indonesia. First, BPJPH acts as the regulatory administrator, creating the rules and administering them (Regulator). Second, LPH conducts the inspection and testing of products, including the production process and materials (Scientific). Third, the MUI determines whether a product is halal or not (religious substance).

## **LITERATURE REVIEW**

The study of halal certification in Indonesia cannot be separated from the regulatory and institutional dynamics that developed from the late 1980s until the enactment of Law No. 33 of 2014 concerning Halal Product Assurance (UU JPH). Prior to the enactment of the Law, halal certification authority rested entirely with the Indonesian Ulema Council (MUI) through its LPPOM MUI. During this period, halal certification was voluntary, and the legitimacy of a product's halal status was based more on religious authority than on state authority.

Normatively, prior to the enactment of the JPH Law, the legal foundation for halal certification was based on the Joint Decree of the Minister of Health and the Minister of Religious Affairs issued in 1985, which was later strengthened by the Decree of the Minister of Religious Affairs in 2001. Studies by Faridah (2019) and Karimah (2015) indicate that the origins of the halal certification system in Indonesia were triggered by public unrest over the issue of pork content in food products in the late 1980s. The response to this situation led to the establishment of LPPOM MUI in 1989 as the first halal audit institution in Indonesia. This

demonstrates that the need for halal assurance arose from the socio-religious demands of the Muslim community.

Fundamental changes occurred following the enactment of the Halal Product Assurance Law on September 25, 2014. This law transformed the paradigm of halal certification from a voluntary scheme into a mandatory obligation and shifted the administrative authority from the Indonesian Ulema Council (MUI) to the state through the establishment of the Halal Product Assurance Organizing Agency (BPJPH). This transformation also marked the beginning of a new institutional arrangement in the halal certification system in Indonesia, where the roles and authorities of different actors are formally regulated to support a more structured, transparent, and accountable halal assurance process. According to Suparto et al. (2016) and Zulham (2020), the establishment of BPJPH marked the institutionalization of the state's role in halal product assurance, while strengthening legal certainty for businesses and consumers.

## **METHODOLOGY**

Numerous studies have shown that stakeholder management is a key factor in achieving project success. Walker, Bourne, and Rowlinson (2008) argue that a project cannot be considered successful without addressing stakeholder needs and expectations. Post, Preston, and Sachs (2002) highlight the crucial role of interactions with stakeholders, both inside and outside the organization, in supporting the organization's competitiveness and long-term sustainability. They emphasize that relationships with stakeholders should be based on quality, relational relationships, not merely transactional ones (Widanan & Gunawarman, 2021).

In the context of the relationship patterns of actors in the halal certification chain, stakeholder relationships create a strong foundation for strengthening the halal industry ecosystem in Indonesia and maintaining its long-term sustainability. This means that actors must build mutually beneficial relationships based on trust, cooperation, and a mutual understanding of each other's roles, functions, and responsibilities. This approach will help stakeholders meet each other's expectations and needs, as well as mitigate potential changes and challenges more effectively.

To analyze key points for each actor in the halal certification chain, this study applies critical legal theory, also known as Critical Legal Studies (CLS). CLS holds that law is always influenced by factors outside the legal framework itself, thus, law is never truly neutral and objective. This means that law cannot be separated from political aspects, as law cannot be formed in an isolated and value-free environment (Rahmatullah, 2021).

The data and information in this study were obtained through several methods, including direct field observation, in-depth interviews, and desk research. The collected data were then analyzed using a stakeholder analysis method, with stages including stakeholder identification, stakeholder grouping, and review of stakeholder relationships (Widodo, Soekmadi, & Arifin, April 2018).

## RESEARCH RESULT & DISCUSSION

Before halal certification was administered by the Halal Product Assurance Organizing Agency (BPJPH), the certification process was managed by the Indonesian Ulema Council (MUI) beginning in 1989. Even earlier, the initial regulation concerning halal food labeling in Indonesia had emerged in late 1976 under the Ministry of Health. On November 10, 1976, the Minister of Health of the Republic of Indonesia issued Decree Number 280/Men.Kes/Per/XI/76, which regulated the circulation and labeling of food products containing pork.

This policy marked one of the earliest governmental efforts to provide information and protection for Muslim consumers regarding the halal status of food products. Over time, these regulatory developments evolved into a more comprehensive halal governance system, eventually leading to the institutionalization of halal certification and the establishment of BPJPH under the Halal Product Assurance Law. Based on this regulation, all food and beverages containing pork and/or its derivatives must be stated as containing pork. Food producers who use pork or its derivatives in products distributed to the public must include a sign on their containers or packaging. This sign must include two elements: a picture of a pig and the words "CONTAINS PORK" printed in red and placed inside a red square box, as shown in Figure 1 (Faridah, December 2019).



Figure 1. Sign of pork-based products

A decade later, on August 12, 1985, changes occurred in food labeling in Indonesia. The previously used label "CONTAINS PORK" was replaced with a label that read "HALAL." This change was regulated by the government through Joint Decrees of the Minister of Health and the Minister of Religious Affairs, namely No. 427/Men.Kes/SKB/VIII/1985 and No. 68 of 1985 concerning the Inclusion of the Word Halal on Food Labels. For producers who wish to label their products with the "HALAL" label, the producer must report the composition of the ingredients and the product processing process to the Ministry of Health. The monitoring of the "HALAL" label is conducted by the Ministry of Health in coordination with the Ministry of Religious Affairs through the Food Registration Assessment Team under the Directorate General of Drug and Food Control of the Ministry of Health.

Then, the transfer of halal labeling to the Indonesian Ulema Council (MUI) began in 1988 when public outcry and panic erupted over rumors circulating about food products containing pork. The rumors spread, and as a result, people became concerned and more cautious in choosing food products. The issue of pork-containing products had a significant impact on economic stability at the

time. Therefore, the MUI felt the need for a meeting to discuss this issue and find a solution that could return society to normal (Chairunnisyah, 2017).

This incident made the public and government aware of the importance of halal assurance for food products in circulation. In response to the public situation at that time, a Memorandum of Understanding (MoU) was made between the Director General of POM (currently BPOM), the Ministry of Religious Affairs, and the MUI. This MoU was an optimization effort taken to alleviate the concerns and unrest that occurred in the community due to the issue of the presence of ingredients that are forbidden for Muslims in food products in circulation (Karimah, November 2015). Subsequently, the Assessment Institute for Foods, Drugs, and Cosmetics of the Indonesian Ulema Council, known as LPPOM MUI, was formally established on January 6, 1989 through MUI Decree No. Kep/18/MUI/I/1989. In accordance with the mandate of this decree and as part of efforts to ensure the halal status of products distributed to the public, LPPOM MUI later issued its first halal certificate in 1991. Through this initiative, LPPOM MUI became the earliest institution responsible for halal certification in Indonesia, marking an important milestone in the development of the national halal assurance system.

The halal certification process conducted by the Indonesian Ulema Council (MUI) involves two main stages: field audits and fatwa issuance. The field audit is conducted by auditors affiliated with the MUI's LPPOM (Food and Drug Monitoring Agency). The fatwa issuance is carried out by scholars within the MUI Fatwa Commission (Sopa, July 2011). This means that all halal certification matters fall entirely under the MUI's authority, from registration and inspection to halal certification, to the issuance of halal certificates and halal logos.

The MUI's position in ensuring and guaranteeing halal products is strengthened by a Presidential Instruction addressed to the Coordinating Minister for People's Welfare dated July 30, 1993 (Al-Mawarid & Rohmah, 2023), which supports and guides the Joint Decree of the Minister of Health and the Minister of Religious Affairs No. 427/Men.Kes/SKB/VIII/1985 and No. 68 of 1985 concerning the Inclusion of the Word Halal on Food Labels. The Decree of the Minister of Religious Affairs (KMA) 518 of 2001 and KMA 519 of 2001 serve as the basis for strengthening the role of the MUI as a halal certification body. These two KMAs stipulate that the MUI is responsible for conducting inspections or audits, issuing fatwas, and issuing halal certificates as part of the halal product certification process that complies with sharia principles. Therefore, halal product assurance matters are carried out in order to protect the confidence of Muslim consumers. This means that the halal and haram issues in guaranteeing halal products are a religious matter.

Law Number 33 of 2014 concerning Halal Product Assurance (UU JPH) was passed by the House of Representatives on September 25, 2014. The JPH Law is expected to provide legal certainty and more binding rules for the public and business actors with the aim of protecting consumers while providing a legal framework that regulates various types of halal products, including food, beverages, drugs, cosmetics, chemical products, biological products, and

genetically engineered products (Putra, 2017). With the enactment of this JPH Law, it is hoped that Indonesian products can compete in terms of quality and quality with products from abroad and can be sought after by consumers, especially Muslim consumers, both local and foreign consumers. The purpose of the enactment of the JPH Law can be interpreted that the matter of halal product assurance is no longer solely a religious matter to protect the beliefs of Muslim consumers, but also as a legal umbrella for achieving economic motives that contain religious principles. The enactment of the JPH Law also shifts the halal certification norm from voluntary halal certification to mandatory halal certification. This policy requires that every product circulating in the community be guaranteed halal by having halal certification, and there are legal consequences if this rule is violated.

Considering the objectives of the JPH Law, as outlined above, within the legal policy framework, it constitutes a policy consideration that needs to be adopted or avoided as the best solution to address state issues. The goal is to ensure that state or legal objectives are achieved as desired (Itman, 2022). In the context of halal product assurance, legal policy no longer focuses solely on the question of whether a product is halal or haram. Rather, legal policy refers to the legal steps that must be taken in certain situations to achieve specific goals desired by the state or the legal system. Furthermore, before the JPH Law was enacted, halal certification was handled by non-governmental institutions.

Halal certification has a philosophical basis that involves two main components:

- a) The religious component, based on Islamic law, serves as the legal basis for halal certification.
- b) The positive legal component of halal certification is based on a series of laws that include:
  - Undang-Undang Nomor 18 Tahun 2012 tentang Pangan,
  - Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen, dan
  - Undang-Undang Nomor 33 Tahun 2014 tentang Jaminan Produk Halal.

These two components, namely the religious basis and the positive legal basis, complement each other and form the philosophical basis of halal certification, namely protection for Muslim consumers in Indonesia which has legal force and imperative legal certainty.

The Halal Product Assurance Law mandates the establishment of the Halal Product Assurance Organizing Agency (BPJPH) by the government. BPJPH was established to carry out the role of guaranteeing halal products and operates with authority under the supervision and accountability to the Minister of Religious Affairs (Karimah, 2018). To exercise its authority, to provide halal product assurance, BPJPH collaborates with relevant ministries and/or institutions in accordance with the duties and functions of those ministries and/or institutions (Zulham, 2020). Cooperation in scientific aspects, including inspection of materials and production processes, as well as product testing, is carried out with the Halal Inspection Institute (LPH), while BPJPH's cooperation

in determining halal-haram for religious substances is carried out with the Indonesian Ulema Council (MUI). Thus, the actors in the halal certification chain in Indonesia after the enactment of Law No. 33 of 2014 concerning Halal Product Assurance are BPJPH, LPH, and MUI.

With the enactment and implementation of the JPH Law, we can see the relationship (relationship pattern) of these three actors in guaranteeing and protecting Muslim consumers in Indonesia regarding the halal certification of food, cosmetics, and pharmaceutical products. This relationship pattern is illustrated in Figure 2.

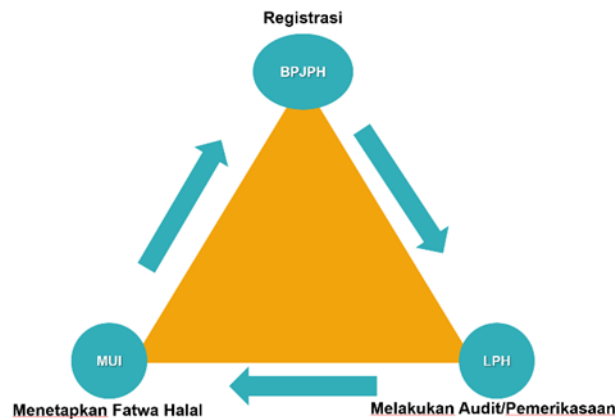


Figure 2. Relationship Pattern of Halal Certification Actors

The relationship pattern of the three actors in the halal certification chain in Figure 2 can be explained as the three actors in halal certification in Indonesia are inseparably interconnected. BPJPH plays a role as the entry and exit point for business actors who want to certify their products halal. The entry point is by registering with BPJPH. Once verified by BPJPH, the next step is an inspection/audit conducted by the LPH. The audit conducted by LPH is based on regulations established by BPJPH and submitted to the MUI Fatwa Commission meeting to determine its halal status. If the MUI declares a product halal, the MUI then issues a halal determination, which then becomes the basis for BPJPH to issue a halal certificate.

Considering this relationship, it can be interpreted that the BPJPH can issue a halal certificate after the MUI has issued a halal certification, while the MUI halal certification is issued after the audit report from the auditor at the LPH. However, halal product assurance should not be merely an administrative matter. Furthermore, halal certification is a religious practice for Muslims. The MUI still plays a central role and holds religious responsibilities as a religious institution in Indonesia. The MUI's role and responsibility in issuing halal fatwas have not changed since before or after the enactment of the JPH Law. To determine the halal status of a product, the LPH and auditors also play a strategic role, as they must inspect and ensure that the production process, materials, and equipment used by producers do not contain, utilize, or are contaminated with impure substances that are forbidden for Muslims.

Therefore, in efforts to implement a Halal Product Assurance system to create a healthy halal industry ecosystem, actors must work in a coordinated, communicative, and collaborative manner to achieve the ideals and principles of the JPH Law, namely protecting Muslim consumers' beliefs, legal certainty, and

economic motives (Permana, 2022). Technical formulations and derivative regulations of the JPH Law also need to be regulated to ensure the smooth running of the halal certification process. For example, within the Indonesian halal certification system, there are no halal standards regulated by law or government regulations. To date, the halal standards used are those that existed before the JPH Law came into effect, namely halal standards or MUI fatwas related to halal product fatwas and halal standard fatwas. The absence of final and binding halal standards is due to the ongoing conflict of interests and significant differences of opinion in the formulation of the revised Halal Product Assurance Government Regulation.

Although fatwas are generally regarded as non-binding in a formal legal sense (*ghair mulzim*), they play an important role in offering religious legal guidance and considerations for the Muslim community. In the context of Indonesian society, the fatwas of the Indonesian Ulema Council (MUI) have a significant influence (Sholeh, 2016). *De facto*, and seeing the above phenomenon, it can be concluded that MUI halal fatwas are followed by the government and the Muslim community. The government uses MUI fatwas as a reference by incorporating fatwa principles into applicable laws and regulations. Wahiduddin Adams, in his dissertation, also concluded that several fatwas from the MUI can be integrated into state laws and regulations with various relevant patterns (Putra, 2017).

In Presidential Decree Number 6 of 2023 on Halal Certification of Drugs, Biological Products, and Medical Devices, it is clearly stated that the halal standards applied refer to the fatwas issued by the Indonesian Ulema Council. This is reflected in Article 9 paragraph (1), which stipulates that products referred to in Article 4 paragraph (4) letter d must meet several requirements. These include being derived from halal ingredients and processed in accordance with Islamic law, as well as using equipment, production facilities, packaging, and storage systems that are free from contamination with non-halal materials. In addition, the products must not use names associated with prohibited elements or pornography and must not possess characteristics or sensory profiles that resemble haram products or products that have been declared haram based on MUI fatwas.

This provision demonstrates that, despite the administrative authority of halal certification being managed by the state, the determination of halal standards continues to rely on the religious authority of MUI through its fatwa decisions. In short, the fatwas issued by the Indonesian Ulema Council (MUI) have responded to various conditions, problems, and needs in providing halal product assurance. MUI's halal standard fatwas are logical and objective because they are based on scientific terms. As a result, both the public and the government have received them well. MUI's halal fatwas are based on the religious views of Muslims in Indonesia, thus having high acceptance by the public and business actors, as has been the case for more than 30 years since halal certification matters were solely handled by the MUI. Furthermore, MUI's halal fatwas have also been accepted internationally by more than 56 foreign Halal Certification Bodies (HCBs). Even the most recent fatwa from Jakim Malaysia when determining the

latest fatwa regarding CHO (Chinese Halal Certification Body) is still valid. Hamster Ovary Cell) refers to the MUI halal fatwa as a reference.

Therefore, to create harmony and provide legal certainty as a technical implementation regulation for the relationship (relationship pattern) between actors in the halal certification chain in Indonesia, a definitive halal standard is needed. This is because each actor has an inseparable, mutualistic symbolic relationship within the framework of ensuring product halalness. If, for example, one actor in the halal certification chain makes an error in the halal certification process, the results of the entire halal certification process will certainly be incorrect. If this happens, it will lead to a decline in public trust and could lead to polemics and public unrest, as occurred in 1988.

## **CONCLUSIONS AND RECOMMENDATIONS**

Efforts to guarantee and protect Muslim consumers in Indonesia regarding the need for halal products have been underway for a long time. However, government intervention through the Halal Product Assurance Law was only implemented in 2019. This means that more than 30 years have passed since the controversy in Indonesia regarding the issue of ingredients prohibited for Muslims in food products. Although seemingly late, halal certification currently holds a very important position in the national legal system in Indonesia because it is expressly regulated in Law Number 33 of 2014 concerning Halal Product Assurance. Within the legal system, this law is an integral part of the law, having legal force and providing legal certainty. Furthermore, halal certification is regulated with an imperative nature that requires its implementation. The importance of halal certification in Indonesian law also aligns with consumer protection efforts within the Islamic legal framework, which ensures that products consumed by Muslims meet halal requirements. Fortunately, religious values are truly presented as rational entities that are acceptable to all groups and influence government legislative policies.

The Halal Product Assurance Law requires the establishment of the Halal Product Assurance Agency (BPJPH) as a specialized body responsible for administering halal certification under the authority of the Indonesian Minister of Religious Affairs. In carrying out its functions, BPJPH works in coordination with the Halal Inspection Agency (LPH) and the Indonesian Ulema Council (MUI). Within the framework of the halal certification system, these institutions are commonly referred to as the key actors involved in the halal certification chain. This collaboration creates a mutualistic, symbiotic relationship within the framework of the relationship pattern between halal certification actors, who have different duties, functions, and authorities. BPJPH, as a state institution with an administrative regulatory function, has the duty and authority to register and establish rules for halal certification matters. LPH, as an inspection agency, is authorized to conduct inspections of materials and equipment in the product production process. LPH's inspection authority includes aspects of document traceability and production process assurance. MUI, as a religious institution, is authorized to issue halal fatwas, which are matters of religious substance.

The resulting relationship pattern represents a series of processes for issuing halal certificates for products registered through the BPJPH (Indonesian Halal Product Procurement Agency). The halal certification process requires halal standards and a shared management perspective to ensure technical implementation across all actors. The conflict of interests should be avoided, as the philosophy of the JPH Law is to provide legal certainty to protect Muslim consumers. With binding halal standards, legal certainty and consumer protection through halal certification in Indonesia will become clearer, and halal certification in Indonesia will be promoted. For the long-term sustainability of halal certification in Indonesia, this relationship pattern must be considered in every formal regulatory framework. Harmony between the three actors in the halal certification chain in Indonesia is key to ensuring the success of guaranteeing and guaranteeing the halal integrity of products distributed throughout the territory of the Republic of Indonesia.

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