

**PERBANDINGAN REGULASI SERTIFIKASI HALAL
(STUDI PERBANDINGAN ANTARA INDONESIA
DENGAN THAILAND)**

JURNAL

**Diajukan Untuk Memenuhi Syarat
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Oleh :

**RIZKI AULIA
NPM : 2206200460**



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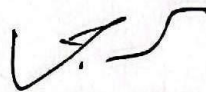
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DYNAMICS OF HALAL PRODUCT ASSURANCE REGULATION: A COMPARATIVE ANALYSIS OF THE LEGAL STRUCTURES OF INDONESIA AND THAILAND

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Abstract

Halal product assurance regulations are an important issue in the development of the global halal industry, especially for countries seeking to strengthen consumer protection while increasing the competitiveness of their products in the international market. This study aims to analyze the dynamics of halal certification regulations in Indonesia and compare them with the halal certification system in Thailand. The research method used is normative legal research with a legislative and comparative approach. Research data was obtained through a literature study of relevant legislation, scientific literature, and policy documents, then analyzed qualitatively using a descriptive-analytical method. The results show that Indonesia implements a compliance-oriented halal regulation model through Law Number 33 of 2014 concerning Halal Product Guarantee, which is reinforced by Law Number 11 of 2020 concerning Job Creation and Law Number 6 of 2023. This regulation changed the halal certification system from voluntary certification to mandatory certification, involving BPJPH as the state administrative authority, MUI as the halal fatwa issuer, and the Halal Inspection Agency as the technical audit institution. In contrast, Thailand implements a more flexible and market-oriented model, where halal certification is legally voluntary but in practice becomes de facto mandatory due to export market demands. Thailand's halal system is managed by the Central Islamic Council of Thailand (CICOT) and reinforced through the integration of scientific approaches such as the concept of Halal Science and the Halal-Q system, which combines halal standards with international food safety standards. This difference in regulatory paradigms shows that Indonesia emphasizes legal certainty through state regulation. At the same time, Thailand places more emphasis on market competitiveness and the integration of halal standards with global quality systems.

Keywords: *Halal Product Assurance; Halal Certification; Halal Regulation; Indonesia; Thailand.*

INTRODUCTION

The halal product industry has grown rapidly in the last two decades and has become one of the most dynamic sectors of the global economy. This development is no longer driven solely by the consumption needs of Muslims as the majority population in several countries, but also by increasing global awareness of safety, quality, and ethical production standards associated with the concept of halal. Reports from various international economic institutions show that the value of global halal product trade continues to

increase every year, covering the food and beverage, pharmaceutical, cosmetics, and tourism sectors. Thus, halal is no longer understood as a purely theological issue, but has transformed into part of the international economic and trade regulatory regime. (Muin, 2025)

In the context of global trade, halal certification has even begun to be positioned as a non-tariff barrier. Countries that require halal certification for imported products indirectly set certain technical standards that must be met by exporters. This condition places



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halal regulations as a strategic public policy instrument that functions as consumer protection on the one hand, but on the other hand also becomes a tool for increasing national competitiveness. Therefore, the legal and institutional structure of halal certification is an important variable in determining a country's position in the global halal supply chain. (Aminuddin, 2016)

In Southeast Asia, Indonesia and Thailand are two countries that play a significant role in the halal industry. The study "The Halal Industry in Southeast Asia: A Comparison of the Development of Indonesia and Thailand" shows that the two countries have different strategies in developing the halal ecosystem, particularly in terms of regulation and certification institutions. Indonesia's position as the country with the largest Muslim population in the world provides normative and social legitimacy for mandatory halal policies. Conversely, Thailand, whose population is predominantly non-Muslim, has demonstrated competitive halal export performance through industrialization and standardization strategies integrated with trade policies. (Jannah et al., 2025)

Normatively, Indonesia regulates halal product assurance through Law No. 33 of 2014 concerning Halal Product Assurance (JPH Law), which requires all products entering, circulating, and traded in Indonesia to be halal certified. The establishment of the Halal Product Guarantee Agency (BPJPH) marks an institutional transformation from a religious authority-based system to an integrated state system. However, this structural change has also given rise to several implementation issues, such as

inter-agency coordination, the capacity of halal auditors, the administrative burden on business actors, and disparities in the readiness of micro and small business actors. (Priatna et al., 2023)

The problems that arise are no longer related to the existence of norms, but rather to the effectiveness of their implementation. Several recent studies show that although regulations have provided legal certainty, the implementation of halal certification obligations still faces structural and cultural obstacles, especially in the micro and small business sector. Certification costs, procedural complexity, and limited legal literacy are factors that have prevented the optimal implementation of mandatory halal policies. This indicates a gap between legal norms (*das sollen*) and practical realities (*das sein*) in the national halal product assurance system. (Akhmad Rifqi Zain et al., 2024)

Recent developments show that halal regulations in Indonesia have undergone significant changes through Law Number 11 of 2020 concerning Job Creation and its derivative regulations, which were later updated through Law Number 6 of 2023. This reform introduces a self-declaration mechanism for micro and small businesses, allowing halal certification to be carried out based on the business owner's declaration with certain assistance. This policy aims to accelerate certification and reduce administrative burdens, but on the other hand, it has sparked a new discourse on supervision standards, accountability, and legal certainty. This change has become a highly relevant contemporary legal issue in the dynamics of Indonesia's halal

regulations in 2023–2024. (Suparto et al., 2016)

Unlike Indonesia, Thailand does not have a specific national law that requires universal halal certification. The halal certification system in Thailand is run by the Central Islamic Council of Thailand (CICOT) based on Regulation of CICOT B.E. 2558 (2015) (Yusdin et al., 2024) , as well as various ministerial notifications that are administratively recognized by the Thai government. Although Muslims are a minority, Thailand has positioned itself as a competitive exporter of halal products, especially in the processed food and agro-industry sectors. This success is supported by the integration of halal standards with the national food safety system and a strong orientation towards the Middle East and South Asian export markets. (Nurindra, 2025)

This phenomenon highlights a regulatory paradox: Indonesia has strong demographic legitimacy and national legal obligations, while Thailand has institutional flexibility and a more aggressive export orientation. Previous comparative studies have highlighted the differences in the regulatory mechanisms and authorities of the two countries, but have not yet analyzed in depth how the legal structures of each country shape policy effectiveness and its implications for global competitiveness. In addition, current studies also need to ensure the use of up-to-date references and data so that the analysis remains relevant to the latest regulatory developments. (Najla & Huda, 2025)

The urgency of this research lies in the broad implications of halal regulations, which include consumer protection, legal certainty for businesses,

and international trade strategies. In Indonesia, violations of halal provisions can result in administrative and criminal sanctions. Meanwhile, in Thailand, strengthening international recognition of certification bodies has become an instrument of economic diplomacy and increased market access. Thus, halal regulations are not only a religious legal issue but have become part of national economic policy and an instrument of national competitiveness.

Based on this description, this study will conduct a comparative analysis of the dynamics of halal certification regulations in Indonesia and Thailand, focusing on: (1) how the law regulates halal certification and labeling in Indonesia; (2) how the law regulates halal certification and labeling in Thailand; and (3) the similarities and differences in regulatory structures and their implications for the competitiveness of the halal industries in both countries.

RESEARCH METHOD

The type of research used in this study is normative juridical, which is legal research that focuses on the study of positive legal norms, laws and regulations, and applicable legal principles. This approach is used to analyze and compare the legal regulations regarding halal certification and labeling in Indonesia and Thailand systematically based on written legal sources. Normative legal research is doctrinal in nature, as it focuses on literature studies through the examination of primary, secondary, and tertiary legal materials to obtain a conceptual understanding of the legal issues being studied. (Hidayah et al., 2022)

RESULTS AND DISCUSSION

1. Legal Regulations Regarding Halal Certification and Labels in Indonesia

Halal certification in Indonesia is an integral part of the Muslim consumer protection system, which has a strong constitutional and legal basis in national legislation. The main regulations regarding halal product assurance are contained in Law Number 33 of 2014 concerning Halal Product Assurance (JPH Law), which then underwent significant changes through Law Number 11 of 2020 concerning Job Creation and was reaffirmed in Law Number 6 of 2023. This regulation not only governs the administrative aspects of certification but also establishes a national and binding legal compliance regime (Mustika et al., 2025). In this context, the state not only acts as a regulator but also as a guarantor of legal certainty for Muslim consumers to obtain products that comply with Sharia provisions.

The most fundamental change in the Indonesian halal system is the transition from a voluntary certification system to a mandatory certification system. Before the enactment of the JPH Law, halal certification carried out by the Indonesian Ulema Council through LPPOM MUI was voluntary. It was better understood as part of business ethics and marketing strategy. At that time, halal certification was a symbol of religious reputation and consumer trust. However, since the enactment of the JPH Law, halal certification has changed its status to a legal compliance standard. As a consequence, business actors who do not fulfill their certification obligations may

be subject to administrative and even criminal sanctions. This transformation means that halal certification is no longer merely a moral or branding instrument, but a legal obligation that has the force of law (Risma et al., 2025).

From an economic law perspective, this change creates two dimensions: regulatory burden and legal protection. On the one hand, business actors must adjust their production processes, supply chains, and internal documentation to meet halal standards. These adjustments include the selection of raw materials, the separation of production facilities between halal and non-halal products, and an administratively documented halal assurance system. On the other hand, the legal certainty provided by the state actually strengthens the position of business actors in global trade because certified products have formal legitimacy and higher competitiveness. Thus, halal obligations do not merely restrict business activities but also serve as an instrument for strengthening the national industry and a means of increasing consumer confidence in products on the market (Taufiq et al., 2025).

Institutionally, the JPH Law established the Halal Product Guarantee Agency (BPJPH) under the Ministry of Religious Affairs as the state administrative authority responsible for administering halal certification nationally. However, substantive religious authority remains with the Indonesian Ulema Council (MUI), which issues fatwas on product halalness. In this context, the relationship between BPJPH and MUI can be analyzed as a form of legal mutualism symbiosis. BPJPH has administrative legitimacy and regulatory

authority as the state's representative in managing the halal certification system. In contrast, MUI has normative-religious authority derived from the social and theological legitimacy of Muslims (Aulia & Surwandono, 2024). Thus, the halal certification system in Indonesia reflects the integration of state authority and religious authority within a complementary legal framework.

This dualism of authority model demonstrates the integration of positive law and Islamic law within a single national regulatory system. However, coordination between administrative authorities and fatwa authorities does not always run smoothly. The main challenge lies in the efficiency of time and synchronization of procedures between BPJPH, as an administrative institution, and MUI, as a fatwa-issuing institution. In the initial practice of implementing the JPH Law, the process of determining fatwas by MUI often became a crucial point that affected the length of time it took to issue halal certificates. To overcome these obstacles, the Job Creation Law intervened by cutting the time limit for the MUI to issue halal fatwas, so that the certification process could be expected to be faster and more efficient (Diniyati Shalihah & Sirajul Arifin, 2025). This intervention demonstrates the state's efforts to balance legal certainty, public service efficiency, and religious authority in the halal certification system.

In addition, the presence of the Halal Inspection Agency (LPH) as an independent third party in conducting audits and product inspections adds a new dimension to the institutional structure of the national halal system. Theoretically,

the existence of LPH aims to expand inspection capacity and accelerate the certification process by involving professional institutions outside BPJPH and MUI. However, in practice, the existence of LPH also raises debates about the effectiveness of bureaucracy. If coordination between institutions is not digitally and administratively integrated, the presence of LPH has the potential to add another layer of bureaucracy to the halal certification process. Therefore, the effectiveness of LPHs is highly dependent on the quality of the management system, national data integration, and efficient coordination mechanisms between BPJPH, LPHs, and MUI (Konety et al., 2019).

Another crucial change that needs to be considered is the validity period of halal certificates. Based on Article 42 of the JPH Law, which has been amended through the Job Creation Law, halal certificates are now valid for life as long as there are no changes in ingredients, production processes, or product composition. This provision replaces the previous regime, which limited the validity period of halal certificates to four years. This change has significant implications in reducing the administrative burden on business actors and providing long-term business certainty. However, the logical consequence of this policy is the need for a continuous monitoring system to prevent changes in product composition without reporting to the relevant authorities (Ikhwan, 2024).

The reform through the Job Creation Law also introduces a self-declaration mechanism for micro and small businesses (MSMEs). Under this

mechanism, businesses can declare the halal status of their products themselves with the assistance of certified advisors. This policy is intended to accelerate the penetration of halal certification in the MSME sector, which has faced cost and procedural barriers. However, the self-declare policy has also sparked academic debate regarding verification standards and the potential for moral hazard if supervision is not carried out optimally. On the one hand, this policy is a form of pro-business deregulation that encourages inclusiveness in the MSME sector; on the other hand, this policy requires a more transparent and accountable supervision system so as not to undermine the credibility of halal certification itself (Saragih, 2023).

From a consumer protection law perspective, halal certification is also intertwined with Law Number 8 of 1999 concerning Consumer Protection, which requires business actors to provide accurate, clear, and honest information about the products they market. The halal label is a concrete manifestation of this information obligation. Also, it serves as a legal guarantee for Muslim consumers to obtain products that are in accordance with their beliefs. Thus, the guarantee of halal products is not only theological in nature, but also part of consumer rights that are legally protected by the state (Azzahra, 2025).

From an Islamic law perspective, halal certification can be positioned as a form of modern hisbah, which is a mechanism for monitoring market practices to maintain public welfare. The principles of maqashid sharia, particularly hifz al-din (protection of religion) and hifz al-nafs (protection of life), form the normative

basis for the legitimacy of mandatory halal policies. In this case, the state functions as an authority that guarantees the certainty of halal consumption for Muslims while maintaining market integrity from practices that harm consumers.

Digitalization through the SiHalal system is a strategic step to integrate administrative processes, inspections, and certificate issuance into a single national platform. This digitalization has the potential to reduce service time and minimize the multi-layered bureaucracy that has been a source of complaint for business actors. In addition, the digital system also allows for more transparent supervision through data integration between BPJPH, LPH, and MUI. However, the effectiveness of digitization still depends on the readiness of technological infrastructure, the integration of national information systems, and the competence of human resources at the central and regional levels. Therefore, the success of the digital system in supporting halal certification is not only determined by technological aspects, but also by institutional capacity and the quality of state administrative governance.

2. Legal Regulations Regarding Halal Certification and Labeling in Thailand

Halal certification in Thailand is a strategic part of the export-oriented national industrial development policy. Although Thailand is a country with a non-Muslim majority population, it has succeeded in establishing a well-organized, modern, and internationally recognized halal certification system. This

shows that the development of the halal industry in Thailand is not based on demographic legitimacy, but on effective economic strategies and institutional governance (Kadir et al., 2025). In this context, halal is not merely positioned as a religious requirement for the domestic Muslim community, but as an economic policy instrument that supports Thailand's global trade expansion in the food, cosmetics, and pharmaceutical sectors.

Institutionally, halal certification is coordinated by the Central Islamic Council of Thailand (CICOT), which obtained its legal basis through the Islamic Organization Administration Act B.E. 2540 (1997). This law provides state administrative recognition of Islamic authorities in regulating religious affairs, including halal certification. Unlike Indonesia, which established a halal regime through a special law that is mandatory nationwide, Thailand implements an administrative recognition model, whereby the state grants authority to Islamic institutions without making halal certification a universal legal obligation (Abimanyu, 2023). This model demonstrates a more flexible approach because the state does not directly regulate halal obligations for all business actors, but rather provides space for social and economic mechanisms to shape industry compliance.

However, even though halal certification in Thailand is voluntary by law, in trade practice it has become de facto mandatory. Thai food products intended for export to Muslim-populated countries such as Malaysia, Indonesia, and the Middle East are almost impossible to enter the market without a halal certificate from CICOT. Even for

penetration into the global modern retail market, halal labeling has become part of product reputation and differentiation strategies. This phenomenon shows that in the Thai context, market-driven regulation is more dominant than law-driven regulation. Market forces and global consumer demands shape industry compliance more effectively than state normative obligations (Rahmawati & Nurul Fatma Hasan, 2024). In other words, halal legitimacy in Thailand is formed through market mechanisms and export requirements, so that the industry voluntarily complies with halal standards to maintain access to international markets.

The halal certification process in Thailand involves raw material audits, production facility inspections, verification by the CICOT Halal Council, and the issuance of a national halal logo. Technical audits are conducted by the Halal Standard Institute of Thailand (HSIT), an agency under CICOT responsible for laboratory testing and scientific standardization. This model shows that Thailand's halal system is not only based on administrative document checks, but also on rigorous scientific validation. This approach strengthens the credibility of certification because product halal decisions are not only based on manufacturer declarations, but also on objective scientific test results.

One of the main differences between Thailand and Indonesia is the development of the concept of Halal Science. Chulalongkorn University has pioneered science-based halal research through the establishment of the Halal Science Center, which uses advanced technologies such as gas chromatography,

DNA analysis, and food forensic methods to detect contamination by haram elements. This scientific approach enables precise verification of complex raw materials, including animal derivatives and chemical additives. In a comparative context, Thailand's approach demonstrates a strong integration between religious law and modern science. At the same time, Indonesia, in the early stages of implementing the JPH Law, still relies more on administrative audits and supply chain document verification (Arimbi et al., 2025). The use of this laboratory technology also strengthens the international credibility of Thai halal certification because its verification standards can be scientifically tested and accepted by the global scientific community.

In addition to Chulalongkorn University, Prince of Songkla University also plays an important role in the development of halal biotechnology and advanced laboratory testing. Collaboration between CICOT, universities, and research institutions creates a research-based halal ecosystem. This integration strengthens the credibility of Thai certification in the eyes of the global market because halal standards are not only understood as sharia compliance but also as a scientific guarantee of product safety and quality (Fatonah et al., 2023). With academic and scientific research support, Thailand's halal system has developed into a model that simultaneously combines religious, scientific, and economic dimensions.

Thailand has also developed the Halal-Q (Halal Assurance, Liability and Quality) system. This integrative model combines halal standards with

international food safety systems such as HACCP (Hazard Analysis and Critical Control Point) and ISO. This integration has strategic implications. Thai halal products not only meet religious standards for Muslim consumers but also meet universal food safety standards recognized in Europe and America. This makes Thai products more easily accepted in non-Muslim markets because the halal label is perceived as an additional guarantee of quality, not just a religious symbol (Cholis & Darmanto, 2025). Thus, Thai halal certification has a dual dimension, namely as a religious standard and a global food quality standard.

In this context, Thailand's approach differs from Indonesia's model, which normatively emphasizes sharia compliance as a domestic legal obligation. Thailand positions halal as an instrument of global competitiveness and economic diplomacy. The national strategy "Kitchen of the World" shows that halal certification is part of national branding in the food industry. Thus, halal in Thailand not only serves as protection for the Muslim minority but also as an export strategy and international market positioning.

The Thailand Halal Logo issued by CICOT is equipped with a traceable identification system and digital database. This transparency increases international consumer confidence in the authenticity of the halal certificates issued. The digitization of halal data in Thailand developed earlier than in several other ASEAN countries, enabling a more transparent and efficient verification system. This system also strengthens the principle of accountability and minimizes

the potential for halal label counterfeiting in the international market.

However, the Thai model is not entirely without flaws. The absence of specific national laws regulating halal products means that the legal legitimacy of certification rests entirely on the government's administrative recognition of CICOT. From a constitutional law perspective, this model is more flexible but potentially vulnerable to changes in political policy. Unlike Indonesia, which has greater legal certainty because it is regulated by law with criminal and administrative sanctions, Thailand relies more on the stability of relations between religious and state authorities to maintain the sustainability of the national halal system.

Overall, Thailand's halal certification system demonstrates an integrative model between religious law, science, and the market economy. Its main characteristics are formal legal flexibility, market dominance, and the integration of halal standards with the international food safety system. This model shows that halal legitimacy can be built through scientific credibility and global market trust, not solely through national legal obligations.

From a comparative perspective, Thailand represents a pragmatic and competitiveness-oriented model, while Indonesia represents a normative and compliance-oriented model. This difference in paradigms is an important point of analysis in assessing the effectiveness of the two countries' halal regulatory structures in facing global halal industry competition. The integration of religious, scientific, and economic aspects in the Thai model shows that the

development of the halal industry does not only depend on legal obligations, but also on technological innovation, scientific credibility, and market strategies that are adaptive to the dynamics of international trade.

CONCLUSION

The halal certification system in Indonesia has undergone a significant transformation since the enactment of Law Number 33 of 2014 concerning Halal Product Guarantee, which was then reinforced by Law Number 11 of 2020 concerning Job Creation and Law Number 6 of 2023. The most fundamental change is the shift from a voluntary halal certification system to a mandatory certification system. This change transforms the status of halal certificates from merely an instrument of business ethics and marketing strategy to a legal compliance standard with administrative and criminal sanctions. Institutionally, the implementation of halal certification involves BPJPH as the state administrative authority, MUI as the authority that issues fatwas on product halalness, and the Halal Inspection Agency (LPH) as the technical audit agency. The relationship between BPJPH and MUI reflects a form of legal mutualism, namely the integration of state administrative authority and religious normative authority. Reforms through the Job Creation Law also accelerate the certification process by reducing the time required for fatwa issuance and introducing a self-declare mechanism for micro and small businesses, as well as establishing a lifetime validity period for halal certificates as long as there are no

changes in ingredients and production processes.

The halal certification system in Thailand shows a different approach, namely a more flexible model oriented towards global market competitiveness. Although halal certification is voluntary in law, in trade practice it has become de facto mandatory due to the demands of the export market to Muslim-populated countries. This system is coordinated by the Central Islamic Council of Thailand (CICOT), which is administratively recognized by the state through the Islamic Organization Administration Act 1997. The main advantage of the Thai model lies in the integration of religious law, science, and international food safety standards. The development of the concept of Halal Science by Chulalongkorn University and collaboration with other research institutions has enabled halal verification based on laboratory technology such as gas chromatography and DNA analysis. In addition, the Halal-Q (Halal Assurance, Liability and Quality) system, which integrates halal standards with international food safety systems such as HACCP and ISO, makes Thai halal products more easily accepted in global markets, including in non-Muslim countries. Comparatively, Indonesia tends to develop a compliance-oriented halal certification model, while Thailand develops a competitiveness-oriented model driven by market forces.

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