



## Halal Certification Cooperation Between Indonesia and Malaysia: A Legal Analysis of the Principle of Reciprocity

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### Abstract

This study was conducted to underscore the need for harmonization of halal certification systems between countries, particularly the challenges in achieving mutual recognition of halal certificates between Indonesia and Malaysia, based on the principle of reciprocity. The research aims to examine and analyze the legal aspects and normative barriers involved in implementing halal product assurance cooperation agreements between the two nations. A qualitative research method was employed, specifically doctrinal legal research, focusing on statutory regulations. The data analyzed were derived from secondary sources, including legal documents related to the international legal framework governing halal product assurance based on reciprocity, such as the Memorandum of Understanding (MoU), Government Regulation No. 39 of 2021, and JAKIM regulations. The findings reveal that a halal product assurance cooperation agreement has been established between Indonesia and Malaysia. Initially, halal certification for foreign products entering Indonesia was conducted through a business-to-business (B2B) mechanism. However, following the formal cooperation between the two countries, Indonesia's Halal Product Assurance Agency (BPJPH) and Malaysia's Department of Islamic Development (JAKIM) signed a Memorandum of Cooperation (MOC) to facilitate mutual recognition of halal certificates. Notably, Article 123(1) of Government Regulation No. 39 of 2021 explicitly affirms that halal certification can be recognized through mutual agreements between countries, provided such recognition is reciprocal. This study contributes to the development of international legal theory, particularly in reinforcing national halal certification policies and advancing Islamic economic law through cross-border collaboration.

**Keywords:** Halal Certification, Halal Governance, Malaysia JAKIM Regulation, Reciprocal Legal Recognition

### Abstrak

Penelitian ini dilakukan untuk menekankan perlunya harmonisasi sistem sertifikasi halal antar negara, khususnya tantangan dalam mencapai pengakuan bersama atas sertifikat halal antara Indonesia dan Malaysia, berdasarkan prinsip timbal balik. Penelitian ini bertujuan untuk mengkaji dan menganalisis aspek hukum dan hambatan normatif yang terlibat dalam penerapan perjanjian kerja sama jaminan produk halal antara kedua negara. Metode



penelitian yang digunakan adalah penelitian hukum kualitatif, khususnya penelitian doktrinal, yang berfokus pada peraturan perundang-undangan. Data yang dianalisis berasal dari sumber sekunder, termasuk dokumen hukum yang terkait dengan kerangka hukum internasional yang mengatur jaminan produk halal berdasarkan prinsip timbal balik, seperti Nota Kesepahaman (MoU), Peraturan Pemerintah No. 39 Tahun 2021, dan peraturan JAKIM. Temuan penelitian menunjukkan bahwa telah terjalin perjanjian kerja sama jaminan produk halal antara Indonesia dan Malaysia. Awalnya, sertifikasi halal untuk produk asing yang masuk ke Indonesia dilakukan melalui mekanisme business-to-business (B2B). Namun, setelah adanya kerja sama formal antara kedua negara, Badan Penyelenggara Jaminan Produk Halal (BPJPH) Indonesia dan Departemen Pembangunan Islam Malaysia (JAKIM) menandatangani Nota Kesepahaman (MoC) untuk memfasilitasi pengakuan bersama atas sertifikat halal. Secara khusus, Pasal 123 (1) Peraturan Pemerintah No. 39 Tahun 2021 secara eksplisit menegaskan bahwa sertifikasi halal dapat diakui melalui perjanjian timbal balik antara negara, dengan syarat pengakuan tersebut bersifat timbal balik. Penelitian ini memberikan kontribusi pada pengembangan teori hukum internasional, khususnya dalam memperkuat kebijakan sertifikasi halal nasional dan memajukan hukum ekonomi Islam melalui kolaborasi lintas batas.

**Kata Kunci:** Sertifikasi Halal, Tata Kelola Halal, Peraturan JAKIM Malaysia, Pengakuan Hukum Timbal Balik

## Introduction

Every individual has their own interests. Some of these interests are interconnected, while others may conflict with each other. The harmonization and complexity of these interests are influenced by human needs and desires. Regional differences can also affect how people meet their needs. Food and drink are basic human necessities for sustaining life. However, for a group of people who follow the halal dietary guidelines, fulfilling food requirements is an obligation. Therefore, it can be said that human and socio-cultural factors can serve as capital for the growth of the halal industry.<sup>1</sup> One of the requirements for the existence of a state according to the Montevideo Convention is that there is a permanent population. As a country with a majority Muslim population, Indonesia has become a Halal Capital in various sectors.<sup>2</sup> This is influenced by the increasing number of consumers who prioritize the halal factor of a product. At first, the food industry always ignored Muslim consumers, but now the demand for halal products continues to increase globally.<sup>3</sup> Because consuming halal and *thayyib* products is an obligation of Muslims who have been ordered by the Quran and As-Sunnah.<sup>4</sup> Indonesia's demographic situation requires the state to provide

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<sup>1</sup> Muhammad Adi Riswan Al Mubarak dkk., "Implementasi Peraturan Pemerintah Nomor 39 Tahun 2021 tentang Penyelenggaraan Bidang Jaminan Produk Halal," *Al-Adl : Jurnal Hukum* 15, no. 1 (31 Januari 2023): 214, <https://doi.org/10.31602/al-adl.v15i1.7072>.

<sup>2</sup> Kemendagri, "Sebanyak 86,88% Penduduk Indonesia Beragama Islam," *Bisnis Indonesia Resources Center*, 2021.

<sup>3</sup> M. van der Spiegel dkk., "Halal assurance in food supply chains: Verification of halal certificates using audits and laboratory analysis," *Trends in Food Science and Technology*, 2012, <https://doi.org/10.1016/j.tifs.2012.04.005>.

<sup>4</sup> Nidya Waras Sayekti, "Nidya Waras Sayekti, Jaminan Produk Halal dalam Perspektif Kelembagaan (Warranty of Halal Product of Institutional Perspective)," *JEKP: Jurnal Ekonomi Kebijakan Publik*, 2014.

legal protection for Muslim consumers and must be selective about the halalness of a product.

Indonesia's election as the Chair of ASEAN in 2023 has the determination to direct cooperation among ASEAN countries to respond to regional and global challenges.<sup>5</sup> One of the challenges in the region is related to the implementation of Halal standardization by ASEAN. This is something that is not easy to achieve because there are still many differences of opinion between countries regarding agreements on several matters related to halal food standardization. In ASEAN itself, halal guidelines have been made, namely the 1999 version of the Halal Guidelines and the 2019 version of the Halal Guidelines.<sup>6</sup> The first guideline, published in 1999, is officially known as the 1999 General Guidelines on the Preparation and Handling of Halal Food.<sup>7</sup> The existence of the 1999 General Guidelines is the result of the work of the ad hoc working group or ASEAN Working Group on Halal Food (AWGHF) which was deliberately formed to encourage the harmonization of halal food requirements at the regional level after the establishment of the Codex Alimentarius as a halal food regulation at the global level.

After the 1999 Halal Guidelines have been adopted by member countries, then the ad hoc working group for halal food is still maintained.<sup>8</sup> It even created a new working group to start negotiating the creation of a second version of the 1999 Halal guidelines. In addition, the working group made AWGHF a forum for exchanging information in promoting and creating halal food regulations. Before this intention is realized, it must go through several stages to support halal standardization actions in the region. Starting from the adoption of the ASEAN 2025 Blueprint to increase further cooperation in the production and promotion of halal food.<sup>9</sup> The AWGHF was formed in 2000 as a result of negotiations at the annual meeting of the Ministers of Agriculture and Forestry (AMAF). The meeting was attended by special senior officials of the Minister of Agriculture and Forestry or the 'Special Senior Officials Meeting of the ASEAN Ministers of Agriculture and Forestry' (SOM-AMAF) which divided its activities into two categories, namely to form and monitor AWGHF activities. Furthermore, this body is also the one who gave its approval for the implementation of the 2019 Halal Guidelines made by AWGHF as the latest version of the 1999 Halal Guidelines. However, halal guidelines, both the 1999 version and the 2019 version, are only soft law.<sup>10</sup>

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<sup>5</sup> Hoang Thi Ha dan Daljit Singh, "Southeast Asian Affairs 2023," 2023.

<sup>6</sup> Baharudin Othman dan Nurul Hudani Md Nawawi, "Halal Standards Practices in the food industry: the impact of halal assurance and operations," *Journal of Islamic Marketing*, 2025, <https://www.emerald.com/insight/content/doi/10.1108/jima-02-2023-0051/full/html>.

<sup>7</sup> Osman Ahmed Osman, "Standards and Their Application to the Production, Manufacture, and Storage of Halal Food," dalam *Halal and Kosher Food*, ed. oleh Osman Ahmed Osman dan Abdel Moneim Elhadi Sulieman (Cham: Springer International Publishing, 2023), 145–55, [https://doi.org/10.1007/978-3-031-41459-6\\_12](https://doi.org/10.1007/978-3-031-41459-6_12).

<sup>8</sup> Eva Johan dan Maria Jose Plana-Casado, "Harmonizing Halal in ASEAN: Analysis of Halal Food Guidelines under the ASEAN Way Approach," *JAS (Journal of ASEAN Studies)*, 2023, <https://doi.org/10.21512/jas.v11i1.9682>.

<sup>9</sup> Awani Irewati dan Hayati Nufus, "Indonesia's Efforts in Developing Halal Tourism through the Indonesia-Malaysia-Thailand Growth Triangle (IMT-GT)," *SUVANNABHUMI* 16, no. 1 (2024): 229–69, <https://koreascience.kr/article/JAKO202416246280354.page>.

<sup>10</sup> karimatul Khasanah Dkk., "What Are the Requirements for Obtaining A Halal Certificate? An Analysis of Legal Certainty of Product Brand Criteria Rules," dalam *Proceeding of International*

Because of its form, the guidelines are not legal instruments that provide legal rights and obligations for business actors, public authorities, or third parties.

Various forums organized by ASEAN bodies are only a forum for countries to discuss issues faced by ASEAN and its members, while the intention to implement the provisions produced in the forum lies in the decisions of each member country. This is because the principles of decision-making in ASEAN are based on consultation and consensus.<sup>11</sup> So the position of ASEAN is not a supranational body that can impose its will on member countries. However, soft law can be used as a law that has coercive and binding power if the provision is adopted by the state in its national law. Then member countries must cooperate so that the policy can be the basis for the two countries in implementing the agreement, especially halal food trade. The 2019 Halal Guidelines encourage the formation of a Mutual Recognition Agreement in halal certification that will be carried out by member countries in ASEAN.<sup>12</sup> This provision is the basis for countries in ASEAN to implement halal certification on food and beverage products that will be traded both in their territory and exported to other countries. BPJPH as an institution that has the authority in halal certification in Indonesia, has collaborated with JAKIM as the institution responsible for halal certification in Malaysia to regulate food and beverage products from both countries to circulate in its territory.<sup>13</sup> The initiation of halal certification cooperation has previously been carried out by the two countries, but the MoC signing process will only be carried out in 2023.<sup>14</sup>

The form of Mutual Recognition Agreement (MRA) established between the two countries is the Memorandum of Cooperation (MoC) between the Government of the Republic of Indonesia and the Government of Malaysia regarding mutual recognition of halal certificates for domestic products.<sup>15</sup> Based on the MoC that has been carried out by Indonesia and Malaysia, the author wants to know how the two countries are regulated in implementing and complying with the 2019 Halal Guidelines as halal food standardization that has been agreed upon by ASEAN members. Of course, the implementation in the future must pay attention to the situation and conditions of both parties, therefore the author will also analyze the MoC that is established using the principle of reciprocity.

Research on halal food has been carried out a lot, even from these various studies, specifically on the categorization of Halal Guidelines in ASEAN. In this paper, the author continues the issue conveyed by Al Mubarak, et al., who at the end of his journal review

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*Annual Conference on Islamic Economy and Law*, vol. 3, 2024, 49-67, <https://conference.trunojoyo.ac.id/pub/aciell/article/view/548>.

<sup>11</sup> ASEAN, "The ASEAN Charter," *ASEAN Secretariat* (Jakarta, 2008).

<sup>12</sup> Irwan Auji dkk., "The Role of Certification Standards in Shaping Halal Supply Chain Practices: A Qualitative Literature Review," *Journal of Islamic Law and Legal Studies* 1, no. 2 (2024): 78-91, <https://mabadiiqtishada.org/index.php/ShariaLex/article/view/50>.

<sup>13</sup> Supriyadi Supriyadi dkk., "Legal Effectiveness of Halal Product Certification in Improving Business Economics in Indonesia and Malaysia," *Al-Ahkam* 34, no. 1 (2024): 193-220, <https://journal.walisongo.ac.id/index.php/ahkam/article/view/20546>.

<sup>14</sup> Kementerian Agama RI, "JAKIM Malaysia dan BPJPH Bangun Kesepahaman tentang Sertifikasi Halal," 2018, <https://kemenag.go.id/nasional/jakim-malaysia-dan-bpjph-bangun-kesepahaman-tentang-sertifikasi-halal-nf8iwv>.

<sup>15</sup> Kementerian Agama RI, "Indonesia-Malaysia Jalin Kerja Sama Pengakuan Sertifikat Halal," 2023, <https://kemenag.go.id/internasional/indonesia-malaysia-jalin-kerja-sama-pengakuan-sertifikat-halal-A67W3>.

stated that along with the emergence of Law No. 33 of 2014 and Job Creation Law No. 11 of 2020, as well as Government Regulation No. 39 of 2021, the halalness of imported products entering Indonesia was initially carried out by business to business cooperation (B to B) and then changed to international cooperation based on mutual recognition and Acceptance of Halal Certificate.<sup>16</sup> In addition, the author makes the journal written by Akbar et. al. the main material in the discussion of this research, especially in the categorization section of the 2019 Halal Guidelines that received agreement and those that did not get agreement from ASEAN member countries.<sup>17</sup> However, the author more specifically discusses the application of the categorization to two countries, namely Indonesia and Malaysia.

Although the author draws information from research that has been carried out previously, of course there are differences that the author conveys in this article. The journal discusses the harmonization of halal regulations at the ASEAN level which states that standardization in the form of the 2019 Halal Guidelines produced by AMAF is only a soft law whose enforceability is not binding on ASEAN members.<sup>18</sup> So it needs to be adapted to the national laws of member states. The adaptation of the 2019 Halal Guidelines by Indonesia has been included in the Halal Product Assurance Law (JPH Law) and its Implementation Regulations (PP No. 31 of 2019), then adjustments are made to the 2019 Halal Guidelines through PP No. 39 of 2021 concerning the Implementation of the Halal Product Assurance Sector.<sup>19</sup> Similarly, Malaysia has issued regulations on halal food with the Malaysian Standard MS 1500:2009 about Halal Food- Production, Preparation, Handling and Storage- General Guidelines (Second Revision).<sup>20</sup> The efforts of the two countries in regulating the 2019 Halal Guidelines into national law are not only due to the need to provide legal protection to Muslim consumers but also so that the integration of the halal economy in the region is increasing so that it can encourage the harmonization of halal standards at the global level. There are at least four types of obstacles that have been identified related to halal food in ASEAN, namely regulations related to halal stunning and slaughter, halal certification, the use of halal labels and mutual recognition mechanisms.<sup>21</sup> Obstacles in international trade can be reduced by cooperation. Based on this description, the author more specifically describes the Memorandum of Cooperation on halal certification between Indonesia and Malaysia which the author studies using the principle of reciprocity.

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<sup>16</sup> Al Mubarak dkk., "Implementasi Peraturan Pemerintah Nomor 39 Tahun 2021 tentang Penyelenggaraan Bidang Jaminan Produk Halal."

<sup>17</sup> Junaid Akbar dkk., "Global Trends in Halal Food Standards: A Review," *Foods* 12, no. 23 (2023): 4200, <https://www.mdpi.com/2304-8158/12/23/4200>.

<sup>18</sup> Mirza Sadaqat Huda, "2024/75 'Towards a Dispute Resolution Mechanism for the ASEAN Power Grid: Best Practices from Europe and Africa' by Mirza Sadaqat Huda," 2024, <https://www.iseas.edu.sg/category/media/page/697/articles-commentaries/iseas-perspective/page/4/>.

<sup>19</sup> Ningrum Natasya Sirait dkk., "Optimization of Halal Product Guarantees in Indonesia: A Paradigm of Legal Certainty," dalam *4th International Conference on Social Sciences and Law (ICSSL 2024)* (Atlantis Press, 2024), 1036–46, <https://www.atlantispress.com/proceedings/icssl-24/126006009>.

<sup>20</sup> Departement of Standards Malaysia, "Halal Food- Production, Preparation, Handling and Storage- General Guidelines (Second Revision).," 2009, <https://law.resource.org/pub/my/ibr/ms.1500.2009.pdf>.

<sup>21</sup> Johan dan Plana-Casado, "Harmonizing Halal in ASEAN: Analysis of Halal Food Guidelines under the ASEAN Way Approach."

The novelty in this study lies in the juridical analysis of the halal product assurance cooperation agreement between Indonesia and Malaysia based on the principle of reciprocity, an approach that has not been studied in depth in previous studies. This research specifically links the provisions in Article 123 paragraph (1) of Government Regulation Number 39 of 2021 with the practice of international cooperation in the field of halal certification, thus providing a new perspective on the legitimacy and strengthening of bilateral cooperation within the framework of national law. In addition, this research also shows the integration between Islamic economic law and international law, where sharia principles in ensuring the halal quality of products are accommodated through the mechanism of agreements between countries.

The type of research chosen in describing this research is normative legal research methods.<sup>22</sup> Furthermore, the data sources managed came from secondary data, namely the author conducted a literature search of various legal materials in the form of halal food regulations at the international, regional, and national levels (Indonesia and Malaysia). The author places the ASEAN General Guidelines on the Preparation and Handling of Halal Food in 2019 as a basic rule for reviewing halal product assurance regulations in the national laws of the two countries, namely Indonesia and Malaysia. Because in essence, the 2019 Halal Guidelines are an effort by ASEAN member countries to bring domestic halal standardization closer to their respective countries.<sup>23</sup> In addition, the main sources used include laws and regulations related to halal product assurance such as Law Number 33 of 2014 concerning Halal Product Assurance in Indonesia, as well as the Malaysian Halal Act, fatwas, implementation guidelines, and official policy documents from halal authority institutions in each country, such as BPJPH in Indonesia and JAKIM in Malaysia. The data analysis technique used is an analysis technique by describing the content, structure, and relationship between the legal rules being studied, in order to gain a deep understanding of the substance of the law and the suitability or difference between halal policies in the two countries. This analysis is also carried out systematically to identify the relevance and contribution of national regulations to the harmonization of halal standards in the ASEAN region.

### **The Concept of International Agreements**

Through international agreements, each country outlines the basis of their cooperation in regulating various matters related to the survival of the country itself. If we pay attention to the current phenomenon, it can be ascertained that there is not a single country that does not have agreements with other countries and there is not a single country that is not governed by treaties in its international life.<sup>24</sup> The cooperation between Indonesia and Malaysia is a form of implementation of bilateral agreements. Bilateral agreements are a form of cooperation carried out by two sovereign governments in order to find a solution to

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<sup>22</sup> Nurul Qamar dan Farah Syah Rezah, *Metode Penelitian Hukum: Doktrinal dan Non-Doktrinal*, CV. Social Politic Genius (SIGn), 1 ed. (Makassar: CV. Social Politic Genius (SIGn), 2020).20

<sup>23</sup> Zainuddin Ali, *Metode penelitian hukum*, 1 ed. (Jakarta: Sinar Grafika, 2021).15

<sup>24</sup> Boer Mauna, *Hukum Internasional Pengertian Peranan dan Fungsi dalam Era Dinamika Global*, 2 ed. (Bandung: PT Alumni, 2011).33

a sitting case involving the two countries through negotiations and agreements.<sup>25</sup> Both Indonesia and Malaysia are ASEAN member countries and even founding countries of ASEAN.<sup>26</sup> The cooperation was outlined in the form of a Memorandum of Cooperation (MoC) signed by the President of Indonesia and the Prime Minister of Malaysia in Putrajaya, Malaysia.<sup>27</sup>

In practice, the making of agreements that have been circulated globally has various forms of international treaty terminology, namely Treaties, Conventions, Agreements, Charters, Protocols, Declarations, Final Act, Agreed Minutes and Summary Records, Memorandum of Understanding, Arrangement, Exchanges of Notes, Process-Verbal, and Modus Vivendi. The use of certain terms in the title of an agreement indicates that the agreement material has a different level of cooperation weight from other international agreements.<sup>28</sup> In addition, according to Sefriani, bilateral, trilateral, and regional agreements are agreements that are closed to parties who do not participate in negotiations at the time the agreement is formulated, the legal rule in question is a treaty contract.

For Muslim consumers, consuming halal food and beverages is an obligation that has been ordered by the Quran and Sunnah. The circulation of a halal product must be proven by a halal certificate. However, there are still many products circulating in the community that are doubtful of the legality of halal certification.<sup>29</sup> This situation is triggered because there are business actors who do not have good faith regarding the halalness of their products by using fake halal labels without going through the submission process to the authorized institutions. Even though it is clear that Allah SWT says in QS. Al-Baqarah (2): 168 which means, O man, eat from the halal and good food found on earth and do not follow the steps of Satan, indeed Satan is a real enemy to you believers.<sup>30</sup>

### **Implementation of ASEAN General Guidelines on the Preparation and Handling of Halal Food 2019 In Indonesia**

Discussion about halal food and beverages there are several things that must be considered, namely related to halal certification, halal industry development and halal product marketing. Before a product circulates in the domestic and foreign market share, it must be ensured that the product has halal certification. The importance of halal certification is attached to food and beverage products that will be consumed by Muslim consumers, so the author focuses more on this paper related to halal certification. The Indonesian

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<sup>25</sup> Gede Arya Eka Candra, "Perspektif Hukum Internasional Mengenai Kerjasama Bilateral," *Jurnal Pendidikan Kewarganegaraan Undiksha* 10 (2022): 8, <https://doi.org/10.23887/jpku.v10i3.52033>.

<sup>26</sup> ASEAN, "The ASEAN Charter."

<sup>27</sup> Kementerian Agama RI, "Indonesia-Malaysia Jalin Kerja Sama Pengakuan Sertifikat Halal."

<sup>28</sup> Wolfgang Alschner dan Dmitriy Skougarevskiy, "Mapping the universe of international investment agreements," *Journal of international economic law* 19, no. 3 (2016): 561-88, <https://academic.oup.com/jiel/article-abstract/19/3/561/1751150>.

<sup>29</sup> Syafrida Syafrida dan Ralang Hartati, "Kewajiban Sertifikat Halal Untuk Produk Impor di Indonesia," *SALAM: Jurnal Sosial dan Budaya Syar-i*, 2019, <https://doi.org/10.15408/sjsbs.v6i4.13718>.

<sup>30</sup> Firman Setiawan, "Konsep Maslahah (Utility) dalam al-Qur'an Surat al-Baqarah ayat 168 dan Surat al-A'raf ayat 31," *Syria Studies* 1 (2015).

Constitution explicitly states that Indonesia is a republic-like country.<sup>31</sup> The *Ius Constitutum*, which is the legal umbrella, is a draft of laws and regulations that has been approved by the House of Representatives (DPR) and ratified by the President. After being passed, laws and regulations must be promulgated in the state gazette of the Republic of Indonesia, the purpose is for all people to know and be bound by these regulations.

Regulations on halal product assurance in Indonesia have undergone significant developments. Initially, the rules for checking halal certification were regulated by the Ministry of Religion through the Decree of the Ministry of Religion Number 518 of 2001 concerning Guidelines and Procedures for Inspection and Determination of Halal Food.<sup>32</sup> Then continued with the Decree of the Minister of Religion Number 519 of 2001 concerning the Authority to Implement Halal Food Supervision, directing the implementation of halal certification at LPPOM-MUI.<sup>33</sup> In carrying out its duties, LPPOM-MUI collaborates with several ministries, namely the Ministry of Religious Affairs, the Ministry of Agriculture, the Ministry of Trade, the Ministry of Maritime Affairs and Fisheries, the Ministry of Cooperatives and Small and Medium Enterprises, the Ministry of Tourism and Creative Economy/Head of the Tourism and Creative Economy Agency, BPOM (Agency for Food and Drugs Control) and several universities.<sup>34</sup> MUI is the authority that has full authority in halal certification even though in its implementation it must coordinate and consult with other institutions. KMA Number 519 of 2001 only regulates halal certification bodies, namely LPPOM-MUI. The institution in providing certification to products that are requested for halal certification by business actors is based on the guidelines of the Halal Assurance System Concept on Food, Drugs, and Cosmetic (HAS 23000), Guidelines of Halal Assurance System Criteria of Slaughterhouses (HAS 23103) and Requirements of Halal Food Material (HAS 23201).<sup>35</sup> All criteria regarding the guidelines for the halal assurance system used by MUI are soft laws adapted from the ASEAN General Guidelines on the Preparation and Handling of Halal Food in 1999. Halal Assurance System (HAS) 23000 or Halal Assurance System (SJH) is a management system that is organized, then implemented and also maintained by halal-certified companies to regulate raw materials and supporting materials, human resources, production processes and procedures in ensuring the sustainability of the production process.

Law Number 33 of 2014 concerning Halal Product Assurance (JPH Law) regulates the Halal Product Assurance Agency (BPJPH) to carry out halal product assurance in Indonesia. Before this law was enacted, halal product assurance was organized by the community on

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<sup>31</sup> MPR RI, *Undang-Undang Dasar Negara Republik Indonesia Tahun 1945* (JAKARTA: SEKRETARIAT JENDERAL MPR RI, 2020).

<sup>32</sup> Jeihan Ali Azhar, "Dynamics of Halal Regulation in Indonesia," *Jurnal Ilmu Ekonomi dan Implementasi* 1, no. 2 (2024): 67–84, <https://journal.alifba.id/index.php/jei/article/view/30>.

<sup>33</sup> Maisyarah Rahmi Hasan dan Munawar Rizki Jailani, "The Problem of Implementing Self Declared Halal Certification for Micro and Small Enterprises," *Jurnal Ekonomi Syariah, Akuntansi Dan Perbankan (JESKaPe)* 8, no. 1 (2024): 94–120, <https://journal.iainlhokseumawe.ac.id/index.php/jeskape/article/view/2945>.

<sup>34</sup> Achmad Tohe dkk., "Mapping Out Halal Certification in Indonesia and Malaysia: Challenges, Opportunities, and Comparative Advantage," *Nusantara Halal Journal (Halal awareness, opinion, research, and initiative)* 2 No.1 (2021): 33–45, <https://doi.org/10.17977/um060.2021v2p033-045>.

<sup>35</sup> Eva Johan, "New challenges in Asian regional market: International trade framework on halal standard," *Jurnal Dinamika Hukum* 18 (2018).

the basis of individual or organizational awareness or on a voluntary basis.<sup>36</sup> However, after the JPH Law was officially enforced, halal certification became mandatory for products that entered, circulated, and traded in Indonesian territory and BPJPH was appointed as an institution that has the authority to manage halal certification.<sup>37</sup> Halal-certified products are products that have been produced through the halal product process regulated in Government Regulation No. 39 of 2021 concerning the Implementation of the Halal Product Assurance Sector.<sup>38</sup> BPJPH in carrying out halal product assurance must cooperate with relevant ministries and/or related institutions, LPH, and MUI. The JPH Law also requires foreign products entering Indonesia to be halal certified.<sup>39</sup> So that the Indonesian government can carry out international cooperation in the field of Halal Product Assurance.<sup>40</sup> International cooperation is carried out by BPJPH to carry out the results of coordination and consultation in the form of cooperation in the form of JPH development, Conformity Assessment and/or recognition of Halal Certificates.

The procedure for obtaining a halal certificate before the JPH Law took effect, LPPOM-MUI, which was established on January 6, 1989, as an institution that plays a role in inspecting the halal of products and conducting halal certification of products circulating in Indonesia.<sup>41</sup> After the JPH Law takes effect, the halal certificate registration flow starts from business actors submitting a written application to BPJPH by completing all requirements in the form of data on business actors, names and types of products, a list of products and materials used and the product processing process. Furthermore, BPJPH appoints LPH to conduct halal inspections and testing of products carried out by Halal Auditors.<sup>42</sup> After LPH conducts further testing, the results will be submitted back to BPJPH. Then BPJPH will forward the results of the inspection and testing to the MUI to determine the halalness of the product. For products that are declared halal at the MUI fatwa session, a decision will be issued to determine the halalness of the product, which will then be issued by BPJPH will

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<sup>36</sup> Daud Rismana dkk., "Implementation of Halal Certification as an Effort to Protect Consumers and UMKM," *International Journal of Social Science and Religion (IJSSR)*, 2024, 287-304, <http://www.ijssr.net/index.php/ijssr/article/view/250>.

<sup>37</sup> Khusniati Rofi'ah, Martha Eri Safira, dan Muhammad Ikhlas Rosele, "The Effectiveness of Accelerating Halal Product Certification: Regulations and Companions," *Journal of Human Rights, Culture and Legal System* 4, no. 2 (2024): 449-76, <https://jhcls.org/index.php/JHCLS/article/view/203>.

<sup>38</sup> Hanie Kusuma Wardani dan Wahyu Kusuma Wardani, "Food Safety and Halal Certification Seminar Towards Mandatory Halal Food in October 2024," *Journal of Community Engagement in Health* 7, no. 2 (2024): 244-55, <https://www.jceh.org/index.php/JCEH/article/view/620>.

<sup>39</sup> Auliah Andika Rukman, Muhammad Ibnu Maulana Ruslan, dan Indriani Muin, "Advocacy for Halal Certification Legal Policies in Indonesia," dalam *International Conference on Actual Islamic Studies*, vol. 3, 2024.

<sup>40</sup> Moh Fathoni Hakim dan Ridha Amaliyah, "Competing Global and Local Halal Standards: Indonesia's Strategy in Increasing Halal Food Exports After Ratifying SMIIC," *Journal of Digital Marketing and Halal Industry* 6, no. 2 (2024): 193-210.

<sup>41</sup> LPPOM MUI, *LPPOM MUI Halal Directory 2022-2023*, 1 ed. (Bogor: PT. Amanah Prima Abadi, 2023). 15

<sup>42</sup> Indah Satria, "Halal Industry: A Comparative Analysis of Halal Certification Mechanisms in Indonesia and Malaysia from the Perspective of Sharia Economic Law," 2024.

issue a Halal Certificate.<sup>43</sup> Meanwhile, products that receive a stipulation in the form of non-halal BPJPH products will only issue a non-halal certificate.

**Table 1.** Laws and Regulations regulating Halal Products (Volunteers and Mandates)<sup>44</sup>

| Laws and Regulations | Food and Beverages And Cosmetics Pharmaceuticals   | Genetically modified products  | Food Grade  | Products Slaughtering   |
|----------------------|--|--|---|---|
| Voluntary            | <i>Halal Assurance System Concept on Food, Drugs, and Cosmetic (HAS 23000)</i>   |  | <i>Requirements of Halal Food Material (HAS 23201)</i>  | <i>Guidelines of Halal Criteria of Slaughterhouses (HAS 23103)</i>  |
| Mandate              | Presidential Regulation of the Republic of Indonesia No. 6 of 2023 concerning Halal Certification of Medicines, Biological Products, and Medical Devices | Presidential Regulation of the Republic of Indonesia No. 6 of 2023 concerning Halal Certification of Medicines, Biological Products, and Medical Devices | Government Regulation No. 39 of 2021 concerning the implementation of the Halal Product Assurance Sector. | Government Regulation No. 39 of 2021 concerning the Implementation of the Halal Product Assurance Sector; Regulation No.95 of 2012 concerning Veterinary Public Health and Animal Welfare; Government Regulation No.41 of 2012 concerning Livestock and Animal Health Tools and Machinery; Regulation of the Minister of Agriculture of the Republic of Indonesia No.17 of 2022 concerning the Entry of Boneless Meat in Certain Matters Originating from a Country or Zone in a Country of Origin of Income; Regulation of |

<sup>43</sup> Erry Fitrya Primadhany, Maimunah Maimunah, dan Meyrara Widya Putri, "Harmonizing the Role of Majelis Ulama Indonesia (MUI) And the Fatwa Committee on Halal Products in Increasing the Halal Ecosystem in Indonesia," dalam *Proceeding of International Annual Conference on Islamic Economy and Law*, vol. 3, 2024, 116-26, <https://conference.trunojoyo.ac.id/pub/aciel/article/view/554>.

<sup>44</sup> LPPOM MUI, *LPPOM MUI Halal Directory 2022-2023*.

### **Implementation of ASEAN General Guidelines on the Preparation and Handling of Halal Food 2019 In Malaysia**

The form of the Malaysian state is a federation, which is a state that is part of the forms of government that divide the country into several states that cooperate with each other and form a unitary state.<sup>45</sup> Malaysia has thirteen states as well as three federal territories. The federal government is located in Putrajaya and the capital of the federal state is Kuala Lumpur. Regarding halal product assurance, the Department of Islamic Development Malaysia (JAKIM) is the official institution authorized in guaranteeing halal products.<sup>46</sup> JAKIM is the only official institution that has the right to issue halal certificates, after previously there were seven halal guarantee institutions that could issue halal certificates for products.<sup>47</sup> The inauguration of JAKIM as the sole halal guarantee institution has experienced ups and downs and was even replaced by the Halal Industry Development Corporation in 2008. However, starting on July 8, 2009, the Council of Ministers decided that all activities and management of Malaysian halal certification both domestically and abroad are carried out by JAKIM.<sup>48</sup> Regulation regarding Halal Certificates in Malaysia is carried out by the federal government and is voluntary.

The Halal Product Assurance Regulation in Malaysia has been outlined in Article 28 of the Malaysian Law Act 730 Trade Description Act 2011 (Trade Description Act 2011) and two laws and regulations under it, namely the Trade Description (Certification and Marking of Halal) Order 2011 and the Trade Description (Definition of Halal) Order 2011.<sup>49</sup> The 2011 TDA regulation has the main objective, namely to standardize Halal and JAKIM Certificates and MAIN is appointed as an institution that issues halal certificates for food, beverages and

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<sup>45</sup> Haider Kashkoul Hassan, "The Political and Social Nature of Malaysia in the Light of the Federal System," *Przestrzeń Społeczna (Social Space)* 24, no. 1 (2024): 535–65, <https://socialspacejournal.eu/menu-script/index.php/ssj/article/view/367>.

<sup>46</sup> Maisyarah Rahmi Hasan dan Mohd Syahiran Abd Latif, "Towards a Holistic Halal Certification Self-Declare System: An Analysis of Maqasid al-Shari'ah-Based Approaches in Indonesia and Malaysia," *Mazahib* 23, no. 1 (2024): 41–78, <https://journal.uinsi.ac.id/index.php/mazahib/article/view/6529>.

<sup>47</sup> Satomi Ohgata, "What is Required of Halal Standards and Halal Certification Systems in the Global Era?," *ISLAM NUSANTARA: Journal for the Study of Islamic History and Culture* 5, no. 2 (2024): 1–35, <https://www.journal.unusia.ac.id/index.php/ISLAMNUSANTARA/article/view/1186>.

<sup>48</sup> Mohammad Hashim Kamali, "3 Evolution of The Halal Industry and Lifestyle," dalam *Shariah, Society and Stratification*, ed. oleh Norshahril Saat dan Sharifah Afra Alatas (ISEAS–Yusof Ishak Institute Singapore, 2024), 27–45, <https://doi.org/10.1355/9789815104950-004>.

<sup>49</sup> Mustafa Afifi Ab Halim dkk., "Exploring an Appropriate Legal Mechanism for Consumers in Halal Food Abuse Cases," dalam *Islamic Finance*, ed. oleh Nadia Mansour dan Lorenzo Bujosa, Contributions to Management Science (Cham: Springer Nature Switzerland, 2024), 721–30, [https://doi.org/10.1007/978-3-031-48770-5\\_58](https://doi.org/10.1007/978-3-031-48770-5_58).

even services in the halal industry.<sup>50</sup> There are several institutions under the auspices of JAKIM that carry out halal product assurance together in Malaysia, namely the Ministry of Health, Agriculture, Trade, Environment, and Industry. In addition, cooperation is carried out with international institutions such as the Halal Industry Development Corporation (HDC). HDC is under the auspices of the Ministry of International Trade and Industry (MITI) which focuses on halal standards, promotion, and branding, commercialization of halal products and halal product services.

The procedure for applying for halal certification in Malaysia is carried out through JAKIM as an institution that enforces halal product guarantees. In Malaysia itself, there is an organization similar to MUI, namely the National Fatwa Council for Islamic Affairs which has halal guidelines for several products that require halal certificates.<sup>51</sup> These guidelines include Malaysia Standard MS2424:2019 concerning General Requirements for Pharmaceuticals (Medicines). MS2424:2019 provides an assessment based on the Halal Assurance System (HAS) that has been guided in Malaysia.<sup>52</sup> Meanwhile, related to the ASEAN General Guidelines on the Preparation and Handling of Halal Food in 2019 in Malaysia itself, there is a standardization outlined in the Malaysian Standard MS 1500:2009 Halal Food-Production, Preparation, Handling and Storage-General Guidelines (Second Revision).<sup>53</sup> The Malaysian Standardization Agency has been established under the Standards of Malaysia Act 1996 (Act 549) and has adopted standardization made at the international level.<sup>54</sup> The use of this standardization is only voluntary, but it will be mandatory for institutions that have been regulated by law.

All documents required at the time of registration must be prepared by business actors to be registered online through an application or manually. For registration that is carried out manually, the flow has been regulated by the Manual Procedure For Malaysia Halal Certification (Third Revision) 2014 (MPPHM 2014) which has been published by JAKIM. Meanwhile, online registration can be done by accessing MYeHALAL, then complementary documents must be submitted to JAKIM/JAIN after the online registration form is submitted. As a reference document for MPPHM 2014 which came into effect on December 15, 2014, it can also be used simultaneously with the Malaysia Halal Standards.

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<sup>50</sup> Muhammad Alrazi Ahmad Nor Komar, Norasiah Mohammad, dan Wan Fatin Nazihah Wan Makazan, "Investigating the Compliance of Non-Muslim Production Workers on Halal Requirements in a Halal-Certified Food Company: A Case Study," *Journal of Management and Muamalah* 14, no. 2 (2024): 131–41, <https://jmm.uis.edu.my/index.php/jurnal/article/view/224>.

<sup>51</sup> Jalaluddin Jalaluddin dkk., "Proliferation of Halal Regulation and Enforcement in Indonesia and Malaysia," *Journal of Human Rights, Culture and Legal System* 4, no. 1 (2024): 194–208, <https://scholar.archive.org/work/zuwt3e7jzzbg5fckpz3k2ukysy/access/wayback/https://www.jhcls.org/index.php/JHCLS/article/download/126/pdf>.

<sup>52</sup> Johari Ab Latiff, Syahrizal Abbas, dan Muhammad Siddiq Armia, "A Study on Halal Certification Procedure: Progressive Transition Towards Halal Pharmaceutical Products in Malaysia and Indonesia," dalam *Selected Proceedings from the 1st International Conference on Contemporary Islamic Studies (ICIS 2021)*, ed. oleh Nur Nafhatun Md Shariff dkk. (Singapore: Springer Nature Singapore, 2022), 3–12, [https://doi.org/10.1007/978-981-19-2390-6\\_1](https://doi.org/10.1007/978-981-19-2390-6_1).

<sup>53</sup> Nor Aida Abdul Rahman, Azizul Hassan, dan Mohammad Fakhruhnizam Mohammad, *Halal logistics and supply chain management in Southeast Asia* (Routledge, 2020).

<sup>54</sup> Marina Abu Bakar, Sukriah Ismail, dan Raziah Md Tahir, "Legal Frameworks in Halal Tourism: A Comparative Study of Malaysia and Indonesia," *Asian Journal of Law and Governance* 6, no. 2 (2024): 73–86, <https://myjms.mohe.gov.my/index.php/ajlg/article/view/27212>.

The flow of halal certificate registration in Malaysia is divided into seven categories, namely Food Product/Beverages/Food Supplement; Food Premise/Hotel; Consumer Goods; Cosmetic and Personal Care; Slaughterhouse; Pharmaceutical; and Logistic. Business actors register with the Companies Commission of Malaysia (SSM)/ Malaysia Co-operative Societies Commission/ other government agencies. Each business submitted for registration is based on its business category. Before applying for business registration, the business must have a business license and be operating. In addition, business actors must ensure that the source of the composition of the materials and equipment used has a halal certificate. The determination of halal products is carried out by the JAKIM Halal Advisory Panel must appoint the JAKIM Halal Certification Panel. JAKIM's halal certification panel is responsible for making decisions in the form of approval, conditional approval, KIV, failed, re Audit, and cancelled application.

### **Halal Certificate Cooperation Agreement Between Indonesia and Malaysia**

Indonesia and Malaysia have cooperated in various fields, one of which is the guarantee of halal products circulating in the territory of the two countries. Before the signing of the Memorandum of Cooperation (MoC) in 2023, the two countries had built an understanding in 2018.<sup>55</sup> Cooperation between Indonesia and Malaysia in the field of halal products has been established for a long time. Various regional forums have become a means for the two countries, namely the Indonesia-Malaysia-Thailand Growth Triangle Cooperation (IMT-GT) and the MABIMS Forum (Ministers of Religious Affairs of Brunei, Indonesia, Malaysia, and Singapore).

Based on Article 119 of Government Regulation No. 39 of 2021 concerning the Implementation of Halal Product Assurance, the Indonesian government can carry out international cooperation in the field of Halal Product Assurance.<sup>56</sup> The implementation of cooperation can be carried out in three forms, namely the development of halal product assurance, conformity assessment, and/or recognition of halal certificates. BPJPH is an institution that carries out coordination and consultation between Ministers and Ministers who carry out government affairs in the foreign sector. International cooperation must be based on agreements made by countries. Before the Halal Product Assurance Law came into effect, it became a positive law for international cooperation related to halal certification carried out by Indonesia with other countries, namely by using the concept of B to B or business to business. B to B is known as a business transaction that occurs between companies and halal certification bodies. So that the acquisition of a halal certificate for a product has positive implications in building a halal business climate in Indonesia. For business actors, halal certification has an impact on the profits generated because it has gained consumer trust. Meanwhile, for consumers, halal certification provides protection, guarantees, halal product information and becomes an instrument of business ethics.

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<sup>55</sup> Intan Murnira Ramli dan Michelle Chandra Kasih, "Integrative Report on Implementation of the Circular Economy in ASEAN," 2024, <https://www.eria.org/uploads/Integrative-Report-on-Implementation-of-the-Circular-Economy-in-ASEAN.pdf>.

<sup>56</sup> Hulwati Hulwati dkk., "Navigating Halal Certification Standards: A Comparative Analysis Of The Food Industry in Indonesia and Malaysia," *Journal of Fatwa Management and Research* 30, no. 1 (2025): 1-22, <https://jfatwa.usim.edu.my/index.php/jfatwa/article/view/619>.

The Memorandum of Cooperation (MoC) or memorandum of understanding signed by the two countries is the initial commitment shown by Indonesia and Malaysia in creating an integrated halal ecosystem in the region. According to Black's Law Dictionary, a memorandum of understanding is the basis for a future contract or formal deed, so that the existence of a memorandum of understanding provides an indirect statement of agreement in relation to other agreements, both oral and written.<sup>57</sup> The existence of a memorandum of understanding can be a preliminary agreement which will then be followed up with an agreement that regulates it in detail. The terms reached in the memorandum of understanding will be part of the agreement between the parties and will be binding on both. The memorandum of understanding on halal certificate cooperation between Indonesia and Malaysia is the first step for the two in regulating the provisions that will be outlined in a more detailed agreement in the future.

According to the ASEAN General Guidelines on the Preparation and Handling of Halal Food in 2019, it encourages ASEAN member countries to carry out Mutual Recognition Agreements (MRAs) as a means to facilitate halal food trade in ASEAN. So it can be said that the memorandum of understanding on cooperation between Indonesia and Malaysia is a positive step towards the ASEAN Constituendum.<sup>58</sup> There are two opinions regarding the binding power of the memorandum of understanding, on the one hand there are groups that say that the memorandum of understanding has legally binding force and on the other hand there are groups that say that the memorandum of understanding does not have binding force because it is not an agreement. Based on this, the memorandum of understanding on cooperation cannot be used as a foothold because the basis of legality still triggers differences of opinion. So that the governments of the two countries must immediately realize a more detailed agreement regarding the arrangement of halal certificates referred to by both parties.

Memorandum of Understanding on international cooperation organized by Indonesia and Malaysia in terms of halal certificates. Talking about halal certificates, there is a series of assessment processes until the determination of a product is declared halal by BPJPH. In principle, products derived from prohibited ingredients are exempt from the obligation to be halal certified, so it is mandatory to provide non-halal information.<sup>59</sup> According to Government Regulation No. 31 of 2019 concerning the Implementation Regulation of Law No. 33 of 2014 concerning Halal Product Assurance, Article 68 states that products that are required to be halal certified consist of goods and services.<sup>60</sup> The goods in

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<sup>57</sup> Gregory Klass, "Two Forms of Formalism in Contract Law," diakses 26 Januari 2025, [https://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?params=/context/facpub/article/3572/&path\\_info=klass\\_\\_contract\\_formalism\\_11.23.pdf](https://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?params=/context/facpub/article/3572/&path_info=klass__contract_formalism_11.23.pdf).

<sup>58</sup> Leonard Das, "Tax Revenue and Economic Performance in Malaysia: A Time Series Analysis," *Journal of Business and Economic Options* 7, no. 2 (2024): 33–40, <http://resdojournals.com/index.php/jbeo/article/view/357>.

<sup>59</sup> Riana Fatimah Azzahrani dan Retno Wulansari, "Protection of Muslim Consumers' Right to Information on Imported Food Without Halal Labeling," *Journal of Private and Commercial Law*, 2024, 214–37, <https://journal.uui.ac.id/JPCOL/article/view/37474>.

<sup>60</sup> Aditya Fajri Kurnia Pradana dkk., "Legal Protection for Muslim Consumers Regarding Halal Food Certification in Law Number 33 of 2014 (Gazetted)," *Al-Amwal: Journal of Islamic Economic Law* 9, no. 1 (2024): 91–109, <http://ejournal.iainpalopo.ac.id/index.php/alamwal/article/view/4959>.

question are food, beverages, drugs, cosmetics, chemical products, biological products, genetically engineered products, and consumer goods that are used, used, or utilized. Indonesia and Malaysia are cognate countries that have a majority Muslim society, so for their sake the governments of both countries must pay attention to the details of the halalness of a product.

Both Indonesia and Malaysia have agreed on the enactment of the ASEAN General Guidelines on the Preparation and Handling of Halal Food in 2019. However, not all provisions in the Halal Guidelines have received unanimous agreement from member countries. So that some of these provisions should be regulated by the two countries in more detail in the Mutual Recognition Agreement after signing a memorandum of understanding in the form of a Memorandum of Cooperation.<sup>61</sup> The provisions that lack agreement include products that use alcohol content is a controversial issue because member countries have different views on the concept of alcohol. Alcohol is a substance that can intoxicate the mind. The difference lies in the ability and not to consume alcohol. If there are some countries that allow it, but they set a reasonable threshold of ability according to the madhhab they are guided by. According to JAKIM (Malaysia) alcohol can be used as additional flavorings and dyes with a content of less than 0.5%, while in Indonesia the alcohol content limit can be used for food and beverages which is less than 1%.

Furthermore, the agreement on the stunning of animals. The 2019 ASEAN halal guidelines do not recommend stunning, but if necessary, stunning is not prohibited. However, according to the 2019 ASEAN Halal Guidelines, that fainting should be carried out using electricity, but it does not expressly prohibit mechanical fainting to be carried out. The practice of mechanical stunning is considered riskier in terms of fulfilling halal requirements. The two things that have not yet received full agreement from ASEAN member countries are expected to be negotiated through the MoC carried out by the two countries and then outlined in the MRA so that Indonesia and Malaysia in the ASEAN forum are no longer parties who are still debating these matters.

## Conclusion

The conclusion of this study is that the ASEAN General Guidelines on the Preparation and Handling of Halal Food in 2019 have been accepted and agreed by ASEAN as guidelines for halal standardization in ASEAN. This Halal Guideline is easier to accept by member countries because the provisions contained in the 2019 Halal Guidelines are provisions that have been adopted by each domestic. Meanwhile, the international cooperation that has been carried out by Indonesia and Malaysia is only limited to the signing of a memorandum of understanding. So that for the realization of a mutual recognition agreement between the two countries, there must be a follow-up to regulate the cooperation of the halal certificate in the form of an agreement. Before the memorandum of understanding on halal certificate cooperation is carried out, the products that are requested for halal certification by business actors are only for business interests. This research contributes to the development of international legal theory, especially in strengthening

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<sup>61</sup> Lidia Yustianingsih dkk., "Comparison Study of Halal Management System in Indonesia and Malaysia," *Halal Research Journal* 4, no. 1 (2024): 28-44, <https://journal.its.ac.id/index.php/hr/article/view/1027>.

national halal policies and the development of Islamic economic law within the framework of cross-border cooperation. However, after the Halal Product Assurance Law came into effect along with its implementing regulations on the implementation of halal product assurance, there has been a legal transformation of halal certification of a product from voluntary to mandatory.

## References

- Ab Latiff, Johari, Syahrizal Abbas, dan Muhammad Siddiq Armia. "A Study on Halal Certification Procedure: Progressive Transition Towards Halal Pharmaceutical Products in Malaysia and Indonesia." Dalam *Selected Proceedings from the 1st International Conference on Contemporary Islamic Studies (ICIS 2021)*, disunting oleh Nur Nafhatun Md Shariff, Mohd Asmadi Yakob, Zety Sharizat Hamidi, Zeiad Amjad Abdulrazzak Aghwan, dan Najahudin Lateh, 3–12. Singapore: Springer Nature Singapore, 2022. [https://doi.org/10.1007/978-981-19-2390-6\\_1](https://doi.org/10.1007/978-981-19-2390-6_1).
- Ahmed Osman, Osman. "Standards and Their Application to the Production, Manufacture, and Storage of Halal Food." Dalam *Halal and Kosher Food*, disunting oleh Osman Ahmed Osman dan Abdel Moneim Elhadi Sulieman, 145–55. Cham: Springer International Publishing, 2023. [https://doi.org/10.1007/978-3-031-41459-6\\_12](https://doi.org/10.1007/978-3-031-41459-6_12).
- Akbar, Junaid, Maria Gul, Muhammad Jahangir, Muhammad Adnan, Shah Saud, Shah Hassan, Taufiq Nawaz, dan Shah Fahad. "Global Trends in Halal Food Standards: A Review." *Foods* 12, no. 23 (2023): 4200. <https://www.mdpi.com/2304-8158/12/23/4200>.
- Ali, Zainuddin. *Metode penelitian hukum*. 1 ed. Jakarta: Sinar Grafika, 2021.
- Alschner, Wolfgang, dan Dmitriy Skougarevskiy. "Mapping the universe of international investment agreements." *Journal of international economic law* 19, no. 3 (2016): 561–88. <https://academic.oup.com/jiel/article-abstract/19/3/561/1751150>.
- ASEAN. "The ASEAN Charter." *ASEAN Secretariat*. Jakarta, 2008.
- Aufi, Irwan, Fajar Azhari Julian, Ahmad Maulidizen, Rifqi Fathin Ariaputra, dan Muhammad Fauzan. "The Role of Certification Standards in Shaping Halal Supply Chain Practices: A Qualitative Literature Review." *Journal of Islamic Law and Legal Studies* 1, no. 2 (2024): 78–91. <https://mabadiiqtishada.org/index.php/ShariaLex/article/view/50>.
- Azhar, Jeihan Ali. "Dynamics of Halal Regulation in Indonesia." *Jurnal Ilmu Ekonomi dan Implementasi* 1, no. 2 (2024): 67–84. <https://journal.alifba.id/index.php/jei/article/view/30>.
- Azzahrani, Riana Fatimah, dan Retno Wulansari. "Protection of Muslim Consumers' Right To Information on Imported Food Without Halal Labeling." *Journal of Private and Commercial Law*, 2024, 214–37. <https://journal.uui.ac.id/JPCOL/article/view/37474>.
- Bakar, Marina Abu, Sukriah Ismail, dan Raziah Md Tahir. "Legal Frameworks in Halal Tourism: A Comparative Study of Malaysia and Indonesia." *Asian Journal of Law and Governance* 6, no. 2 (2024): 73–86. <https://myjms.mohe.gov.my/index.php/ajlg/article/view/27212>.

- Candra, Gede Arya Eka. "Perspektif Hukum Internasional Mengenai Kerjasama Bilateral." *Jurnal Pendidikan Kewarganegaraan Undiksha* 10 (2022): 8. <https://doi.org/10.23887/jpku.v10i3.52033>.
- Das, Leonard. "Tax Revenue and Economic Performance in Malaysia: A Time Series Analysis." *Journal of Business and Economic Options* 7, no. 2 (2024): 33–40. <http://resdojournals.com/index.php/jbeo/article/view/357>.
- Departement of Standards Malaysia. "Halal Food- Production, Preparation, Handling and Storage- General Guidelines (Second Revision).," 2009. <https://law.resource.org/pub/my/ibr/ms.1500.2009.pdf>.
- Ha, Hoang Thi, dan Daljit Singh. "Southeast Asian Affairs 2023," 2023.
- Hakim, Moh Fathoni, dan Ridha Amaliyah. "Competing Global and Local Halal Standards: Indonesia's Strategy in Increasing Halal Food Exports After Ratifying SMIIC." *Journal of Digital Marketing and Halal Industry* 6, no. 2 (2024): 193–210. <https://journal.walisongo.ac.id/index.php/JDMHI/article/view/23610>.
- Halim, Mustafa Afifi Ab, Suraiya Osman, Dini Farhana Baharudin, Mohd Mahyeddin Mohd Salleh, Waidah Ismail, dan Nurul Anessa Binti Rosley. "Exploring an Appropriate Legal Mechanism for Consumers in Halal Food Abuse Cases." Dalam *Islamic Finance*, disunting oleh Nadia Mansour dan Lorenzo Bujosa, 721–30. Contributions to Management Science. Cham: Springer Nature Switzerland, 2024. [https://doi.org/10.1007/978-3-031-48770-5\\_58](https://doi.org/10.1007/978-3-031-48770-5_58).
- Hasan, Maisyarah Rahmi, dan Mohd Syahiran Abd Latif. "Towards a Holistic Halal Certification Self-Declare System: An Analysis of Maqasid al-Sharī'ah-Based Approaches in Indonesia and Malaysia." *Mazahib* 23, no. 1 (2024): 41–78. <https://journal.uinsi.ac.id/index.php/mazahib/article/view/6529>.
- Hasan, Maisyarah Rahmi, dan Munawar Rizki Jailani. "The Problem of Implementing Self Declared Halal Certification for Micro and Small Enterprises." *Jurnal Ekonomi Syariah, Akuntansi Dan Perbankan (JESKaPe)* 8, no. 1 (2024): 94–120. <https://journal.iainlhokseumawe.ac.id/index.php/jeskape/article/view/2945>.
- Hassan, Haider Kashkoul. "The Political and Social Nature of Malaysia in the Light of the Federal System." *Przestrzeń Społeczna (Social Space)* 24, no. 1 (2024): 535–65. <https://socialspacejournal.eu/menu-script/index.php/ssj/article/view/367>.
- Huda, Mirza Sadaqat. "2024/75 'Towards a Dispute Resolution Mechanism for the ASEAN Power Grid: Best Practices from Europe and Africa' by Mirza Sadaqat Huda," 2024. <https://www.iseas.edu.sg/category/media/page/697/articles-commentaries/iseas-perspective/page/4/>.
- Hulwati, Hulwati, Abdi Fadhlán, Mat Noor Mat Zein, Slamet Mujiono, Muhammad Dhiya Ulhaq, dan Chindy Wulandari. "Navigating Halal Certification Standards: A Comparative Analysis of The Food Industry In Indonesia And Malaysia." *Journal of Fatwa Management and Research* 30, no. 1 (2025): 1–22. <https://jfatwa.usim.edu.my/index.php/jfatwa/article/view/619>.
- Irewati, Awani, dan Hayati Nufus. "Indonesia's Efforts in Developing Halal Tourism through the Indonesia-Malaysia-Thailand Growth Triangle (IMT-GT)." *SUVANNABHUMI* 16, no. 1 (2024): 229–69. <https://koreascience.kr/article/JAKO202416246280354.page>.

- Jalaluddin, Jalaluddin, Alias Azhar, Gusti Muzainah, Muhsin Aseri, dan M. Fahmi Al Amruzi. "Proliferation of Halal Regulation and Enforcement in Indonesia and Malaysia." *Journal of Human Rights, Culture and Legal System* 4, no. 1 (2024): 194–208. <https://scholar.archive.org/work/zuwt3e7jzzbg5fckpz3k2ukysy/access/wayback/https://www.jhcls.org/index.php/JHCLS/article/download/126/pdf>.
- Johan, Eva. "New challenges in Asian regional market: International trade framework on halal standard." *Jurnal Dinamika Hukum* 18 (2018).
- Johan, Eva, dan Maria Jose Plana-Casado. "Harmonizing Halal in ASEAN: Analysis of Halal Food Guidelines under the ASEAN Way Approach." *JAS (Journal of ASEAN Studies)*, 2023. <https://doi.org/10.21512/jas.v11i1.9682>.
- Kamali, Mohammad Hashim. "3 Evolution of The Halal Industry and Lifestyle." Dalam *Shariah, Society and Stratification*, disunting oleh Norshahril Saat dan Sharifah Afra Alatas, 27–45. ISEAS–Yusof Ishak Institute Singapore, 2024. <https://doi.org/10.1355/9789815104950-004>.
- Kemendagri. "Sebanyak 86,88% Penduduk Indonesia Beragama Islam." *Bisnis Indonesia Resources Center*, 2021.
- Kementerian Agama RI. "Indonesia-Malaysia Jalin Kerja Sama Pengakuan Sertifikat Halal," 2023. <https://kemenag.go.id/internasional/indonesia-malaysia-jalin-kerja-sama-pengakuan-sertifikat-halal-A67W3>.
- — —. "JAKIM Malaysia dan BPJPH Bangun Kesepahaman tentang Sertifikasi Halal," 2018. <https://kemenag.go.id/nasional/jakim-malaysia-dan-bpjph-bangun-kesepahaman-tentang-sertifikasi-halal-nf8iww>.
- Khasanah, Karimatul, Wahyu Intan Kusuma, Jumailah Jumailah, dan Lilis Setiawati. "What Are the Requirements for Obtaining A Halal Certificate? An Analysis of Legal Certainty of Product Brand Criteria Rules." Dalam *Proceeding of International Annual Conference on Islamic Economy and Law*, 3:49–67, 2024. <https://conference.trunojoyo.ac.id/pub/aciel/article/view/548>.
- Klass, Gregory. "Two Forms of Formalism in Contract Law." Diakses 26 Januari 2025. [https://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?params=/context/facpub/article/3572/&path\\_info=klass\\_\\_contract\\_formalism\\_11.23.pdf](https://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?params=/context/facpub/article/3572/&path_info=klass__contract_formalism_11.23.pdf).
- Komar, Muhammad Alrazi Ahmad Nor, Norasiah Mohammad, dan Wan Fatin Nazihah Wan Makazan. "Investigating the Compliance of Non-Muslim Production Workers on Halal Requirements in a Halal-Certified Food Company: A Case Study." *Journal of Management and Muamalah* 14, no. 2 (2024): 131–41. <https://jmm.uis.edu.my/index.php/jurnal/article/view/224>.
- LPPOM MUI. *LPPOM MUI Halal Directory 2022-2023*. 1 ed. Bogor: PT. Amanah Prima Abadi, 2023.
- Mauna, Boer. *Hukum Internasional Pengertian Peranan dan Fungsi dalam Era Dinamika Global*. 2 ed. Bandung: PT Alumni, 2011.
- MPR RI. *Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*. Jakarta: Sekretariat Jenderal MPR RI, 2020.
- Mubarak, Muhammad Adi Riswan Al, Lola Malihah, Mu'minah Mu'minah, dan Muhammad Yulian Ma'mun. "Implementasi Peraturan Pemerintah Nomor 39 Tahun

- 2021 tentang Penyelenggaraan Bidang Jaminan Produk Halal." *Al-Adl : Jurnal Hukum* 15, no. 1 (31 Januari 2023): 214. <https://doi.org/10.31602/al-adl.v15i1.7072>.
- Ohgata, Satomi. "What is Required of Halal Standards and Halal Certification Systems in the Global Era?" *ISLAM NUSANTARA: Journal for the Study of Islamic History and Culture* 5, no. 2 (2024): 1-35. <https://www.journal.unusia.ac.id/index.php/ISLAMNUSANTARA/article/view/1186>.
- Othman, Baharudin, dan Nurul Hudani Md Nawawi. "Halal standards practices in the food industry: the impact of halal assurance and operations." *Journal of Islamic Marketing*, 2025. <https://www.emerald.com/insight/content/doi/10.1108/jima-02-2023-0051/full/html>.
- Pradana, Aditya Fajri Kurnia, Muhammad Yunan Hidayat, Sugiyat Sugiyat, dan M. Zidny Nafi'Hasbi. "Legal Protection for Muslim Consumers Regarding Halal Food Certification in Law Number 33 of 2014 (Gazetted)." *Al-Amwal: Journal of Islamic Economic Law* 9, no. 1 (2024): 91-109. <http://ejournal.iainpalopo.ac.id/index.php/alamwal/article/view/4959>.
- Primadhany, Erry Fitriya, Maimunah Maimunah, dan Meyrara Widya Putri. "Harmonizing The Role of Majelis Ulama Indonesia (MUI) and the Fatwa Committee on Halal Products In Increasing The Halal Ecosystem In Indonesia." Dalam *Proceeding of International Annual Conference on Islamic Economy and Law*, 3:116-26, 2024. <https://conference.trunojoyo.ac.id/pub/aciell/article/view/554>.
- Qamar, Nurul, dan Farah Syah Rezah. *Metode Penelitian Hukum: Doktrinal dan Non-Doktrinal. CV. Social Politic Genius (SIGn)*. 1 ed. Makassar: CV. Social Politic Genius (SIGn), 2020.
- Rahman, Nor Aida Abdul, Azizul Hassan, dan Mohammad Fakhruhnizam Mohammad. *Halal logistics and supply chain management in Southeast Asia*. Routledge, 2020.
- Ramli, Intan Murnira, dan Michelle Chandra Kasih. "Integrative Report on Implementation of the Circular Economy in ASEAN," 2024. <https://www.eria.org/uploads/Integrative-Report-on-Implementation-of-the-Circular-Economy-in-ASEAN.pdf>.
- Rismana, Daud, Rifi Maria Laila Fitri Permonoputri, Reza Widyastuti, dan Hajar Salamah Salsabila Hariz. "Implementation of Halal Certification as an Effort to Protect Consumers and UMKM." *International Journal of Social Science and Religion (IJSSR)*, 2024, 287-304. <http://www.ijssr.net/index.php/ijssr/article/view/250>.
- Rofi'ah, Khusniati, Martha Eri Safira, dan Muhammad Ikhlas Rosele. "The Effectiveness of Accelerating Halal Product Certification: Regulations and Companions." *Journal of Human Rights, Culture and Legal System* 4, no. 2 (2024): 449-76. <https://jhcls.org/index.php/JHCLS/article/view/203>.
- Rukman, Auliah Andika, Muhammad Ibnu Maulana Ruslan, dan Indriani Muin. "Advocacy For Halal Certification Legal Policies in Indonesia." Dalam *International Conference on Actual Islamic Studies*, Vol. 3, 2024. <https://prosiding.icaismuh.org/index.php/3rd/article/view/301/278>.
- Satria, Indah. "Halal Industry: A Comparative Analysis of Halal Certification Mechanisms in Indonesia and Malaysia from the Perspective of Sharia Economic Law," 2024.

- Sayekti, Nidya Waras. "Nidya Waras Sayekti, Jaminan Produk Halal dalam Perspektif Kelembagaan (Warranty of Halal Product of Institutional Perspective)." *JEKP: Jurnal Ekonomi Kebijakan Publik*, 2014.
- Setiawan, Firman. "Konsep Maslahah (Utility) dalam al-Qur'an Surat al-Baqarah ayat 168 dan Surat al-A'raf ayat 31." *Syria Studies* 1 (2015).
- Sirait, Ningrum Natasya, Robert Sibarani, Rosmalinda Rosmalinda, Robert Robert, Lesly Saviera, dan Liza Hafidzah Yusuf Rangkuti. "Optimization of Halal Product Guarantees in Indonesia: A Paradigm of Legal Certainty." Dalam *4th International Conference on Social Sciences and Law (ICSSL 2024)*, 1036–46. Atlantis Press, 2024. <https://www.atlantis-press.com/proceedings/icssl-24/126006009>.
- Spiegel, M. van der, H. J. van der Fels-Klerx, P. Sterrenburg, S. M. van Ruth, I. M.J. Scholtens-Toma, dan E. J. Kok. "Halal assurance in food supply chains: Verification of halal certificates using audits and laboratory analysis." *Trends in Food Science and Technology*, 2012. <https://doi.org/10.1016/j.tifs.2012.04.005>.
- Supriyadi, Supriyadi, Rahma Aulia, Labib Nubahai, Rozanah Ab Rahman, dan Rosmah Mohamed. "Legal Effectiveness of Halal Product Certification in Improving Business Economics in Indonesia and Malaysia." *Al-Ahkam* 34, no. 1 (2024): 193–220. <https://journal.walisongo.ac.id/index.php/ahkam/article/view/20546>.
- Syafrida, Syafrida, dan Ralang Hartati. "Kewajiban Sertifikat Halal Untuk Produk Impor di Indonesia." *SALAM: Jurnal Sosial dan Budaya Syar-i*, 2019. <https://doi.org/10.15408/sjsbs.v6i4.13718>.
- Tohe, Achmad, Kholisin Kholisin, Moch Wahib Dariyadi, dan Noritah Omar. "Mapping Out Halal Certification in Indonesia and Malaysia: Challenges, Opportunities, and Comparative Advantage." *Nusantara Halal Journal (Halal awareness, opinion, research, and initiative)* 2 No.1 (2021): 33–45. <https://doi.org/10.17977/um060.2021v2p033-045>.
- Wardani, Hanie Kusuma, dan Wahyu Kusuma Wardani. "Food Safety and Halal Certification Seminar Towards Mandatory Halal Food in October 2024." *Journal of Community Engagement in Health* 7, no. 2 (2024): 244–55. <https://www.jceh.org/index.php/JCEH/article/view/620>.
- Yustianingsih, Lidia, Ali Mufid, Mohd Hafidz Mahamad Maifiah, dan Setiyo Gunawan. "Comparison Study of Halal Management System in Indonesia and Malaysia." *Halal Research Journal* 4, no. 1 (2024): 28–44. <https://journal.its.ac.id/index.php/hr/article/view/1027>.