

Journal of Islamic Economic Laws VI(2) 41-59 (2023) Received 05 23 / Revised 06 23 / Accepted 07 23



P-ISSN: 2655-9609; E-ISSN: 2655-9617 https://journals.ums.ac.id/index.php/jisel/index

Panopticism on The Consumption of Halal Products in Indonesian Muslim Society Markets

Pratiwi Desika¹, Roma Ulinnuha²

 *¹Univeritas Islam Negeri Sunan Kalijaga Yogyakarta, Indonesia, pratiwidesika98@gmail.com
²Universitas Islam Negeri Sunan Kalijaga Yogyakarta, Indonesia, roma.ulinnuha@uinsuka.ac.id

Abstract. State standardization in realizing the legitimacy of halal products focuses on the rules in Law No. 33 of 2014, which regulate Halal Product Guarantee. The halal label is a sign of the halal statement of a product and a halal guarantee for Muslim consumers in Indonesia. The company's self-claim on the Halal certification serves as one of the problems besides the issue of habituation. In this vein, Halal certification is designed to control and regulate product halalness in the form of supervision to gain each producer's acceptance. This article aims to determine the state's role and regulations as a panopticon for producers to register their products to obtain halal certification. The method used in this article is a qualitative approach using library research and the theory panopticon perspective of Michel Foucault to analyze it. The results of this article show that the state and regulations have yet to arrive at the panopticon system in the absence of strong law enforcement. This regulation functions as a monitoring tool for producers by referencing the halal label and its certification printed on the product. The implication of halal certification, a mechanism from internalizing power over every product in circulation to ensure quality and safety in the production process to achieving the status of tested halal, constitutes a more forceful discipline method.

Keywords: Halal Certification, Halal Products, Panopticism, Producer

*Corresponding Author

INTRODUCTION

This article examines how the state's role with its regulations works as a panopticon for producers to register their products to obtain halal certification. The state intervenes in the market through regulations to create demand for halal certification and products. By regulation, all products circulating and marketed in the territory of Indonesia must be halal certified. This halal certification can be an effective marketing campaign for business actors targeting this segment. It is known that Indonesia is the largest Muslim-majority country, with the largest consumption of halal products reaching US\$184 billion, including food, cosmetics, fashion, tourism, and medicines (Dinar Standard, 2022). Therefore, halal certification is an important factor in every halal product and is proven by including the halal logo on the product packaging Journal of Islamic Economic Laws Vol. 6 No. 2, 2023

(Y. A. Aziz & Chok, 2013). It becomes one of the product requirements that will circulate both in domestic and global markets (Masruroh, 2020). Halal certification policies provide a systematic way to increase global competition (Fischer, 2011)

In previous research studies, it was described that halal certification can increase market share (Wilson & Liu, 2010; Abdul et al., 2013; Ab Talib et al., 2017; Azmi et al., 2019). Thus making it a marketing approach (Wilson, 2014). A halal certification is a tool for economic development in Muslim countries (Bergeaud-Blackler, 2015). Nevertheless, even though it is a Muslim minority country, Thailand can dominate the halal market in Southeast Asia and be the fifth largest halal producer in the world (Mohd Nawawi et al., 2019). With this, Thailand has succeeded in branding itself as a non-Muslim majority country that is recognized for producing certified halal products. Halal standardization is very important in both Muslimmajority and minority countries. Interestingly, the increasing demand for halal products is not only from Muslim consumers (Wilson & Liu, 2010;Wilson, 2012). Therefore, this article argues that standardization and halal products are an authority control mechanism amidst the strong demand for the Muslim consumption market.

LITERATURE REVIEW

Halal research has attracted the attention of many scholars. From a review of previous studies, several studies have discussed the standardization and certification of halal products. In its application demonstrate the idea that the successful implementation of halal standards depends on the ability of producers to turn external pressures into internal ones (Giyanti et al., 2020). This implementation is possible through government intervention, market demand, and competition intensity (Ab Talib et al., 2016; Ab Talib, 2017). From a producer's perspective, halal certification responds to consumer demand growth for halal products (Ab Talib, 2017). Therefore, recently many halal certification studies have talked about market share (Wilson & Liu, 2010; Abdul et al., 2013; Ab Talib et al., 2017; Azmi et al., 2019). Halal opportunities offer to expand products and brands, making it a marketing approach (Wilson, 2014). For this reason, Giyanti & Indriastiningsih (2019) show that the perceived benefits of halal certification influence manufacturers' intentions to carry out halal certification. Then other studies also show that the motive of producers to carry out halal certification is to make a profit (Waluyo, 2013; Kusumastuti & Rachmawati, 2017). However, producer participation in halal certification registration still needs to improve (Naim, 2023). Halal certification for producers is considered

a cost, thereby increasing production costs (Zailani et al., 2019). Therefore, this article seeks to complete research on the internalization of halal certification in the form of regulatory surveillance of halal products amidst the strong demand for halal consumption.

METHOD

The method used in this article is a qualitative approach to literature study (library research). This article's data sources are taken from secondary data, including primary and secondary sources. The primary source is rules and laws related to the standardization and certification of halal products. In comparison, secondary sources are in the form of books, journal articles or conferences, and even various information from the internet, both online news portals and social media. Data was collected using documentation techniques in drawings, writings, or monumental works of a person. The data collection is used to find information and construct it from various sources. Library materials from various reference sources are collected and identified, and then the phenomenon is analyzed using Michel Foucault's perspective.

In collecting data, the authors carry out the steps in this article by collecting literature related to related topics. The author begins by using legal data as authoritative rules and laws. Then, the information provided in the rules and laws is strengthened by arguments from the results of previous studies that come from accredited or reputable books, journal articles, or conferences. Meanwhile, various information from the internet, both online news portals and social media, are used as supporting material to explain and connect phenomena that occur in halal product certification.

RESULTS AND DISCUSSION

Standardization of Halal Products

Talking about halal products will certainly be related to production and consumption. The state must protect and guarantee the rights of citizens on halal products by the enacting law (Azizah, 2021). Article 1, paragraph (3) of the 1945 Constitution states, *"Indonesia shall be a state based on the rule of law"*. In this case, it implies that all arrangements in the life of the nation, society, and state are based on applicable law. As a coercive rule, the law protects people's interests in society. In his book *Algemeen Deel*, Paul Scholten also said that the law is a

command (Scholten, 1974). The implication is that society must comply with applicable laws. Thus, the existence of standardization and certification policies in the Halal Product Assurance Act (UU JPH) is a form of state legislation to regulate and supervise the implementation of production. So, applying this regulation implies that all products entering and circulating in Indonesia must have a halal label.

Referring to Law no. 8 of 1999 concerning Consumer Protection (abbreviated as UUPK) and Government Regulation no. 69 of 1999 concerning halal labels and food advertisements stipulates that the installation of halal labels on packages must go through inspection from a halal institution. Article 8 paragraph (1) letter (h) of UUPK stated that business actors are prohibited from producing or trading goods or services that do not follow the halal production provisions as stated in the halal statement on the label. In line with article 2 paragraph (1) Government Regulation No. 69 of 1999, every business actor producing packaged food for trade must include a food packaging label. The provisions for the inclusion of a halal label are regulated separately in articles 10 and 11. The statement "halal" is an obligation for production parties who claim their products are halal. The truth of a halal claim is not only proven regarding raw materials, additives, or auxiliary materials used in production. However, it can also be proven in the production process. For this reason, checking the product first with a halal inspection agency before being traded is mandatory. Then, include halal provisions on the product. So with this, halal information becomes an inseparable part of the label.

Article 1 number 11 of the JPH Law states that a halal label is a sign of the halalness of a product. The inclusion of the halal logo or label on the packaging indicates that the business actor or producer has passed a series of inspections by the Halal Product Assurance Agency (BPJPH) and Halal Examination Agency (LPH) and then has its halal status determined through the fatwa session of the Indonesian Ulema Council (MUI) in the form of a halal certificate. The process includes product that has been inspected by the halal product authority (Faturohman, 2019), which goes through a series of stages starting from the provision of materials, processing, storage, packaging, distribution, sales, and presentation of the product to ensure its halalness. Of course, the guarantee of halal products and increase the selling value for business actors or producers in producing their products.

The existence of halal certification proves legal certainty regarding the halalness of a product. A halal certification is a form of state protection from banning a product that is produced (Sari, 2018), as well as explaining certainty and clarity regarding the halalness of a product (Ilyas, 2017; Bashir, 2019). Every product that enters circulates and trades must be halal certified by article 4 of the JPH Law and its derivatives Article 2 paragraph (1) Government Regulation No. 31 of 2019. Business actors or producers are responsible for providing halal labels and maintaining the halalness of their products if they have received halal certification based on Article 25 of the JPH Law.

Then it is emphasized in Article 38 of the JPH Law that business actors or producers who have received halal certification must include a halal label on their product packaging, certain parts of their products, and certain places on their products. A halal label must be easy to see or read and not easily removed, removed, or tampered with by the provisions of Article 39 of the JPH Law. In addition, business actors or producers must consistently ensure that all stages of production avoid non-halal products, renew the validity period of halal certification when it expires, and report information on changes in the composition of ingredients. Not only do producers ensure, but BPJPH also has a very important role in the surveillance of product halalness. As per the implementing regulations of the JPH Law in Article 77 paragraph (1) No. 31 of 2019, surveillance is carried out on the Halal Inspection Agency (LPH), the validity period of halal certification, product halalness, the inclusion of halal labels, the inclusion of non-halal labels, separation of locations, places and processing equipment, storage, packaging, distribution, sales and the presentation of halal and non-halal products, the existence of halal surveillance, and other activities related to JPH. Surveillance is carried out once in 6 months regularly or at any time.

Meanwhile, business actors who produce their products with prohibited or forbidden materials are exempt from applying for halal certification and are required to include the statement "non-halal" on their products based on Article 26 of the JPH Law. This article does not mean that in Indonesia, buying and selling products is not permissible. However, there is no need for halal certification, so it is sufficient to include a non-halal label as a picture, sign, or written description (Hartati, 2019). In line with the regulation of the head of the Food and Drug Supervisory Agency (BPOM) No. HK. 03.1.23.06.10.5166 which requires manufacturers to include a sign in the form of the words "contains pork" if the product contains ingredients derived from pigs.



Table 1. Inclusion of Information on Materials Containing Pork

Special marking for products other than drugs containing or originating from pork

Special marking for medicinal products containing or originating from pork

Special marking of products that touch certain materials containing or originating from pork in the manufacturing process.

Source: Head of BPOM Regulation No. 03. 1. 23.06.10.51.66

If these obligations are violated, business actors receive administrative sanctions as referred to in Article 27 of the JPH Law in the form of written warnings, administrative fines, and revocation of halal certification. The criminal sanctions are expressly contained in article 56 of the JPH Law with a maximum imprisonment of 5 (five) years or a maximum fine of Rp. 2,000,000,000.- (two billion rupiah) if the business actor does not maintain the halal product that has received halal certification. Apart from that, in Article 57 of the JPH Law, to prevent leakage of the confidentiality of formulas contained in the information of business actors or producers, anyone involved in implementing the halal product guarantee process who does not maintain the confidentiality of formulas is subject to imprisonment for a maximum of 2 (two) years or a fine maximum Rp. 2,000,000,000.- (two billion rupiah).

Internalization of Halal Discourse

The existence of the issue of halal certification is a reflection of the relationship between religion and the state. Religion cannot be reduced to beliefs and rituals because it has multiple dimensions. Issues of belief and a series of rituals remain an inseparable part of religion. Preferably, religion is understood through the actions and behavior of its adherents (Suhadi & Muslim, 2022). Johnstone (1975) in (Shafie & Othman, 2006) "*Religion is a system of beliefs and practices by which group of people interprets and responds to what they feel is supernatural and sacred*". Therefore, religion regulates what is permitted and what is prohibited in consumption.

A product that is consumed must have a halal guarantee, so in this case, it is manifested in the form of halal certification so that producers can put a halal logo or label on the packaging. In response to this, the Indonesian Ulema Council (MUI) established an Institute for the Assessment of Food, Drugs, and Cosmetics (LPPOM MUI) on January 6, 1989, to provide certainty about the halal status of a product (Nur, 2021) where halal certification was first initiated by a civil movement supported by the state through LPPOM MUI.

Finally, in 2014, the JPH Law was issued, the emergence of a halal product guarantee institution with the formation of the Halal Product Guarantee Agency (BPJPH), which was within the structure of the Ministry of Religion, the management of halal certification was fully transferred to the state (Anwar et al., 2020). With the mandate of the JPH Law is mandatory, thus emphasizing the issue of halal and haram in the production chain from business actors to consumers. Enforcement of the JPH Law as a guideline for producers in managing, processing, producing, and marketing products to the consumer community. The benefits of the law allow producers to obtain legal certainty for the goods they produce (Manan et al., 2016; Ilyas, 2017) (Nur, 2021). Halal certification has an important role for producers in guaranteeing halal products, including as accountability and increasing trust in consumers; as a marketing tool and enhance the company's image; as well as providing producer benefits to increase production competitiveness (Angriyani, 2020; Suwardi & Billah, 2021)

Product guarantees are in the form of a halal certification mark and a logo attached to the packaging, but sometimes manufacturers must try to get it. The certification process requires a fee to be borne by the producer whose amount is by the product. In this case, halal certification is a tool or strategy for marketing a product. Many manufacturers associate halal certification with production costs, even though it is a marketing cost (Tjitroresmi & Suhodo, 2014). However, to obtain halal certification, producers must go through a long procedure and incur high costs (Muslimah, 2012; Sah, 2018; Masyhuri & Risdiyanti, 2022).

In its development, the halal concept moves to consumer products and becomes the branding of certain products and services (Fischer, 2011). Manufacturers are realizing the importance of halal certification in expanding the market. As a result, halal certification is the winner in the global market, which has added value to compete with existing competitors with recognition through the halal logo and its certification, producers feel that everyone who consumes the products they make feels protected and is confident to buy them (M. Aziz, 2017; Salam, 2022;

Arifin & Purnamasari, 2023). Directly, halal certification for products implies that the entire process starting from the source of raw materials, production, and distribution is carried out cleanly and hygienically. In this case, halal certification indicates that producers have met strict standards and have undergone rigorous inspections before being granted halal certification (Badruldin et al., 2012).

The higher the producer's understanding of the halal label, especially in food products, the more guaranteed the halal aspect of a product offered to consumers (Muhammad, 2009). A product will lose consumers in large numbers if there are negative issues about product halalness (Fischer, 2008). Therefore, there is a need for standardization in guiding the production process. The existence of laws governing halal product guarantees is a concrete action by the state in supervising and disciplining the circulation of products in circulation so that the halal label on product packaging can fulfill its meaning.

The issue of halal products is, of course, public. The existence of comprehensive power and authority is the state's role to intervene in people's economic life. In this case, the state urges not only to adapt the rules of Islamic law but to fill the void that exists in Islamic law (Ash-Shadr, 2008). The state intervenes in the market through regulation to play an important role as an economic activity, giving birth to labeling and certifying products as halal guarantees.

Comply with policies, rules, and regulations as a sign of compliance with existing business norms. Compliance with rules and regulations signifies the manufacturer's intention to conduct a legal business and respect the law. In this case, producers seek halal certification to comply with state laws (Zailani et al., 2015; Shofiyah & Qadariyah, 2022). The influence of the state binds all individuals to the public interest, which applies universally through its regulations. The state's role and regulation are the basis of reference to legitimize its enforcement so that its function is to monopolize.

Producer Discipline as a From of Panopticon

The concept of the Panopticon was first put forward by an English philosopher named Jeremy Bentham in 1843. The Panopticon uses a prison design that allows one guard to supervise the entire detention room, even if the prisoners do not know whether they are being watched. (Ramadhan, 2018). Later, this concept was developed by Foucault (1975) in his book

"Surveiller et Punir: Naissance de la Prison". Foucault explains that the panopticon concept Bentham previously put forward interprets the power applied to the supervisory function. The important point Foucault quotes from Bentham's theory is that power must be seen visible but could not be verified (unverifiable).

The monitoring concept of the panopticon system is that power functions automatically (Schwan & Shapiro, 2011). Halal certification is a new style of Panopticon that demands interpretation. Halal certification functions as a panoptic institution because it is the authority that registers, audits, decides, and regulates what is acceptable or not, what is right and wrong, what is by halal standards, and what is not (Yakin, 2021). Halal certification is designed as a doctrine of internalization of power for producers to create compliance monitoring mechanisms in the halal product standardization system. The ability of the halal certification body to see without being seen, allows the implementation of controls to ensure oversight.

For this reason, every product that enters, circulates, and is traded in Indonesia must be halal certified, as stated in Article 4 of the JPH Law. Then, it was strengthened by implementing regulations for the JPH Law, namely Government Regulation No. 39 of 2021 and Law No. 6 of 2023 on Job Creation. Halal certification is quite present in the form of regulations that link power in everyday life.

In reality, the JPH Law has yat to be effective in increasing the awareness of business actors for halal certification registration and increasing the availability of halal products in Indonesia (Anzellyta & Fittria, 2022). The legal awareness of business actors or producers still needs to improve (Nabila, 2023). Thus, not all producers provide products, both food and beverages, that are labeled as halal certification. Manufacturers are still biding time to obtain halal certification (Nukeriana, 2018), and most producers even say that even though they have not received halal certification, they are committed to making halal products. Most producers have not applied for halal certification because of the relatively high costs and complicated process (Muslimah, 2012; Khairunnisa et al., 2020; Wirda & Putra, 2020), which are considered burdensome (Lynarbi et al., 2020; Muhamad, 2020).

One of the government's efforts to help producers with limited funds is the acceleration of halal certification with the Free Halal Certification (SEHATI) program for Micro and Small Enterprises (MSEs). Where the source of these funds as a whole comes from state finances and

is assisted by government ministry agencies, this fee waiver is given to business actors who meet the criteria and standards stipulated in Minister of Religion Regulation No. 20 of 2021 concerning halal certification for MSEs. Then, the obligation to be halal-certified for MSE actors is based on a self-statement (self declare) from business actors based on Government Regulation No. 39 of 2021 Article 77 paragraph 1. Meanwhile, the requirements refer to article 79 paragraph 2, which includes: products that are not at risk or use materials that are confirmed to be halal and production processes that are guaranteed to be halal and simple.

This program is aimed at MSEs so that they can provide relief and convenience in obtaining halal certification for free. However, the provision of free halal certification cannot cover all business actors with limited authority who are legally connected. The free halal certification program at least helps encourage or motivate them to register for certification for their products. Providing free halal certification is an effort by the government to realize its mission of becoming a center for producing halal products in 2024 (Pamuji, 2022). So far, the government has only relied on the Muslim community's size and the high consumption of halal products (Sakti & Imanullah, 2021).

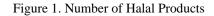
Producers need halal certification to be able to compete in the global market. The transformation of the halal trade begins with the case of flavoring or MSG Ajinomoto in 2001, which indicated that non-halal ingredients used auxiliary materials in the form of *Bacto Soyteno*, which contains pork enzymes (Departemen Agama, 2003). This scandal has implications for the export and import of products in Indonesia, and its follow-up results in regulations and halal standards that need to be met (Fischer, 2015). The global halal market represents various sectors within and between regulatory agencies and interacting markets.

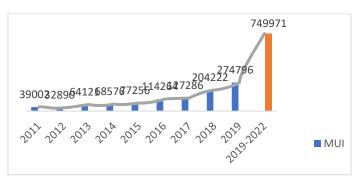
Halal certification for products is a marketing strategy to increase sales (Bakhri, 2020; Armiani et al., 2021). In other words, products that are already halal certified have advantages that differentiate these products from other products so that these products get added value and consumer confidence. The large number of imported products circulating in Indonesia requires great effort to obtain halal certification (Charity, 2017). For example, the Korean skincare brand Nacific has succeeded in obtaining halal certification to expand its market in Indonesia (Kirani, 2022). Samyang noodle from Korea has received halal certification to answer the many non-halal claims (Gultom, 2022).

Genki Sushi Indonesia has officially obtained halal certification for the rapidly increasing demand for halal food. Genki Sushi Indonesia is the first restaurant in the world to receive a halal certificate because no restaurant from Genki Sushi has received halal certification since its 32 years of establishment (Hikmah, 2022). Furthermore, there are claims from RamenYa! that products no pork, no lard, no angciu, no mirin (*sweet Japanese*) or sake evidenced by the issuance of a halal certificate on November 26, 2022, which is valid in all outlets (LPPOM MUI, 2022c). In addition, halal certification is a commitment from the company to ensure consumers know that what is consumed is safe and halal. Responding with certification is only proof, but the main thing is halal. Producers must maintain the production process with a halal assurance system even though they have received halal certification.

A halal certification is a form of compliance with applicable regulations, such as local products, namely the Merah Putih vaccine as the first local vaccine product to be halal certified (Astuti, 2022), Kopi Kenangan (LPPOM MUI, 2022b) and Salad Point (LPPOM MUI, 2022a). Here are binding regulations to run the panopticon system to minimize the potential for fraud. A surveillance system monitors compliance and violations that occur. Regulations limits what is allowed and what is not and make business actors responsible for products in circulation (Warto & Arif, 2020; Angriyani, 2020).

Panoptic power creates conditions for normalizing behavior because of fear of state retribution (Hardiyanta, 1997). The regulations installed in the form of rules need to be revised to capable carry out the panopticon function. The Panopticon functions as if punishment occurs naturally (Pujileksono, 2017). In this case, the Panopticon is intended as a tool to carry out experiments and change behavior. As a result, producers are aware of the importance of halal certification in carrying out their products, as seen from the increase in the number of halal products in circulation.





Journal of Islamic Economic Laws Vol. 6 No. 2, 2023 (ISSN P: 2655-9609; E: 2655-9617)

Source: MUI & BPJPH

Although there has been an increase in the number of halal products, the data above is not proportional to the number of MSEs. Until now, 65,471,134 business units in (KemenkopUKM, 2019), or only 1% of the number, are halal certified. The obligation for circulating products to be halal-certified in Indonesia has yet to come close to panopticism. To some extent, the process encouraged producers to refrain from registering their products to obtain halal certification.

To date, one of the Spicy Noodle restaurants (Gacoan) has drawn public attention with its status that needs to have halal certification. As a result, on November 17, 2022, Mie Gacoan officially obtained halal certification from the MUI for the raw materials used, including basic ingredients and supporting ingredients to seasonings (Aswar, 2022). Meanwhile, halal restaurant certification has yet to be registered, halal restaurant claims cannot use raw material certificates. In this case, it does not include restaurant halal certification in direct service to consumers, branches, and menus. The noodles have not received an official halal label issued by BPJPH because the food menu uses names, such as Mie Setan and Mie Setan. Meanwhile, the drinks use the names of Indonesian ghosts (KOMPAS.com, 2022).



Table 2. Gacoan Noodle Menu List

Source: 1kompasiana.com and 2food.detik.com

It is not about using non-halal materials, but not meeting one of the Halal Assurance System (SJH) criteria, namely the use of a name. The product must not tend to haram products in point 6 of the 11 SJH criteria and are also in line with MUI Fatwa No. 4 of 2003 concerning the use of food names that lead to symbols of disbelief and evil. With this naming, Mie Gacoan can only certify its products for halal certification if it changes its product name. For this reason, Mie Gacoan is known to have changed the name of its menu using children's game names, such as Suit, Hompimpa, Gacoan, Gobak Sodor, Teklek, and others. In addition, Mie Gacoan is also preparing a halal guarantee system within the company.

<image/> <text><text><text><text></text></text></text></text>	
(a)	(b)

Figure 2. Mixue Halal Claim

Source: (a) (Halalcorner, n.d.) and (b) (Anaziah, 2023)

Following product distribution and trade regulations in Indonesia that require halal certification, Mixue is currently registering for halal certification. However, during the halal certification process, there were findings in the form of halal claims by attaching documents that may have yet to be published during the LPPOM MUI Halal Companion Agency (LPH) audit process. What is fatal is the installation of the Indonesian halal logo at a Mixue outlet in the city of Semarang. As a result, MUI gave Mixue an administrative warning for displaying the halal logo. Installing a halal logo for a product can be done when the process at LPH is complete, then determining whether a product is halal or not is through the MUI fatwa assembly. If you have received a stipulation from the MUI, BPJPH will issue a halal

certification. After that, the producer can include the halal label and registration number on the product packaging.

Finally, the LPPOM MUI website released Mixue's Halal certification. Mixue has received a halal determination from the MUI and has officially received a Halal Certificate from BPJPH with No. 1D00410001326911122, which is valid in all outlets in Indonesia. Mixue is committed to producing halal products and implementing the Halal Product Assurance System according to the provisions of BPJPH and LPPOM MUI (Mixueindonesia, 2023). Apart from that, Mixue indirectly fulfills the consumer market's demand for a product's halalness.

The mandatory halal certification will end on October 17, 2024, based on the JPH Law, where the first stage is specifically for food and beverage products; raw material products, food additives, and supporting materials for food and beverage products; and slaughter products and slaughter services. Producers who do not take care of it by the stipulated time limit will be subject to sanctions based on Government Regulation No. 39 of 2021, from written warnings, and administrative fines to withdrawing goods from circulation. For this reason, producers who have not registered for halal certification are required to register their products.

CONCLUSION

The state and regulations intervene in the market through the governing rules, thus giving birth to labeling and certifying products as halal guarantees. The JPH Law internalizes that every product that enters, circulates, and is traded in Indonesia must be halal certified. The problem of self-claiming the Halal certification is a problem faced by the authority.

Halal standardization and certification is a form of representation of compliance with applicable regulations, becoming a panopticon system albeit its process limitation. Halal certification functions as a panoptic institution because it is the authority that registers, audits, decides, and regulates what is acceptable or not, what is right and wrong, what is by halal standards, and what is not. In reality, standardization and halal products have yet to be effective in increasing the awareness of business actors for halal certification registration and increasing the availability of halal products in Indonesia.

In this article, the authors provide suggestions for further research to compare the role of a policy before and after enforcing the obligation to certify halal products in 2024. Then, it is reviewed regarding surveillance and sanctions given to products that have received certification or not.

REFERENCES

- Ab Talib, M. S. (2017). Motivations and benefits of halal food safety certification. *Journal of Islamic Marketing*, 8(4), 605–624. https://doi.org/10.1108/JIMA-08-2015-0063
- Ab Talib, M. S., Chin, T. A., & Fischer, J. (2017). Linking Halal food certification and business performance. *British Food Journal*, *119*(7), 1606–1618. https://doi.org/10.1108/BFJ-01-2017-0019
- Ab Talib, M. S., Md. Sawari, S. S., Abdul Hamid, A. B., & Ai Chin, T. (2016). Emerging Halal food market: An Institutional Theory of Halal certificate implementation. *Management Research Review*, *39*(9), 987–997. https://doi.org/10.1108/MRR-06-2015-0147
- Abdul, M., Ismail, H., Mustapha, M., & Kusuma, H. (2013). Indonesian small medium enterprises (SMEs) and perceptions on Halal food certification. *African Journal of Business Management*, 7(16), 1492–1500. https://doi.org/10.5897/AJBM11.2926
- Anaziah, W. (2023, January 2). Heboh Mixue Pasang Logo Halal, Kemenag Tegur Keras Kepada Seluruh Gerai: Mohon Tidak Memasang Dulu—Ayo Jakarta. https://www.ayojakarta.com/news/pr-766398532/heboh-mixue-pasang-logo-halalkemenag-tegur-keras-kepada-seluruh-gerai-mohon-tidak-memasang-dulu
- Angriyani, A. M. (2020). Perlindungan Hukum Terhadap Konsumen Muslim Dari Produk Pangan Yang Tidak Berlabel Halal Dalam Perspektif Hukum Positif Yang Terkait Di Indonesia Dan Di Korea. *Dialogia Iuridica*, 12(1), 049–063. https://doi.org/10.28932/di.v12i1.2987
- Anwar, M. Z., Sunesti, Y., & Ihsan, I. (2020). The Politics of Halal Label: Between Economic Piety and Religious Ambiguity. *Al-A'raf: Jurnal Pemikiran Islam Dan Filsafat*, 17(1), 25–44. https://doi.org/10.22515/ajpif.v17i1.1803
- Anzellyta, T., & Fittria, A. (2022). The Effectiveness of The Halal Product Guarantee Law on Business Awareness in Registration of Halal Certification in Indonesia. *Walisongo Law Review (Walrev)*, 4(1), 97-120. https://doi.org/10.21580/walrev.2022.4.1.11272
- Arifin, Z., & Purnamasari, W. (2023). UNDERSTANDING OF CULINARY MICRO, SMALL AND MEDIUM ENTERPRISES ACTORS ON HALAL FOOD PRODUCTS IN SAMBAS REGENCY. SOUTHEAST ASIA JOURNAL oF GRADUATE OF ISLAMIC BUSINESS AND ECONOMICS, 1(3), 129–139. https://doi.org/10.37567/sajgibe.v1i3.1521
- Armiani, A., Basuki, B., & Nurrahmadani, S. (2021). Sertifikat Halal Menjadi Strategi Pemasaran Bagi Umkm Nonmuslim dalam Meningkatkan Penjualan. *Prosiding Seminar STIAMI*, 8(1), 22–27. https://ojs.stiami.ac.id/index.php/PS/article/view/1363
- Ash-Shadr, M. B. (2008). Buku Induk Ekonomi Islam: Istishaduna (Yudi, Trans.). Zahra.
- Astuti, W. (2022, March 29). Vaksin Merah Putih, pertama bersertifikat Halal. *Halal UNAIR*. https://halal.unair.ac.id/2022/03/29/vaksin-merah-putih-pertama-bersertifikat-halal/
- Aswar, M. (2022, December 3). Sah! MUI Terbitkan Sertifikat Halal Bahan Baku Mie Gacoan, Selangkah Lagi sudah Halal—Media Pemalang. https://pemalang.pikiranrakyat.com/khazanah/pr-2405924600/sah-mui-terbitkan-sertifikat-halal-bahan-bakumie-gacoan-selangkah-lagi-sudah-halal

Journal of Islamic Economic Laws Vol. 6 No. 2, 2023 (ISSN P: 2655-9609; E: 2655-9617)

- Aziz, M. (2017). Perspektif Maqashid Al-Syariah dalam penyelenggaraan jaminan produk halal di Indonesia pasca berlakunya Undang-Undang Nomor 33 tahun 2014 tentang jaminan produk halal. *Al Hikmah: Jurnal Studi Keislaman*, 7(2), 78–94. https://doi.org/10.36835/hjsk.v7i2.3284
- Aziz, Y. A., & Chok, N. V. (2013). The Role of Halal Awareness, Halal Certification, and Marketing Components in Determining Halal Purchase Intention Among Non-Muslims in Malaysia: A Structural Equation Modeling Approach. *Journal of International Food* & Agribusiness Marketing, 25(1), 1–23. https://doi.org/10.1080/08974438.2013.723997
- Azizah, M. (2021). Peran Negara dalam Perlindungan Konsumen Muslim di Indonesia. *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, 4(2), 153–165. https://doi.org/10.24090/volksgeist.v4i2.5738
- Azmi, F. R., Abdullah, A., Yahaya, S. H., Woźniak, M., & Purnomo, M. R. A. (2019). Adoption of Halal Standard In Malaysian Food Industry: A Case of Small and Medium Enterprises. *Journal of Advanced Manufacturing Technology (JAMT)*, 13(3), 37–49.
- Badruldin, B., Mohamed, Z., Sharifuddin, J., Rezai, G., Abdullah, A. M., Abd Latif, I., & Mohayidin, M. G. (2012). Clients' perception towards JAKIM service quality in Halal certification. *Journal of Islamic Marketing*, 3(1), 59–71. https://doi.org/10.1108/17590831211206590
- Bakhri, S. (2020). Analisis Kepemilikan Sertifikat Halal Terhadap Tingkat Pendapatan Usaha Pelaku Industri Kecil dan Menengah. *Al-Mustashfa: Jurnal Penelitian Hukum Ekonomi Syariah*, 5(1), 54-65. https://doi.org/10.24235/jm.v5i1.6789
- Bashir, A. M. (2019). Effect of Halal Awareness, Halal Logo and Attitude on Foreign Consumers' Purchase Intention. *British Food Journal*, 212(9), 1998–2015. https://doi.org/10.1108/BFJ-01-2019-0011
- Bergeaud-Blackler, F. (2015). The halal certification market in Europe and the world: A first panorama. In *Halal Matters* (pp. 105–126). Routledge.
- Charity, M. L. (2017). Jaminan Produk Halal di Indonesia. *Jurnal Legislasi Indonesia*, 14(01), 99–108. https://doi.org/10.54629/jli.v14i1
- Departemen Agama. (2003). *Himpunan Fatwa Majelis Ulama Indonesia*. Direktorat Jenderal Bimbingan Masyarakat Islam dan Penyelenggaran Haji. https://simbi.kemenag.go.id/eliterasi/e-literasi/himpunan-fatwa-majelis-ulamaindonesia
- Dinar Standard. (2022). *State of the Global Islamic Economy* 2022. Dubai Economy and Tourism (DET). https://www.salaamgateway.com/specialcoverage/SGIE22
- Faturohman, I. (2019). Faktor yang Mempengaruhi Minat Beli terhadap Makanan Halal. Studi pada Konsumen Muslim di Indonesia. *Prosiding Industrial Research Workshop and National Seminar*, 10(1), 882–893. https://doi.org/10.35313/irwns.v10i1.1525
- Fischer, J. (2008). Religion, science and markets: Modern halal production, trade and consumption. *EMBO Reports*, 9(9), 828–831. https://doi.org/10.1038/embor.2008.156
- Fischer, J. (2011). *The Halal Frontier: Muslim Consumers in a Globalized Market*. Palgrave Macmillan US. https://doi.org/10.1057/9780230119789
- Fischer, J. (2015). Islam, Standards, and Technoscience: In Global Halal Zones. Routledge.
- Giyanti, I., Indrasari, A., Sutopo, W., & Liquiddanu, E. (2020). Halal standard implementation in food manufacturing SMEs: Its drivers and impact on performance. *Journal of Islamic Marketing*, *12*(8), 1577–1602. https://doi.org/10.1108/JIMA-11-2019-0243
- Giyanti, I., & Indriastiningsih, E. (2019). Effect of SME Food Entrepreneurs Knowledge on Halal Certification for Certified Awareness using Partial Least Square. *Jurnal Teknik Industri*, 20(2), 140-151. https://doi.org/10.22219/JTIUMM.Vol20.No2.140-151
- Gultom, R. (2022, December 26). Jawab Isu Tidak Halal, Mi Samyang Kantongi Sertifikat

Halal MUI. Tabloidbintang.com. https://www.tabloidbintang.com/wisata-kuliner/nongkrong/read/83557/jawab-isu-tidak-halal-mi-samyang-kantongi-sertifikat-halal-mui

Hardiyanta, P. S. (1997). Disiplin Tubuh ; Bengkel Individu Modern. Lkis Pelangi Aksara.

- Hartati, R. (2019). Peran Negara Dalam Pelaksanaan Jaminan Produk Halal. *ADIL: Jurnal Hukum*, *10*(1), 72–92. https://doi.org/10.33476/ajl.v10i1.1066
- Hikmah, R. N. (2022, November 16). *Genki Sushi di Indonesia Jadi Cabang Pertama yang Kantongi Sertifikat Halal*. kumparan. https://kumparan.com/kumparanfood/genki-sushi-di-indonesia-jadi-cabang-pertama-yang-kantongi-sertifikat-halal-1zFm9GzF7uz
- Ilyas, M. (2017). Sertifikasi dan Labelisasi Produk Halal Perspektif Maslahat. Jurnal Al-Qadau: Peradilan Dan Hukum Keluarga Islam, 4(2), 357–376. https://doi.org/10.24252/al-qadau.v4i2.5682
- KemenkopUKM. (2019). Perkembangan Data Pelaku UMKM Tahun 2018-2019. https://kemenkopukm.go.id/uploads/laporan/1650868533_SANDINGAN_DATA_U MKM_2018-2019%20=.pdf
- Khairunnisa, H., Lubis, D., & Hasanah, Q. (2020). Kenaikan Omzet UMKM Makanan dan Minuman di Kota Bogor Pasca Sertifikasi Halal. *Al-Muzara'ah*, 8(2), 109–127. https://doi.org/10.29244/jam.8.2.109-127
- Kirani. (2022, March 7). Nacific Berhasil Kantongi Sertifikat Halal dan Vegan Friendly. https://www.kirani.id/nacific-berhasil-kantongi-sertifikat-halal-dan-vegan-friendly/
- KOMPAS.com. (2022, August 29). *Mie Gacoan Buka Suara Soal Polemik Sertifikat Halal dan Nama Makanan*. KOMPAS.com. https://www.kompas.com/food/read/2022/08/29/110854075/mie-gacoan-buka-suara-soal-polemik-sertifikat-halal-dan-nama-makanan
- Kusumastuti, R. D., & Rachmawati, R. (2017). Motives and challenges of small businesses for halal certification: The case of Indonesia. *World Journal of Social Sciences*, 7(1), 136–146.
- LPPOM MUI. (2022a, August 25). Salad Point, Brand Salad Lokal Pertama Yang Kantongi Sertifikat Halal / LPPOM MUI. https://halalmui.org/salad-point-brand-salad-lokalpertama-yang-kantongi-sertifikat-halal/
- LPPOM MUI. (2022b, November 25). Ini Kata Kopi Kenangan Tentang Sertifikasi Halal / LPPOM MUI. https://halalmui.org/ini-kata-kopi-kenangan-tentang-sertifikasi-halal/
- LPPOM MUI. (2022c, December 12). Kantongi Sertifikat Halal, Makan Di RamenYa! Tak Ragu Lagi / LPPOM MUI. https://halalmui.org/kantongi-sertifikat-halal-makan-diramenya-tak-ragu-lagi/
- Lynarbi, I., Haque, M. G., Purwanto, A., & Sunarsi, D. (2020). Analisis Pengaruh Lahirnya UU No. 33 Tahun 2014 tentang JPH dan Terbitnya PP No. 31 Tahun 2019 tentang JPH terhadap Keputusan Melakukan MoU dan Perjanjian Kerja Sama Calon LPH dengan BPJPH. *International Journal of Social, Policy and Law (IJOSPL)*, *1*(1), 88–110. https://doi.org/10.8888/ijospl.v1i1.53
- Manan, S. K. A., Abd Rahman, F., & Sahri, M. (2016). Contemporary issues and development in the global halal industry. Springer.
- Masruroh, N. (2020). The Competitiveness of Indonesian Halal Food Exports in Global Market Competition Industry. *Economica: Jurnal Ekonomi Islam*, 11(1), 25-48. https://doi.org/10.21580/economica.2020.11.1.3709
- Masyhuri, M., & Risdiyanti, A. (2022). Halal Certification Challenges for Javanese Muslim Entrepreneurs in a Phenomenological Perspective. *IQTISHODUNA: Jurnal Ekonomi Islam*, 11(2), 181–194. https://doi.org/10.54471/iqtishoduna.v11i2.1959
- Mixueindonesia. (2023, February 17). Sertifikasi Halal Mixue Indonesia. https://www.instagram.com/p/Cov8B6Yr9Jp/?hl=id

Mohd Nawawi, M. S. A., Abu-Hussin, M. F., Faid, M. S., Pauzi, N., Man, S., & Mohd Sabri, N. (2019). The emergence of halal food industry in non-Muslim countries: A case study of Thailand. *Journal of Islamic Marketing*, 11(4), 917–931. https://doi.org/10.1108/JIMA-05-2018-0082

- Muhamad, M. (2020). Tantangan dan Peluang Penerapan Kebijakan Mandatory Sertifikasi Halal (Studi Implementasi UU No. 33 Th. 2014 dan PP No. 31 Th. 2019). *Jurnal Ilmu Ekonomi Dan Bisnis Islam*, 2(2), 1–26. https://doi.org/10.24239/jiebi.v2i2.29.1-26
- Muhammad, M. (2009). Label Halal dan Spiritualitas Bisnis Interpretasi atas Bisnis Home Industry. *Jurnal Salam*, 12(2), 101–127.
- Muslimah, S. (2012). Label halal pada Produk Pangan Kemasan dalam Perspektif Perlindungan Konsumen Muslim. *Yustisia Jurnal Hukum*, 1(2), 86–97. https://doi.org/10.20961/yustisia.v1i2.10630
- Nabila, K. R. (2023). Kesadaran Hukum Pelaku Usaha Home Industry Makanan terhadap Sertifikasi Halal Perspektif Maqashid Syariah. *Journal of Islamic Business Law*, 7(1), 1-16.
- Naim, A. H. (2023). Penerapan Sertifikasi Halal (Studi Implementasi Undang-Undang Nomor 33 Tahun 2014 tentang Jaminan Prodak Halal). *ICCoLaSS: International Collaboration Conference on Law, Sharia and Society*, 2(1), 19-35.
- Nukeriana, D. (2018). Implementasi Sertifikasi Halal Pada Produk Pangan Di Kota Bengkulu. *Qiyas: Jurnal Hukum Islam Dan Peradilan*, 3(2), 154–165. https://doi.org/10.29300/qys.v3i2.1310
- Nur, F. (2021). Jaminan Produk Halal di Indonesia terhadap Konsumen Muslim. *LIKUID: Jurnal Ekonomi Industri Halal*, *1*(1), 43–54. https://doi.org/10.15575/likuid.v1i1.12732
- Pamuji, S. (2022). BPJPH & ILHC Bahas Target Indonesia Jadi Produsen Halal Dunia. https://kemenag.go.id/read/bpjph-ilhc-bahas-target-indonesia-jadi-produsen-halaldunia-egovk
- Pujileksono, S. (2017). Sosiologi Penjara. Intrans Publishing.
- Ramadhan, M. R. (2018). Panopticonism dalam Media Massa (Analisis Wacana Berita Kasus Pemerkosaan Yn yang Ditayangkan pada Program AIMAN Kompas TV Mei 2016). *Jurnal Kriminologi Indonesia*, 13(2), 77–90.
- Sah, S. L. (2018). HALAL KULINER PERSPEKTIF HUKUM ADAT (Analisis Label Halal Pada Makanan Tradisional Nasi Jamblang). *Inklusif (Jurnal Pengkajian Penelitian Ekonomi Dan Hukum Islam)*, 3(2), 184–196. https://doi.org/10.24235/inklusif.v3i2.3393
- Sakti, M., & Imanullah, M. N. (2021). Legal Studies on The Halal Product Certification Institution in Indonesia after The enactment of The Law on The Halal Product Guarantee. In *Halal Development: Trends, Opportunities and Challenges* (pp. 51–55). Routledge.
- Salam, D. A. (2022). Implementasi Jaminan Produk Halal Melalui Sertifikasi Halal Pada Produk Makanan dan Minuman UMKM di Kabupaten Sampang. *Qawwam: The Leader's Writing*, 3(1), 10–20. https://doi.org/10.32939/qawwam.v2i2.110
- Sari, D. I. (2018). Perlindungan Hukum atas Label Halal Produk Pangan Menurut Undang-Undang. *Repertorium: Jurnal Ilmiah Hukum Kenotariatan*, 7(1), 1–14. https://doi.org/10.28946/rpt.v7i1.264
- Scholten, P. (1974). Algemeen deel (Vol. 1). Kluwer.
- Schwan, A., & Shapiro, S. (2011). How to Read Foucault's Discipline and Punish. JSTOR.
- Shafie, S., & Othman, M. N. (2006). Halal Certification: An International Marketing Issues and Challenges. *Proceeding at the International IFSAM VIIIth World Congress*, 28, 30.
- Shofiyah, R., & Qadariyah, L. (2022). Pemaknaan Sertifikasi Halal Bagi Pelaku Umkm Sektor

Pangan Yang Telah Bersertifikat Halal Di Kabupaten Bangkalan. *Maro: Jurnal Ekonomi Syariah Dan Bisnis*, 5(2), 246–259. https://doi.org/10.31949/maro.v5i2.3595

- Suhadi, M., & Muslim, A. (2022). Islam dan Produk Halal: Muslimah, Komodifikasi Agama dan Konsolidasi Identitas Keagamaan di Indonesia. *Profetika: Jurnal Studi Islam*, 23(1), 164–176. https://doi.org/10.23917/profetika.v23i1.18082
- Suwardi, S., & Billah, M. E. M. (2021). Undang-Undang Jaminan Produk Halal sebagai Bentuk Iinternalisasi Nilai Syari'ah dalam Hukum Nasional. *Journal of Economic and Business Law Review*, 1(2), 72-81.
- Tjitroresmi, E., & Suhodo, D. S. (2014). Peluang Usaha Produk Halal di Pasar Global: Prilaku Produsen dalam Memproduksi Produk Halal. LIPI Press.
- Waluyo, W. (2013). Pengaruh Pemahaman Agama, Motifasi Mendapatkan Profit dan Tingkat Pendidikaan Terhadap Kesadaran Sertifikasi Halal Bagi Produsen Makanan di Kabupaten Sleman dan Bantul. *Inferensi: Jurnal Penelitian Sosial Keagamaan*, 7(1), 75-98. https://doi.org/10.18326/infs13.v7i1.75-98
- Warto, W., & Arif, Z. (2020). Bisnis Produk Halal antara Peluang dan Tantangan, Problematika dan Solusinya. *Al-Ulum*, 20(1), 274–294. https://doi.org/10.30603/au.v20i1.1170
- Wilson, J. A. (2014). The halal phenomenon: An extension or a new paradigm? *Social Business*, 4(3), 255–271. https://doi.org/10.1362/204440814X14103454934294
- Wilson, J. A. J. (2012). Charting the rise of the halal market tales from the field and looking forward. *Journal of Islamic Marketing*, *3*(3). https://doi.org/10.1108/jima.2012.43203caa.001
- Wilson, J. A., & Liu, J. (2010). Shaping the halal into a brand? *Journal of Islamic Marketing*, *1*(2), 107–123. https://doi.org/10.1108/17590831011055851
- Wirda, F., & Putra, T. (2020). Penguatan daya saing UKM pada Usaha Makanan Khas Daerah Sumatera Barat. *Dinamisia: Jurnal Pengabdian Kepada Masyarakat*, 4(4), 579–587. https://doi.org/10.31849/dinamisia.v4i3.4165
- Yakin, A. U. (2021). Halal Certification, Standards, and Their Ramifications in Belgium. In *Rethinking Halal* (pp. 153–195). Brill.
- Zailani, S., Iranmanesh, M., Jafarzadeh, S., & Foroughi, B. (2019). The influence of halal orientation strategy on financial performance of halal food firms: Halal culture as a moderator. *Journal of Islamic Marketing*, *11*(1), 31–49. https://doi.org/10.1108/JIMA-01-2018-0023
- Zailani, S., Kanapathy, K., Iranmanesh, M., & Tieman, M. (2015). Drivers of Halal Orientation Strategy Among Halal Food Firms. *British Food Journal*, *117*(8), 2143–2160. https://doi.org/10.1108/BFJ-01-2015-0027