

## MANDATORY BUT LAX, VOLUNTARY BUT STRICT: REGULATORY LIMITATIONS AND STATE OBLIGATIONS IN INDONESIAN AND MALAYSIAN HALAL CERTIFICATION<sup>1</sup>

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### Abstract

This study aims to compare halal certification governance in Indonesia and Malaysia as a manifestation of state obligations under international human rights law and to examine how the fulfillment of these obligations shapes different models of regulatory limitations imposed on business actors. This study employs doctrinal legal research using statutory, conceptual, and comparative approaches. The theory of responsive regulation is applied to analyze how the state influences business compliance through a combination of coercive and persuasive regulatory strategies. Building on this framework, the study develops the concept of regulatory limitations to examine the extent and manner through which state intervention regulates business actors within halal certification systems. The findings reveal that both Indonesia and Malaysia fulfill their obligations to protect Muslim consumers' rights; however, they adopt different approaches in defining state responsibilities and designing regulatory limitations. Indonesia demonstrates a relatively limited implementation of state obligations through a legal-formal regulatory limitation model. This model prioritizes the mandatory nature of halal certification while providing flexibility in certification procedures and relatively adaptive post-certification supervision. Conversely, Malaysia reflects a due diligence approach in fulfilling human rights obligations and adopts an institutional governance model of regulatory limitations. This approach emphasizes voluntary participation in halal certification while maintaining stringent certification procedures and comprehensive post-certification monitoring mechanisms. The comparative analysis indicates that both governance models possess distinct strengths and limitations. Indonesia provides stronger legal certainty through mandatory certification, yet faces challenges in supervision effectiveness and institutional capacity. Malaysia demonstrates stronger governance mechanisms and regulatory oversight but relies more heavily on institutional credibility and voluntary compliance. Therefore, this study proposes a proportional and responsive halal governance model that combines mandatory consumer protection standards with adaptive regulatory mechanisms. Such a model seeks to strengthen halal assurance systems through strict yet proportionate certification requirements, effective inspection procedures, and continuous post-certification monitoring.

**Keywords:** Halal Certification; Human Rights Obligations; Responsive Regulation; Regulatory Limitations; Halal Governance.

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## A. Introduction

The human rights perspective holds the government responsible for ensuring consumer rights. One form of protection for Muslim consumers is the halal certification policy for products circulating in the market. The term “halal” refers to products permissible for consumption under Islamic law. This is the opposite of “haram”, which refers to anything prohibited for consumption under Islamic law. Halal certification protects consumers from consuming products containing haram ingredients or produced through processes inconsistent with Islamic principles (Burlian, 2014; Nahrawi, 2014). Halal regulations in Indonesia have been strengthened with the issuance of Law No. 33 of 2014 on Halal Product Assurance. The presence of this law puts the state as the main party responsible for ensuring halal compliance. The implementation of this responsibility is evident in Indonesia’s policy requiring halal certification for products circulating in Indonesia. This certification requirement applies to products that are inherently halal. Meanwhile, products that are inherently haram must be labeled as non-halal. Information about the halal status of products is important because it allows Muslims to select products according to their religious beliefs, which is an expression of religious freedom (Ahmed Osman, 2023; Sofiana et al., 2021; Wiryani et al., 2018).

Various studies agree that the certainty of halal product availability as support for the right to freedom of religion (M. Azizah, 2021; Musataklima, 2021). In the global economy, halal certification has become a strategic instrument that goes beyond religious considerations. It facilitates access to international markets for products and services, increases business competitiveness, and expands export opportunities. A country's halal certification system not only protects Muslim consumers, but also promotes the development of the business sector and global trade (Masriani et al., 2025; Mohd Salleh et al., 2026). Apart from having economic implications, halal certification also functions as a mechanism to guarantee cleanliness, safety, and product quality through a verification process that provides consumers with assurance that the products on the market comply with sharia principles (Rahman & Balushi, 2022). Halal awareness shows a growing trend, both among Muslims and non-Muslims, as the increasing global demand for halal-certified products and services in the food, cosmetics, pharmaceuticals, and tourism sectors (Alam et al., 2025). Halal certification benefits all stakeholders, including businesses, consumers, and the government (Suhartini et al., 2024). Therefore, the enforcement of halal certification requires an interdisciplinary approach that relies not only on sharia principles, such as Wasatiyyah and Maslahah, but also on aspects of governance, regulation, ethics, consumer protection, and public policy (Saefullah et al., 2025).

The obligation of halal certification in Indonesia has become a topic of discussion in legal and public policy discourse. Indonesia is one of the countries that has taken a progressive approach by making halal certification a legal requirement for products in circulation. In contrast, Malaysia, which has extensive experience in halal certification governance, has instead made halal certification voluntary (Supriyadi et al., 2024). Differences in the construction of the mandate and certification mechanisms between Indonesia and Malaysia offer an opportunity to analyze how each country translates its normative obligations into comprehensive halal governance. The selection of Indonesia and Malaysia as the focus of this study is based on the finding that these countries possess characteristics relevant to this research, both in terms of legal frameworks and governance.

Several studies have discussed the comparison of halal certification in Indonesia and Malaysia (Arieftiara et al., 2022; Hasan & Abd Latif, 2024; Sofiana et al., 2021; Supriyadi et al., 2024). The existing literatures primarily address normative aspects or provide general regulatory comparisons regarding halal certification obligations in Indonesia and Malaysia. They have not specifically analyzed the differences in governance designs (decentralized versus centralized) and their implications for the protection of Muslim consumers’ rights within a human rights framework.

This study uses the concept of state obligations in human rights law to analyze the legal framework and governance of halal certification in Indonesia and Malaysia. From a human rights perspective, the state has three primary obligations: to respect, to protect, and to fulfill human rights. The obligation to protect requires the state to take active steps to prevent human rights violations by non-state parties, including corporations and business entities (Augenstein, 2022; Hidayah, 2023; Lagoutte, 2015; Uvarova, 2020). Ideally, international human rights law requires states to exercise due diligence to protect human rights from violations by non-state actors (Goldscheid & Liebowitz, 2015; Malaihollo & Lane, 2024).

As a duty bearer, the state is obligated to protect the religious rights of Muslim consumers by ensuring the halal status of products. State intervention in halal certification is not only related to the protection of religious freedom and legal certainty, but also reflects the function of a modern constitutional state in maintaining market integrity and regulatory order. According to Brian Z. Tamanaha's conception of the substantive rule of law, state regulations are not merely procedural in nature but are also aim to realize social justice and protect human rights (Marmor, 2012; Tamanaha, 2004).

In addition to the concept of state obligations, this study also uses the responsive regulation theory of Ian Ayres and John Braithwaite to explain how the state intervenes in the behavior of business owners through coercive or persuasive regulatory responses (Ayres & Braithwaite, 1992). Based on this theory, this study develops the concept of regulatory limitations to analyze how the state shapes the compliance of business owners through halal regulations. Halal certification regulations not only protect the rights of Muslim consumers, but also shape the behavior and compliance of business owners within the halal system. This theory is useful for analyzing the regulatory mandate, governance mechanisms, and models of limitation applicable to business owners in comparing Indonesia and Malaysia. This study selects these two states because both incorporate halal assurance as part of public policy and use different regulatory approaches.

This study offers a novel perspective by examining the halal certification systems in Indonesia and Malaysia through the lens of state obligations and regulatory limitations, rather than a purely normative analysis. Beyond its human rights-based analysis, the novelty of this study lies in its proposal of a new halal governance model derived from a comparative examination of the two countries. The urgency of research comes from the increasing need for halal assurance in Muslim-majority countries and the importance of ensuring that the certification system functions not merely as an administrative mechanism, but as an instrument for the state to fulfill its obligation to protect Muslim consumers' rights regarding sustainable halal assurance. Based on this discussion, this study raises several key questions about halal certification and human rights. First, to what extent do the halal certification governance frameworks in Indonesia and Malaysia reflect the state's obligation to protect consumer rights from a human rights perspective? Second, how can an ideal halal certification governance model be created based on a comparison of the halal certification systems in Indonesia and Malaysia?

## **B. Method**

This research employs doctrinal legal research with statutory, conceptual, and comparative approaches. The use of the statutory approach aims to analyze various regulations related to halal certification in Indonesia and Malaysia as a normative basis for implementing state obligations to protect consumer rights and religious freedom. The application of the conceptual approach aims to examine doctrines, principles, and theories concerning state obligations in relation to human rights and the concept of regulatory limitations in halal governance. Meanwhile, the selection of a comparative approach enables the study to identify similarities and differences in the regulatory models for halal certification in both countries, particularly in examining how the implementation of state obligations result in different forms of regulatory limitation on business owners.

Data collection in this study employs library research techniques by reviewing primary and secondary legal materials relevant to the research issue. Primary legal materials include laws and regulations related to halal certification in Indonesia and Malaysia. Secondary legal materials consisted of books, journal articles, and research discussing state obligations, halal certification, and regulatory limitations. Subsequently, this study analyzes all data qualitatively using prescriptive and comparative analysis techniques to identify normative constructions, similarities, and differences in halal certification regulatory models in both countries.

## C. Results and Discussion

### 1. Legal Framework of Halal Certification in Indonesia and Malaysia

The principle of the rule of law affirms that the law serves as the foundation for the state in fulfilling its obligations regarding human rights. The rule of law has now evolved to be regarded as one of the main pillars of human rights (Sevastik, 2023). According to Tamanaha's interpretation of substantive rule of law, state regulation is not merely procedural in nature but also aims to realize values such as human rights and social justice (Marmor, 2012; Tamanaha, 2004). International human rights instruments require states to respect, protect, and fulfill human rights. The obligation to respect requires the state to avoid policies that interfere or violate these rights (Kovalchuk et al., 2021; Xenos, 2012). The obligation to protect requires the state to protect individuals from rights violations by third parties, including corporations (Birchall, 2022; Caldas, 2017). The obligation to fulfill demands positive action from the state to create conditions that enable the fulfillment of rights, as well as to regulate the market to prevent exploitative practices (Hakimi, 2013; Hidayah, 2023).

Indonesia has established a legal framework for halal certification as part of the state's obligation to protect the rights of Muslim consumers. This legal framework consists of several laws and implementing regulations. Initially, Indonesia had committed to protecting halal products through Law No. 8 of 1999 on Consumer Protection. Article 8, paragraph 1, letter h of the Consumer Protection Law prohibits business owners from producing or trading goods or services that do not comply with halal requirements during the production process. However, Law No. 8 of 1999 did not yet mandate halal certification. Therefore, the implementation of halal certification relied on religious institutions such as the Indonesian Council of Ulama/ the *Majelis Ulama Indonesia* (ICU/MUI). The role of this religious institution in providing this certification is a form of service to the Muslim community to ensure the halal status of products in circulation.

Law No. 33 of 2014 on Halal Product Assurance (Law 33/2014) transformed the old regulatory framework. Law 33/2014 established that halal certification is mandatory and the institution that is responsible for halal certification is a state agency, namely the Halal Product Assurance Organizing Agency/the *Badan Penyelenggara Jaminan Produk Halal* (HPAOA/BPJPH). This regulation mandates that business owners must undergo the halal certification process and defines the role of the authorized agency in this process. The implementation of Law 33/2014 marks a milestone in the transformation of halal regulations in Indonesia, requiring halal certification for all products circulating in the country. The state's presence has been further strengthened through the establishment of a more formal regulatory framework within the national legal system (S. N. Azizah, 2022; Prawiro & Fathudin, 2023; Setiawan et al., 2024).

The development of halal certification poses challenges in its implementation. Most small business owners face difficulties in meeting halal certification requirements. The certification process is considered complex and bureaucratic, making it a significant barrier for Micro and Small Enterprises (MSEs) (Alanazi et al., 2024; Anwar Fathoni et al., 2025; Putro et al., 2024). One of the complaints raised by MSEs' businesses relates to certification costs as well as the technical capacity to meet both administrative and substantive requirements (Nurhayati et al., 2022). These

costs are considered high in terms of their proportional burden relative to small production scales, low profit margins, and limited administrative capacity, rather than in terms of absolute monetary value. In addition to direct costs, MSEs also face indirect costs such as time, document processing, and supply chain adjustments, which further increase the overall burden (Anwar Fathoni et al., 2025).

Small business owners are concerned about the legal and market implications of products lacking halal certification. From a legal side, MSEs may face administrative sanctions. On the market side, uncertified products risk losing consumer trust and access to formal retail channels, as well as becoming less competitive in a market where the majority of consumers are Muslim. As a solution, the government has introduced a self-declaration mechanism. Essentially, this self-declaration pathway still requires verification within the halal certification process. However, the human resources verifying the production processes and materials are not halal auditors from a Halal Inspection Agency/*Lembaga Pemeriksa Halal* (HIA/LPH). The verifiers are individuals serving as Halal Product Process Assistants/*Pendamping Proses Produk Halal* (HPPA/P3H). The required level of education to become a P3H is not as high as that required to become a halal auditor at an LPH. The audit equipment used by a P3H is also not as comprehensive as the equipment used by halal auditors, which is provided by the LPH. Additionally, the issuance of halal fatwas for products under the self-declaration scheme is not as strictly regulated as through the regular route. The self-declaration mechanism no longer involves the MUI, but relies solely on the Halal Product Fatwa Committee/the *Komite Fatwa Produk Halal* (HPFC/KFPH). This policy aims to make it easier for MESs to obtain halal certification more effectively and efficiently (Sopiah et al., 2024). The regulations related to self-declaration are set in Regulation Number 2, Article 48 of Law Number 6 of 2023 on Job Creation and Article 98 of Government Regulation Number 42 of 2024.

The self-declaration mechanism in the halal certification process in Indonesia has become a serious topic of debate. This policy has had a positive impact, particularly in increasing the number of MSEs that can obtain halal certification (Jubaedah et al., 2023). However, critical views of this policy have also emerged. The self-declaration mechanism is considered to oversimplify the halal certification process, raising concerns about a reduction in the quality and integrity of halal products themselves (Mawardi & Ichsan, 2023). There are proposals emphasizing the importance of aligning the self-declaration mechanism with constitutional principles, particularly in ensuring Muslim consumers' rights to clear information and certainty regarding the halal status of products (Musataklima, 2021). In response to these dynamics, a comprehensive review of regulations is needed regarding all rules related to halal product assurance. This continuous correction and evaluation is crucial to ensure that halal certification policies truly reflect the broader purpose of consumer protection and are not merely focused on regulatory aspects (Khalimy et al., 2023).

Similarly to Indonesia, Malaysia also has strong ties to Islamic religious traditions and a Muslim majority population, making the issue of product halal certification of significant importance in public policy. By leveraging Malaysia's halal industry infrastructure, the Malaysia Halal Industry Master Plan 2030 aims to become a global leader in the halal sector. The theme "Prominent, Visible, and Globalized Halal Malaysia" reflects Malaysia's goal of achieving economic development through leadership in the halal industry. This master plan outlines the development of the domestic halal industry to create leading local businesses that can dominate the global halal market and become key players in the supply chain (Halal Development Corporation Berhad, 2024).

Malaysia's halal certification program was established in 1965, initiated through formal halal verification by the Selangor Islamic Religious Department/*Jabatan Agama Islam Selangor* (JAIS). The halal certification system began to develop in the 1970s under the Coordination and Administration Division of the National Council for Islamic Religious Affairs of Malaysia/*Majlis Kebangsaan Bagi Hal Ehwal Ugama Islam Malaysia* (MKI), which is responsible for issuing

“Halal” certification statements for products made from ingredients permitted under Sharia law. Since then, Malaysia’s halal certificates and logos have undergone significant technological innovations and transformations. The specialized expertise and scientific foundation of this certification system form the basis of Malaysia’s halal framework, positioning the country as a key reference for major global economies, including the United States, China, Japan, Australia, New Zealand, South Korea, and various other Islamic nations (Abdullah et al., 2021).

As developments have progressed, the Malaysian government has made significant improvements in creating a comprehensive legal framework to regulate halal certification, particularly through the Malaysian Trade Descriptions Act 2011, which replaced the previous legislation from 1972. The Trade Descriptions Act 2011 introduced specific provisions regarding halal certification (Muhammad et al., 2020). A comprehensive regulatory framework with well-established governance practices and structures, grounded in Sharia principles, is essential to ensure the sustainability of halal products and services, while mitigating fraud, dishonesty, and other unethical business practices (Zainuddin & Nordin, 2016).

Malaysia implements a voluntary halal certification system. According to the Malaysian legal framework, halal certification based on Malaysian Standard is not mandatory due to the absence of enforcement under specific laws and regulations. This results in halal certification remaining voluntary for industry players, including for medical devices, which are managed by JAKIM (Buang & Mahmod, 2012). One strategy for encouraging businesses to comply with halal certification requirements is to promote competitiveness. Government agencies that have initiated efforts to raise awareness are the State Islamic Religious Department/*Jabatan Agama Islam Negeri* (JAIN) and JAKIM. The halal certification campaign program educates small-to-medium enterprises (SMEs) on the importance of obtaining halal certification for their products, enabling them to compete more effectively (Ahmadun & Rifin, 2024).

Malaysia has balanced the voluntary aspect of halal certification with a strict certification mechanism. This approach reflects the assumption that businesses applying for halal certification affirm their commitment to halal standards and consumer rights. Halal certificate ownership is not merely an administrative obligation; it is part of business owners’ efforts to build consumer trust. The state’s commitment to maintaining the integrity of the halal certification process is reflected in Malaysia’s halal certification system, which leaves no room for determining halal status through self-declaration (Supriyadi et al., 2024). A notable feature of Malaysia’s halal certification system is its voluntary aspect, with the state regulating the certification mechanism strictly. Consequently, halal certification in Malaysia has become a crucial reputation standard in product marketing strategies, even on an international level (Md. Sawari et al., 2015). Therefore, this voluntary approach does not necessarily weaken industry participation in obtaining certification. The case of Hokkaido ice cream serves as an example of how manufacturers proactively seek halal certification from government agencies to maintain consumer trust and expand market segmentation (Kubota et al., 2017).

The substantive rule of law perspective assesses the quality of a regulation not only based on the existence of legal norms, but also on its ability to achieve the substantive objectives of law enforcement, such as the protection of consumer rights. In the context of halal certification, the state achieves these objectives by providing halal guarantees that build consumer confidence in the quality and safety of products. Although the original purpose of halal certification was to meet the needs of Muslim consumers, its implementation also benefits non-Muslims. Saleh and Rajandran (2025) found that halal awareness, halal certification, and halal knowledge have a positive influence on the purchase intentions of non-Muslim consumers. These findings indicate that the credibility of the halal certification system plays a crucial role in enhancing consumer trust (Saleh & Rajandran, 2025). Therefore, the substantive rule of law perspective not only assesses the existence of halal certification regulations but also examines the consistency between regulatory design and implementation mechanisms. In this regard, Indonesia and Malaysia adopt

two different approaches. Indonesia mandates halal certification, while Malaysia implements it on a voluntary basis. Both countries have also developed distinct implementation mechanisms, making a comparison between them essential to assess the extent to which each system can achieve the substantive goal of consumer protection.

## 2. Institutional Governance of Halal Certification

The halal certification mechanism in Indonesia utilizes two main approaches: the regular mechanism and the self-declaration mechanism. The regular mechanism is a certification procedure that involves halal inspections conducted by LPHs and the MUI. The results of these inspections are submitted to the BPJPH for the issuance of a halal certificate. This regular mechanism is mandated by Law No. 33 of 2014. LPHs are institutions that conduct inspections and testing of products to verify their contents before submitting them to the MUI for the issuance of a halal fatwa. LPHs may represent the community, universities, or professional organizations (Abdul & Khokhar, 2023; Putro et al., 2024). The MUI has the authority to issue fatwas regarding the halal and haram status of a product based on product content information from the LPH. The MUI consists of scholars from various Islamic community organizations in Indonesia. This institution plays a role in issuing fatwas regarding the halal status of products by integrating fiqh narratives regarding halal and haram with the results of field inspections (Atabik & Muqtada, 2024).

The issuance of halal fatwas for products by the MUI serves as the basis for the BPJPH in issuing halal certificates (Abdul & Khokhar, 2023; Kharrazi et al., 2024). The MUI also serves as one of the parties involved in the accreditation process for LPHs, specifically to evaluate the readiness of their human resources from a Sharia perspective. The BPJPH is a government agency that occupies the top position in the structure of halal certification in Indonesia. This agency manages the halal certification process, which begins with registration, the selection of an LPH as the inspector, the issuance of a halal certificate following a halal ruling from the MUI, and extends to the supervision of post-certification halal product assurance (Warnis et al., 2024).

The self-declaration mechanism is the second mechanism in halal certification in Indonesia. This mechanism also leads to the BPJPH as the final authority issuing halal certificates. The difference from the regular mechanism lies in the inspectors and those issuing fatwas on the halal status of products. The role of the LPH is replaced by the P3H. The P3H is an individual whose professional requirements are lower than those of auditors at the LPH. As a comparison, the LPH is an established institution consisting of scientists and Sharia experts with a minimum qualification of a bachelor's degree. Conversely, the P3H is an individual with a minimum education level of senior high school. The P3H is a new profession introduced with the implementation of the self-declaration halal certification mechanism. Meanwhile, the role of the MUI has been replaced by the KFPH, a body of religious scholars formed by the state whose institutional character differs from that of the MUI. The KFPH lacks the institutional capacity, human resources, and technical capabilities of the MUI.

Another critical aspect of self-declaration is the role of the Halal Supervisor. Every business owner who applies for certification through the regular mechanism must have a Halal Supervisor. The business owner appoints the Halal Supervisor. The Halal Supervisor's duty is to oversee the halal production process at the business premises that appointed them. In the regular halal certification mechanism, the presence of a Halal Supervisor is relatively more assured because the business owner appoints and integrates them into the company's internal structure. This direct affiliation enables the Halal Supervisor to carry out continuous oversight functions over the production process. Conversely, in the self-declaration mechanism, the halal assistance role is generally provided by Islamic civil society organizations through the assignment of a P3H (Article 66 of Government Regulation No. 42 of 2024). This assignment model tends to be voluntary and does not always maintain a sustained connection with MSEs. This situation raises questions

regarding the effectiveness of long-term oversight of halal commitments after the certification process is completed.

Indonesian Law No. 6 of 2023 introduces significant changes to the governance of halal certification in Indonesia, including the establishment of the KFPH and provisions regarding the validity period of halal certificates. The KFPH replaces the MUI in determining the halal status of a product under the self-declaration halal certification mechanism. Furthermore, this law also states that halal certificates may remain valid indefinitely as long as there are no changes in the product's composition or production process. Administratively, this policy provides convenience and efficiency for business operators. However, the flexibility of the mechanism and the unlimited validity period of halal certificates raise concerns regarding the credibility of the halal certification system. An easier certification mechanism and an unlimited validity period have the potential to create loopholes in consumer rights protection (Yuanitasari et al., 2024).

Halal certification in Malaysia operates under a single-system framework for product inspection (Ariefiara et al., 2022). The primary authority responsible for halal certification is the JAKIM. It plays a crucial role within this institutional framework. The auditors who conduct on-site halal inspections are exclusively officials within the JAKIM structure. Thus, no non-governmental organizations have the authority to assign auditors to inspect products (Adham et al., 2022; Muhammad et al., 2020). JAKIM has a supporting body known as the JAIN. It operates under the coordination of JAKIM and assists in the halal certification process while ensuring compliance with halal guidelines. JAIN operates at the local level. This agency collaborates with JAKIM to facilitate the certification process. All of its services are integrated into the MYeHALAL system (Arif et al., 2019; Muhammad et al., 2020).

JAKIM's role as the central regulatory authority in strengthening halal certification ensures that halal meat products, for example, are compliant with Islamic law while maintaining safety and quality standards. Through internationally recognized halal standards, JAKIM enhances the credibility and global acceptance of Malaysia's halal meat industry. JAKIM's oversight covers the entire halal meat supply chain, from raw material procurement to storage and distribution, thereby maintaining halal integrity and quality assurance at every stage. Although halal compliance is supported by a solid legal and regulatory framework, weaknesses in enforcement and monitoring at the local level remain a challenge, potentially undermining the halal status and product quality (Daud et al., 2023).

The Fatwa Committee is the subsequent element in Malaysia's halal certification governance. Fatwa bodies remain involved in determining the halal status of products because they hold religious authority to assess the Sharia aspects of a product. The Fatwa Committee is responsible for issuing fatwas regarding the halal status of a product. These fatwas serve as guidelines for JAKIM and JAIN in determining a product's halal status. In determining halal status, the Fatwa Committee applies Islamic principles derived from the Quran, Hadith, and other legal sources (Ab Latiff et al., 2024). Furthermore, JAKIM issues halal certificates and is responsible for monitoring and enforcing laws related to halal products (Abd Rahman et al., 2017). This centralized halal certification system in Malaysia is also reflected in the absence of alternative mechanisms for halal certification, as all halal certification applications must go through the same regular channel without exception.

A fatwa as an authoritative scientific opinion is issued in response to questions regarding the permissibility (halal) or prohibition (haram) of certain practices in Islamic jurisprudence. It is based on ulema's interpretation and understanding of Islamic sources, particularly in situations involving uncertainty or contemporary issues. In the Malaysian context, where the administration of Islamic affairs is under the jurisdiction of the states, the issuance of national fatwas plays a crucial role in harmonizing Islamic interpretations and religious practices across states. Therefore, national fatwas serve as a unifying mechanism to reduce legal and doctrinal fragmentation,

promoting consistency in the application of Islamic law throughout the country (Asa & Azmi, 2018).

Malaysia's halal certification program has evolved as one of the most trusted systems in the world and has become a respected international authority on global halal standards (Adham et al., 2022). This success is a result of JAKIM's active and strategic role in exercising its certification authority based on strong and standardized governance principles. JAKIM is not only responsible for the halal certification process but also proactively conducts oversight and enforces legal actions against various violations occurring in the field. One concrete example of credible governance is JAKIM's seriousness in investigating reports of the use of counterfeit halal logos as well as the circulation of non-halal products that are considered detrimental to the rights of Muslim consumers (Md. Sawari et al., 2015). Malaysia's more centralized and coordinated model offers important institutional lessons, particularly in strengthening oversight functions and ensuring clearer lines of responsibility within the certification process. Maifiah observed that Malaysia has established itself as a global benchmark in the halal industry through the development of a comprehensive and well-managed halal ecosystem, covering the food, pharmaceutical, cosmetics, tourism, and financial sectors (Maifiah, 2025). This progress is supported by strong government support, credible regulatory bodies, a solid halal certification system, and sustained investment in research and development. The author also highlights that strategic initiatives, such as the National Industrial Master Plan (NIMP) 2030, have strengthened the sustainability of the halal sector. Malaysia's halal certification system is supported by a comprehensive legal and regulatory framework and strictly enforced to protect halal consumers and ensure industry compliance. It is internationally recognized for its high standards of trust, integrity, and compliance.

Both Indonesia and Malaysia also face ongoing challenges regarding businesses' commitment to halal standards after certification. The government's role in halal certification does not simply end with the issuance of a label. The government needs to oversee halal policies through an integrated monitoring system to ensure that the entire process of food production, distribution, and service consistently adheres to halal principles. One of the challenges to halal sustainability lies in the potential for inconsistencies in the application of halal standards by businesses post-certification (Hasan & Abd Latif, 2024). Many companies in Indonesia and Malaysia view obtaining halal certification merely as a form of formal legitimacy. One study found that certain companies tend to be cautious during the certification application process, but their management weakens in maintaining adequate standards and conducting internal halal audits (Ariefiara et al., 2022). Challenges also arise in the food and restaurant sector. Halal oversight of restaurants faces challenges when verification mechanisms rely solely on administrative checks, while menus and ingredients are dynamic and subject to change at any time. The food sector requires a regulatory framework that goes beyond mere administrative oversight (Aisyah et al., 2019). Halal certification in modern food production also reveals a knowledge gap among auditors. This gap can lead to inaccuracies in the halal audit and evaluation process. In the long term, this situation could weaken the consistency of halal commitments by business operators while undermined the credibility of the halal certification system in the consumers' eyes, both domestically and internationally (Nazim & Yusof, 2023).

Indonesia and Malaysia demonstrate differing approaches in addressing the challenge of maintaining halal commitments after certification. Indonesia's halal certification system demonstrates weakness in this regard because halal certificates remain valid indefinitely as long as businesses do not make changes to ingredients or production processes. This is stated in Provision No. 25, Article 48 of the Job Creation Law. In practice, this mechanism relies on business owners' awareness to report any changes and apply for recertification. This reliance on self-reporting poses a problem in maintaining the consistency of halal commitments, as the oversight system struggles to ensure that every change is actually reported. Unlike Indonesia, Malaysia implements a limited validity period for halal certificates, requiring business owners to

apply for certification renewal periodically. According to Section VIII of the 2020 Malaysian Halal Certification Procedures Manual, JAKIM grants a validity period of 1 year for slaughterhouses, 2 years for restaurants or food products, and 3 years for cosmetic products. After the validity period expires, businesses may renew their halal certificates. This limitation on the validity period establishes a more systematic re-evaluation mechanism and helps ensure the continued commitment to halal standards after the certificate is issued.

An analysis of halal certification governance in Indonesia and Malaysia reveals several fundamental differences. Indonesia implements a multi-institutional governance model, as the certification process involves several institutions with distinct functions, such as the BPJPH, LPH, and MUI. Malaysia, on the other hand, operates under a more centralized system, with JAKIM serving as the primary authority. Differences are also found in the halal inspection authorities. Indonesia grants audit authority to various bodies, including accredited non-governmental institutions, while Malaysia places halal auditors under a single government agency. As for certification mechanisms, Indonesia offers two schemes (regular and self-declaration), whereas Malaysia uses only one scheme (regular). Additionally, halal certificates in Indonesia remain valid indefinitely as long as there are no changes to ingredients or production processes, while Malaysia sets a limited validity period for halal certificates, requiring periodic renewal. These conditions indicate that Indonesia's overly open system presents challenges in maintaining the consistency of audit standards, the uniformity of halal inspectors' capabilities, and the sustainability of halal commitments following certification. In contrast, Malaysia's more centralized approach, featuring a single certification pathway and a limited certificate validity period, tends to strengthen the consistency of audit procedures while enabling periodic evaluations of production practices to ensure the sustainability of halal commitments. Compared to other approaches, Malaysia has adopted a more centralized halal governance framework, characterized by a single certification pathway and clearly defined validity periods for halal certificates. This structure enhances the consistency and accurateness of audit procedures while facilitating periodic and systematic reviews of production processes. These periodic evaluations allow regulatory authorities to monitor ongoing compliance, identify potential risks, and reinforce continuous adherence to halal standards. Thus, the centralized certification model not only strengthens regulatory oversight but also supports the long-term sustainability of halal integrity and industry commitment.

### **3. Comparative Analysis of State Obligations and Regulatory Limitations**

Indonesia and Malaysia share a common commitment to fulfilling their roles as human rights duty-bearers in regulating halal certification policies. Both countries have the same primary objective of protecting consumers, especially Muslim consumers. However, they differ in their approaches to fulfilling these obligations. Indonesia tends to exhibit a limited-obligations approach with respect to state obligations under human rights law in fulfilling its role as a human rights duty-bearer. Meanwhile, Malaysia reflects a due diligence approach. An examination of the halal certification mechanism, the role of halal auditors, and the validity period of halal certification identifies the characteristics of the limited-obligations and due-diligence approaches. Furthermore, Indonesia and Malaysia exhibit differences in the nature of regulatory limitations when shaping the behavior and compliance of business owners within the halal certification system. Indonesia tends to apply legal-formal regulatory limitations. Conversely, Malaysia is more inclined to apply regulatory limitations that emphasize institutional governance. The nature of halal certification requirements, compliance approaches, the implementation of halal certification mechanisms, and the validity period of halal certificates reflect these limitations.

One indicator of the limited-obligations approach reflected in Indonesia's halal certification governance is the existence of a self-declaration mechanism. Indonesia's halal certification system currently consists of a regular scheme and a self-declaration scheme. This division reflects differences in the level of government verification of the halal status of products. The certification

model via formal application involves inspectors from the certification body conducting on-site inspections of ingredients, production processes, and distribution at the business owner's site. The results of these inspections form the basis for the issuance of halal certificates. However, the self-declaration mechanism means that businesses simply declare the halal status of their ingredients and production processes themselves. The inspection process is conducted solely by a P3H. Subsequently, the business operator receives a certificate as government recognition of the halal status. This governance model reflects differing characteristics of the state's role as a duty-bearer regarding human rights. The self-declaration mechanism indicates a weakening of the state's role in fulfilling its obligation to protect. The practice of self-declaration opens the potential for conflict with consumer protection principles. One controversial case involves the self-declared halal status of nabidz products such as grape juice where there are allegations that individuals or businesses intentionally declared the product halal despite it not actually being halal (Rahma & Phahlevy, 2024).

Another indicator of the limited-obligations nature of the system in Indonesia is the existence of halal auditors who are not entirely under the direct authority of the state. The halal certification system in Indonesia delegates the implementation of the halal audit process to LPHs. These agencies may be established by civil society organizations and private-sector entities after obtaining government accreditation. The state assigns part of the implementation responsibility to accredited institutions. This model reflects a division of roles between the state and non-state actors in halal certification governance. However, the state delegates the conduct of substantive inspections of halal products to non-state institutions. This delegation indicates that the state tends to limit its involvement in fulfilling its obligations to protect Muslim consumers, largely delegating this responsibility to non-state actors. One study confirms the existence of a gap between the state's normative obligation to ensure halal assurance and the actual implementation of these obligations, as regulatory inconsistencies, budget constraints, and weak halal certification governance demonstrate (Lahuri et al., 2025).

The final indicator demonstrating the nature of the limited-obligations approach in Indonesia is the regulation governing the validity period of halal certificates. Indonesia's halal certification system stipulates that a halal certificate remains valid indefinitely as long as there are no changes to the product's ingredients or production process. This regulation indicates that the state does not require periodic recertification for products that have already obtained a halal certificate. Consequently, the state's involvement in evaluating and re-examining ongoing compliance with halal standards is more limited. As a result, oversight of ongoing halal compliance becomes more reliant on the good faith of business operators after the government issues the halal certificate. The government's involvement tends to be limited to administrative and reactive functions when authorities discover violations or changes in product composition. This situation indicates that the bulk of the responsibility for monitoring the sustainability of halal compliance is delegated to business operators, while the government does not fully exercise active and regular substantive oversight. Current trends in halal studies remind us that halal certification not only serves to ensure administrative compliance with Sharia principles but is also increasingly linked to issues of sustainability, production ethics, and supply chain governance (Elegbede et al., 2025).

Unlike Indonesia, Malaysia tends to exhibit due diligence in fulfilling its role as a human rights duty-bearer. The halal certification mechanism, the role of halal auditors, and the validity period of halal certification reflect this due diligence. An indicator of Malaysia's due diligence in the halal certification system is the implementation of regular certification pathway as the sole mechanism for halal certification. Halal certification governance in Malaysia operates through a centralized system that does not allow for self-declaration mechanisms. This strict model of halal certification governance in Malaysia demonstrates the country's commitment to ensuring the integrity of halal standards as part of Muslim consumers' rights. This unified certification method ensures that the quality of the certification process can be effectively monitored. This system also

serves as a symbol in maintaining the integrity and legitimacy of halal as part of public trust. This aligns with the principles of good governance in the fulfillment of human rights. Good governance practices have a direct impact on the advancement and protection of human rights (Leisinger, 2004; Naskar et al., 2023; Sirghani et al., 2013). Malaysia's strict halal certification governance demonstrates the implementation of good governance within the halal certification system. These strict mechanisms ensure that the state is consistently present to oversee the production and distribution of products circulating in society, ensuring they meet safety standards and adhere to religious teachings. This comprehensive governance framework not only strengthens public trust in halal-certified products but also enhances the credibility of regulatory bodies in maintaining halal integrity. By implementing strict oversight mechanisms throughout the entire production and distribution process, this system promotes transparency, accountability, and consistency in compliance with safety standards and Islamic principles.

Another indicator of due diligence in Malaysia is that halal auditors are integrated into the country's halal authority structure. Malaysia's halal certification system centralizes responsibility for halal inspections within JAKIM. This agency serves as the primary national halal certification authority. The auditors conducting halal product inspections are officials within JAKIM's institutional structure, enabling the government to directly perform halal inspection and verification functions without delegating them to private entities. JAIN supports JAKIM at the local level by assisting in certification implementation and ensuring compliance with national halal standards. The MYeHALAL system integrates the entire process, thereby strengthening institutional coordination and centralized administrative oversight. This model illustrates the significant state involvement in supervising, inspecting, and controlling halal compliance.

The final indicator reflecting Malaysia's due diligence is the regulation governing the limited and periodic validity of halal certificates. Malaysia does not issue permanent halal certificates. Instead, it requires businesses to renew their certification upon expiry. According to the Manual Procedure for Malaysia Halal Certification, JAKIM sets the validity period of halal certificates at one year for slaughterhouses, two years for restaurants and food products, and three years for cosmetic products. This regulation demonstrates that the country maintains a mechanism for periodic re-evaluation of businesses' ongoing halal compliance. The periodic renewal system allows halal authorities to re-examine potential changes in ingredients, production processes, or operational standards of products that halal authorities have already certified as halal. This model shows the government's commitment to maintaining halal standards after issuing a certificate.

In terms of regulatory limitations within the halal certification system, Indonesia tends to take a legal-formal approach. Indicators of this legal-formal approach include the mandatory nature of halal certification, the approach to compliance, the implementation of halal certification mechanisms, and the validity period of halal certificates. The halal certification mandate in Indonesia exhibits a legal-formal character because the obligation for halal certification is established through legally binding regulatory instruments for business operators. Legal obligations are more likely to drive business operators' compliance with halal standards. One positive aspect of these limitations is that the state functions as both a facilitator and a key actor in ensuring halal assurance through legally binding instruments. This approach highlights that halal certification in Indonesia is mandatory to provide legal protection and certainty for Muslim consumers. (Hakim & Putri, 2022; Hasanuddin, 2024; Supriyadi et al., 2024).

The next indicator of Indonesia's regulatory limitations within the halal certification system is a compliance approach that tends to be coercive. This approach is evident in how the state establishes business compliance, which is primarily based on legal obligations and administrative pressure through mandatory halal certification regulations. Such a model encourages compliance primarily through formal legal requirements. The state relies on legal instruments and the threat of sanctions as the primary means of controlling business owners' behavior regarding halal standards. This situation indicates that the state has not yet fully established compliance through institutional

awareness or a strong halal compliance culture. Consequently, business compliance risks becoming merely administrative and formalistic, as it is more focused on fulfilling legal obligations rather than internalizing halal compliance values. The coercive approach in Indonesia's halal certification system also highlights the shortcomings of regulatory limitations, as the state prioritizes legal enforcement mechanisms over the development of sustainable compliance governance.

The shortcomings of this coercive regulatory approach are also evident in the implementation of halal certification mechanisms and the regulation of halal certificate validity periods in Indonesia. The implementation of a self-declaration mechanism gives businesses considerable leeway to declare the halal status of their products, thereby limiting the intensity of direct state oversight in the verification process. This situation risks making halal compliance more dependent on the good faith and awareness of business operators than on rigorous government oversight. One study concluded that the self-declaration program requires evaluation, particularly with respect to oversight mechanisms (Anggraini et al., 2023). This certification method has the potential to erode public trust (Sucipto et al., 2026). Furthermore, the indefinite validity of halal certificates weakens the mechanism for periodic evaluation of ongoing halal compliance. This model suggests that halal compliance tends to focus on administrative requirements during the initial certification phase, while oversight of ongoing compliance after the authority issues the certificate is relatively limited. This indicates that regulatory limitations in Indonesia's halal certification system raise concerns about the government's ability to maintain consistent and sustainable halal compliance. The absence of a validity period poses a problem for businesses that view certification merely as an administrative license (Anwar et al., 2018). This is certainly concerning, as studies have found that micro-business owners in some parts of Indonesia tend to seek halal certification not because they deeply understand the benefits of halal products, but because of regulatory requirements and concerns about potential penalties for non-compliance. Regulatory requirements and concerns about potential penalties more strongly motivate businesses to obtain halal certification (Sunardi et al., 2024).

Meanwhile, in the context of regulatory limitations, Malaysia demonstrates a model of institutional governance in shaping the behavior and compliance of business owners within the halal certification system. This characteristic is evident in the voluntary nature of halal certification, a compliance-oriented approach, the implementation of the regular certification pathway as the sole mechanism for halal certification, and the regulation of halal certificates through limited validity periods. Malaysia's halal certification framework has distinctive characteristics. Unlike Indonesia, Malaysia adopts a more flexible approach in its halal certification policies. The state continues to play a role in protecting Muslim consumers but provides businesses with the option to decide whether or not to apply for halal certification. This approach positions halal certification as a voluntary compliance instrument driven by institutional governance and a compliance-oriented framework, rather than solely through mandatory legal obligations.

Although halal certification in Malaysia is voluntary, regulatory limitations are still effective in ensuring business operators comply with halal standards. Malaysia's regulatory limitations demonstrate a compliance-oriented approach through the strengthening of institutional governance, the legitimacy of halal authorities, and the establishment of an integrated halal ecosystem. The Malaysian government plays a facilitative role by implementing comprehensive halal policies, establishing internationally recognized certification standards, and providing strong institutional support. This encourages industry participation without relying predominantly on legal coercion (Adham et al., 2022). In addition, a mature halal ecosystem further strengthens the institutional regulatory framework within Malaysia's halal system. This ecosystem includes halal industrial zones, economic incentives, and capacity-building programs for businesses. High market demand and growing consumer awareness regarding halal integrity,

safety, and quality also create market pressures that encourage businesses to obtain halal certification as part of their competitive advantage. Malaysia's comprehensive halal certification system has successfully boosted consumer confidence and strengthened the broad acceptance of the halal market, including among non-Muslims (Chang et al., 2024). Consequently, halal certification in Malaysia has evolved into a *de facto* market norm that shapes business compliance socially and institutionally, even though it is not required by law.

The implementation of the halal certification mechanism and the regulation of the validity period of halal certificates in Malaysia demonstrate function of regulatory limitations based on institutional governance in shaping business operators' compliance behavior. The use of the regular certification scheme as the sole halal certification mechanism creates uniform procedural standards, requiring all business operators to follow the certification governance established by the national halal authority. This condition fosters compliance through the integration of institutional procedures, rather than through self-declared administrative compliance. Furthermore, the regulation of a limited validity period for halal certificates encourages business operators to maintain compliance with halal standards on an ongoing basis. This periodic renewal mechanism creates regulatory pressure that encourages business operators to maintain the quality of production processes, ingredients, and halal management to ensure they remain in line with established standards. This model of regulatory limitation functions not only as a legal control tool but also as an instrument for fostering a culture of compliance within the halal industry ecosystem. This approach promotes the development of business compliance through an ongoing process of evaluation, adjustment, and institutional oversight.

Based on the comparative analysis above, this study finds that Indonesia and Malaysia both fulfill their obligations as duty bearers in protecting the rights of Muslim consumers through the halal certification system. However, the two countries exhibit different characteristics of state obligations in the implementation of halal governance. Indonesia tends to represent the fulfillment of limited-obligations approach. The state delegates part of the responsibility for halal oversight and verification to business entities and non-state institutions. The application of self-declaration mechanisms and the reliance on halal audits by non-state institutions demonstrate this characteristic. Such a model indicates that the state assumes a predominantly regulatory role rather than an active supervisory role. Conversely, Malaysia demonstrates a due diligence character through direct institutional involvement in the halal certification system. The centralization of halal authority within JAKIM, the use of the regular scheme as the sole one for halal certification, and the integration of all halal auditors into the state's institutional structure reflect this characteristic.

Meanwhile, Indonesia and Malaysia have also taken different approaches in designing regulatory limitations to foster business compliance within the halal system. Indonesia tends to implement legal-formal regulatory limitations through mandatory halal certification, a compliance approach based on legal compulsion, and an emphasis on administrative compliance as the primary means of ensuring compliance. This model tends to encourage business compliance primarily through legal pressure and formal obligations. However, this approach has weaknesses because halal compliance may become overly administrative and formalistic without strong ongoing oversight. On the other hand, Malaysia demonstrates institutional-governance-based regulatory limitations that emphasize the strengthening of institutional governance, continuous oversight, and the systematic development of a halal compliance culture. Although halal certification in Malaysia is not entirely mandatory, regular halal certification and periodic renewal of halal certificates have fostered a culture of continuous compliance among businesses.

#### **4. Creating a Proportional and Responsive Halal Governance Model**

This study proposes a proportional and responsive halal governance model based on the results of a comparative analysis of halal certification systems in Indonesia and Malaysia. This

model selectively incorporates the strengths of both countries. Indonesia demonstrates a strong commitment to consumer protection by implementing mandatory halal certification policies, and Malaysia exhibits effective governance by providing continuous oversight. Therefore, the proposed halal governance model combines the strengths of these approaches to create a more responsive and proportional halal certification system.

The first component of this model is to maintain a mandatory halal certification policy, as implemented in Indonesia. This policy serves to ensure that Muslim consumers' rights to information and guarantees regarding the halal status of products on the market are protected. In contrast to a voluntary system that relies on business owner initiative, mandatory certification places the burden on business owners to prove their products' halal claims through a legally accountable verification mechanism. The mandatory halal certification serves as a corrective mechanism for the asymmetrical information needs between business owners and consumers. In a situation where consumers lack the ability to independently verify a product's halal status, the state should provide a reliable verification system. Therefore, mandatory halal certification represents the state's fulfillment of its responsibility to ensure public access to accurate halal information while enabling the effective exercise of religious freedom. Sofiana (2021) asserts that halal certification not only serves as a legal guarantee that a product complies with religious requirements, but also as an instrument for ensuring legal certainty and consumer protection (Sofiana et al., 2021).

The second component is a single certification track. In the proposed model, all business owners, regardless of the scale of their operations, are required to follow a single regular certification track, resulting in the elimination of the self-declaration scheme. This approach aims to establish standardized certification procedures while ensuring that every halal certificate is issued based on the results of an independent halal audit and halal determination through a fatwa council. This proposal aligns with the view of Iswanto (2023), who states that an increase in the number of institutions involved in the halal certification process has the potential to weaken institutional coherence and lead to public distrust (Iswanto, 2023).

Despite this, the proposed model does not impose the same financial obligations on all businesses. Instead, certification costs are differentiated based on business scale and economic capacity, so that micro and small businesses can gain access to halal certification at a lower cost, without compromising the same certification standards applied to medium and large businesses. Through the implementation of a single certification track combined with proportional cost differentiation, this model aims to strengthen consumer protection without reducing small businesses' access to halal certification. Figure 1 illustrates the proposed single-track halal certification mechanism, in which all businesses follow the same regular certification track, while certification fees are differentiated based on business scale without altering the audit mechanism, fatwa issuance, or halal certificate issuance procedures.

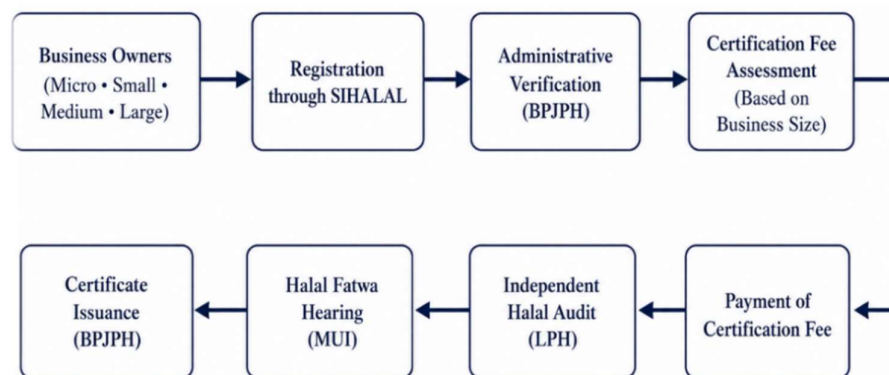


**Figure 1. The Proposed Single-Track Halal Certification Mechanism**

The third component involves strengthening institutional coordination within a distributed governance framework. This model maintains a distributed halal certification governance structure because halal certification administration involves multiple institutions with distinct legal mandates, technical competencies, and religious authorities. The involvement of various institutions allows for a more effective division of tasks and expands the capacity of certification services. Rachman and Sangare (2023) state that the implementation of halal certification requires cross-sectoral collaboration between state institutions and the non-state sector because the certification process involves various stakeholders with complementary functions (Rachman & Sangare, 2023). Such collaboration also strengthens institutional legitimacy through the building of trust, the sharing of responsibilities, and coordinated decision-making among the institutions involved (Mansur et al., 2025). In the proposed model, BPJPH serves as the primary coordinator responsible for registration, administrative verification, certification management, and the issuance of halal certificates. Halal Inspection Agencies (LPH) conduct independent technical audits to verify the compliance of products, production processes, and halal product assurance systems. On the other hand, the Indonesian Ulema Council (MUI) continues to hold exclusive authority to determine the halal status of products through fatwa hearing based on audit reports submitted by the LPH. This clear division of institutional authority ensures that administrative, technical, and religious functions remain separate according to their respective authorities, while still being coordinated within a single halal certification mechanism. To further strengthen interagency coordination, the proposed model also assigns post-certification oversight to the BPJPH with support from the LPH. The BPJPH coordinates regulatory oversight and compliance enforcement functions, while the LPH conducts periodic technical inspections and follow-up audits when changes are identified in raw materials, production processes, or the halal product assurance system. This complementary division of authority creates a harmonious oversight mechanism, minimizes functional overlap, and strengthens accountability throughout the entire halal certification process.

The fourth component is a halal audit conducted by an independent institution. To maintain the objectivity and credibility of the halal certification process, the audit must be carried out by an institution with professional competence and accountable governance. The proposed model assigns the Halal Inspection Agency (LPH) as the institution responsible for conducting independent scientific and technical assessments, while maintaining institutional coordination with the BPJPH and the MUI throughout the entire certification process. The LPH's authority is limited to conducting halal inspections, which include examining raw materials, production processes, and halal product assurance systems, as well as preparing technical audit reports that serve as the basis for determining a product's halal status. As explained by Wicaksono et al. (2023), halal audits are conducted by qualified auditors with the support of laboratory analysts and multidisciplinary expertise, ensuring that the audit process is based on professional technical assessments (Wicaksono et al., 2023). This institutional framework does not grant the LPH the authority to determine a product's halal status. Instead, reports on the results of technical audits are submitted to the Indonesian Ulema Council (MUI), which independently exercises its religious authority through halal fatwa hearings. After the MUI determines a product's halal status, the BPJPH carries out its regulatory functions by issuing halal certificates and coordinating administrative supervision. This separation of scientific assessment, religious determination, and administrative authority creates a mechanism of inter-institutional checks and balances that minimizes potential conflicts of interest while preserving the independence of each institution in accordance with its mandate. Furthermore, auditor independence enhances the quality of supervision and strengthens the legitimacy of halal certification results. This independence is a crucial foundation for ensuring that the halal audit process is conducted objectively, impartially, and with a focus on compliance with established halal standards. Therefore, auditor independence

not only improves the quality of halal audits but also strengthens the accountability and credibility of the entire halal certification system.

The fifth component is a limited validity period for halal certificates. This model proposes that businesses must periodically renew their halal certificates. The limitation on validity is not intended to increase administrative burden, but rather to serve as a tool for periodically monitoring businesses' consistent implementation of halal standards. Through the renewal process, the supervisory agency can reevaluate changes in raw materials, production processes, and halal assurance systems. Businesses must maintain a product's halal status throughout the production and distribution cycle, not only at the time of initial certification. Implementing a limited validity period for halal certificates should not create an excessive financial or administrative burden for business owners. Therefore, renewing a halal certificate does not require repeating the entire initial certification process. Rather, renewal may proceed through a limited evaluation and verification process, provided there are no significant changes to the raw materials, production processes, or halal assurance system. The absence of an expiration date for halal certificates in Indonesia has been criticized for creating legal uncertainty and undermining the effectiveness of post-certification supervision, particularly in ensuring businesses' ongoing compliance with halal requirements (Lutfi, 2025; Yuanitasari et al., 2024). Therefore, this study proposes adopting a differentiated validity period for halal certificates, as implemented in Malaysia, while maintaining the existing certification categories: two years for the manufacturing sector, food and beverage establishments, and medical devices; and one year for slaughterhouses and logistics services. This differentiation in validity periods is expected to maintain regulatory efficiency while ensuring periodic supervision and preserving consumer confidence in the integrity of the halal certification system. To implement a limited validity period for halal certificates, the Indonesian government needs to amend the Job Creation Law, as the current legal framework still regulates that halal certificates have an unlimited validity period.

The five components of the halal certification governance model are based on the principle of proportionality and form a model of state responsibility. Under this model, the state maintains an appropriate role by not concentrating all halal certification authority within a single institution nor relying entirely on business owners' initiative. Instead, the state maintains its role in halal certification governance by implementing mandatory certification, establishing a standardized certification process, and setting a limited validity period for certificates. These strategies ensure consumer protection and continuous oversight. At the same time, certain certification functions are delegated to institutions with relevant competence and legitimacy. Ulama councils retain authority over the religious aspects of product halal status, and independent halal inspection agencies conduct halal inspections and audits to maintain objectivity and professionalism in the certification process. Therefore, this model balances the state's roles as regulator and supervisor with the roles of institutions with substantive competence in religious and technical aspects.

Furthermore, the five components of halal certification governance form a responsive regulatory limitation model. This model functions as a regulatory limitation. It limits business owners' freedom to market their products. The state implements these limitations through mandatory halal certification, requiring business owners to fulfill certification standards and procedures before marketing their products as halal. These limitations do not aim to limit economic activity. Rather, they require business owners to substantiate the halal claims of their products through a legally accountable verification process. In this context, regulatory limitations serve as an instrument to ensure the accountability of business owners while protecting consumers' rights to information and assurance regarding the halal status of products. Each component of this model reflects the responsive nature of these limitations. The obligation to obtain halal certification and the use of a single certification track establish strict, uniform compliance standards for all businesses. These two instruments demonstrate the state's role in setting the minimum requirements to ensure the credibility of the halal system. The government implements a periodic

renewal system for halal certificates to ensure businesses maintain compliance through ongoing evaluation and oversight, rather than ceasing their efforts after obtaining certification. Therefore, businesses achieve not only one-time compliance, but also develop responsive and sustainable compliance.

At the same time, this responsive approach is also supported by the institutional design. The distribution of authority among various agencies and the conduct of audits by independent institutions indicate that the regulatory approach is not fully centralized or authoritarian. The government establishes the regulatory framework and halal compliance standards for businesses. The assessment of the religious and technical aspects of product halalness is under the jurisdiction of institutions with the necessary competence and expertise in these fields. In this model, limitations come not only from state authorities, but also from the professional assessments and substantive authority exercised by authorized non-state institutions. Business owners adhere to halal commitments not only because of legal obligations issued by the government, but also due to the technical and religious authority that establishes the certification process.

#### **D. Conclusion**

There are differences in halal certification governance between Indonesia and Malaysia. One of these differences lies in the character of their halal certification regulations. In Indonesia, halal certification is legally mandatory, yet the certification process does not entirely rely on rigorous inspections, as it still allows for self-declaration. This indicates an inconsistency between the mandatory nature of the regulations and their implementation mechanisms, which are partly based on self-declaration and administrative procedures. Consequently, the state mandates halal compliance normatively, yet simultaneously delegates the verification process to business operators and accredited institutions. In contrast, Malaysia demonstrates stronger consistency between the nature of halal certification and its implementation mechanisms. Although halal certification in Malaysia tends to be voluntary, the state still conducts the entire certification process through a regular certification scheme administered within the country's centralized halal certification system. This indicates that the establishment of halal compliance in Malaysia is achieved through a stricter certification mechanism.

Indonesia and Malaysia have different halal certification mechanisms. These differences are evident in the distribution of authority, oversight, and the enforcement of halal compliance. In Indonesia, several institutional actors are involved in the governance of halal certification, including the BPJPH as the regulator, the LPH as the halal inspection body, and the MUI in issuing halal fatwas. This structure reflects a distributive institutional model, as the execution of halal certification functions is not entirely centralized under a single state authority. The involvement of halal inspection bodies from civil society and the private sector indicates a partial delegation of halal oversight and verification functions to non-state actors. This situation reflects an administratively fragmented institutional governance framework in the implementation of halal certification. In contrast, Malaysia exhibits a more integrated and centralized institutional governance structure through the dominant role of JAKIM as the national halal authority. JAKIM functions not only as a regulator but also exercises institutional control over the halal certification, supervision, and standardization processes. JAIN supports JAKIM at the local level by helping implement halal certification and ensuring compliance with national halal standards.

The governance of halal certification in Indonesia is facing increasingly complex challenges due to the implementation of a self-declaration scheme in the certification process. This mechanism gives businesses more freedom to declare the halal status of their products without undergoing the full inspection process of a regular certification scheme. Consequently, the halal certification system does not operate fully through a centralized, multi-level verification mechanism. On the one hand, the state maintains the mandatory nature of halal certification as an instrument for protecting Muslim consumers and as a form of the state's fulfillment of its

obligation to guarantee the right to information and certainty regarding the halal status of products. However, on the other hand, the implementation of the self-declaration mechanism actually reflects a relaxation in the halal compliance control system by granting businesses greater discretion in declaring halal compliance. This creates a paradox in Indonesia's halal certification system because the state's commitment to protecting consumers is not supported by rigorous oversight.

Indonesia and Malaysia have different approaches to state obligations for implementing halal certification systems that protect the rights of Muslim consumers. These differences are evident in the halal certification mechanisms, the entities conducting halal audits, and the validity period of halal certificates. In Indonesia, the self-declaration mechanism indicates that the state grants business operators considerable discretion in the halal certification process. This reflects an approach of limited obligations, as the state delegates part of the halal compliance verification process to business operators. Furthermore, the state shares responsibility for halal audits with accredited halal inspection bodies from civil society and the private sector. The indefinite validity of halal certificates demonstrates the limited extent of the state's periodic oversight of ongoing compliance with halal standards. In contrast, Malaysia exhibits a stronger commitment to due diligence in fulfilling its obligations under the halal certification system. This commitment is evident through the use of a regular certification scheme as the sole mechanism for halal certification, which ensures the entire certification process remains under state oversight. Additionally, Malaysian halal auditors are integrated into the national halal authority's structure, and the periodic renewal of halal certificates supports halal certification implementation by providing a mechanism to evaluate business operators' ongoing compliance. These differences demonstrate how variations in state obligations between Indonesia and Malaysia lead to different levels of state involvement in controlling, supervising, and maintaining ongoing compliance within the halal certification system.

Both countries also exhibit distinct regulatory limitations in ensuring business compliance with the halal certification system. These differences are evident in the nature of halal certification requirements, compliance approaches, the implementation of halal certification mechanisms, and the validity period of halal certificates. Indonesia tends to apply legal-formal regulatory limitations by mandating halal certification through statutory instruments. In this context, the state largely shapes business compliance through a coercive approach that emphasizes legal obligations and administrative pressure on businesses. However, this legal-formal regulatory framework also has weaknesses in the halal certification mechanism and the validity period of halal certificates. Indonesia's implementation of a self-declaration mechanism indicates that its halal certification system is not entirely structured around a centralized, regular inspection process. Furthermore, since halal certificates are valid indefinitely, the authorities do not periodically reevaluate ongoing halal compliance. This reveals that regulatory limitations in Indonesia's halal certification system emphasize formal administrative compliance at the initial certification stage more than periodic oversight of ongoing halal compliance. In contrast, Malaysia exhibits institutional-governance-based regulatory limitations within its halal certification system. Although halal certification in Malaysia is voluntary, the system fosters business compliance through an approach that emphasizes institutional legitimacy and a culture of halal compliance. Using the regular certification pathway as the sole mechanism for halal certification and requiring businesses to periodically renew their certificates reinforces this characteristic. Voluntary halal certification may better promote authentic compliance by encouraging businesses to seek certification out of genuine commitment rather than regulatory compulsion. Consequently, it reduces the likelihood of symbolic certification, in which enterprises rely on certification labels while failing to maintain substantive compliance with halal standards.

This study proposes a proportional and responsive halal governance model based on five key components: (1) maintaining halal certification as a legal requirement for products placed on the

market, ensuring legal certainty and protecting Muslim consumers, (2) implementing a single certification track to reduce overlapping institutional mandates and enhance accountability in the certification process, (3) strengthening coordination among agencies within a distributed governance framework to enable regulatory, certification, and oversight functions to operate synergistically, (4) assigning halal audits to an independent institution to ensure objectivity, professionalism, and credibility in the inspection process, and (5) establishing limited validity periods for halal certificates to enable periodic evaluation of business owners' continuous compliance with halal standards.

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