



The Plurality of Fatwa Authority and Its Impact on the Halal Ecosystem in Indonesia

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Article Info	Abstract
Article History Received: 2025-08-05 Revised: 2025-08-06 Published: 2025-09-10	This article examines the plurality of fatwa authorities in determining product halalness in Indonesia and its implications for the Halal Product Assurance (JPH) ecosystem. Using a comparative juridical-empirical approach, the study identifies the sources of plurality (interactions between the Indonesian Ulema Council (MUI), the Halal Product Fatwa Committee (BPJPH), and implementing regulations), analyzes its impact on legal certainty and consumer protection, and compares institutional alternatives from Malaysia (the centralized model/JAKIM) and international standard practice (SMIIC). Findings indicate that plurality without a harmonization mechanism creates informational confusion, risks fragmentation of technical standards, and potential erosion of the legitimacy of halal certification; therefore, a formal coordination protocol, an integrated fatwa registry, a fatwa dispute resolution mechanism, and strengthening of technical accreditation are needed.
Keywords: <i>Plurality, fatwa, halal, Indonesia</i>	

I. INTRODUCTION

The enactment of Law No. 33 of 2014 concerning Halal Product Assurance (UU JPH) fundamentally changed the structure of Indonesia's halal authority. Prior to this regulation's implementation, halal governance was centralized under the Indonesian Ulema Council (MUI), which held two core authorities: the Fatwa Commission, which determined the halal status of products, and the MUI's Assessment Institute for Food, Drugs, and Cosmetics (LPPOM), which managed technical audits of raw materials, production processes, industrial facilities, and supply chains. Since 1989, the integration of audits, verification, standardization, and fatwas has made Indonesia's halal system ulama-centric, with the MUI as the sole normative reference.

Transformation emerged when the state entered this sector through the establishment of the Halal Product Assurance Organizing Agency (BPJPH) under the mandate of the JPH Law. This new institution took over administrative functions: registration, document verification, standardization, LPH accreditation, and international cooperation. The authority to issue fatwas remained with the Indonesian Ulema Council (MUI) as stipulated in Article 33 of the JPH Law, thus establishing a dual authority structure:

the state manages administrative aspects, while normative authority remains with the ulama.

Implementing regulations, such as Government Regulation No. 39 of 2021, then opened the way for the establishment of the Halal Product Fatwa Committee (KFPH), which operates within the BPJPH structure. The KFPH's presence marks a shift toward a plurality of fatwa actors, as the state begins to develop sharia-compliant assessment bodies that issue normative decisions. This configuration creates a conflict of authority between independent religious authorities and state regulators.

This plurality carries several important implications. The risk of inconsistency increases when more than one institution can make differing decisions regarding a product's halal status due to differences in istinbat methodology, audit standards, or technical parameters. Inconsistent fatwa results have the potential to undermine the coherence of the halal assurance system.

A consumer protection perspective highlights the need for robust legitimacy. Muslim consumers demand halal certification that is both legally valid and carries strong religious authority. When there is no single authority structure, doubts arise about the source of the legitimacy of

the fatwa used. Furthermore, businesses face regulatory uncertainty that impacts compliance costs and certification duration.

The study of religious authority raises conceptual issues regarding the extent to which the state can establish a fatwa-issuing body without compromising the epistemic independence of ulama. Fatwas, as products of *ijtihad* (Islamic *ijtihad*), demand moral legitimacy, scholarly capacity, and acceptance by the Muslim community. Extensive state intervention has the potential to raise questions of normative legitimacy within the religious legal system.

Indonesia's halal governance model is moving toward a hybrid form that combines the roles of religious and administrative authorities. When functional boundaries are not clearly defined, the risk of regulatory dualism arises, resulting in overlapping authority and potential institutional conflict. The experience of other countries with mature halal systems suggests a tendency to maintain a single authority for stability. Malaysia implements full integration between the National Fatwa Committee and JAKIM as halal regulators. Brunei uses a more monistic structure through the Brunei Islamic Religious Council (MUIB). International studies have shown that a centralized halal system can improve halal integrity, reduce conflict, and strengthen consumer trust.

Indonesia is in a transition from a ulama-centric model to a state-regulated one. The plurality of actors: the MUI Fatwa Commission, the BPJPH (Indonesian Halal Product Authority), the KFPH (Indonesian Halal Product Authority), and the LPH (Indonesian Halal Institution) as technical advisors, indicates an unstable hybrid-fatwa structure. This situation differs from the monistic configuration commonly found in the global halal system.

The effects of plurality are evident through the potential for norm fragmentation, consumer uncertainty, compliance burdens for the industry, and opportunities for contested authority. Consumer protection literature emphasizes the importance of a single authority to maintain public trust. Cotton and Dean state that the integrity of the halal system depends on a single authoritative system that prevents confusion of authority. If the authority structure is inconsistent, the effectiveness of Halal Product Assurance can be hampered.

Academic studies are needed to assess the strengths and weaknesses of Indonesia's hybrid model. Key questions include the effectiveness of

the current model, the ideal design of the relationship between sharia authorities and the state, and the relevance of other countries' experiences for reformulating the national system. Comparative studies emphasize the importance of consolidating fatwa authority for the stability of the halal ecosystem. Analyzing the plurality of fatwa authorities is a strategic step towards strengthening national halal product assurance.

II. RESEARCH METHODS

This research uses a qualitative approach combining legal document analysis, literature review, and institutional comparative analysis. The document study includes Law Number 33 of 2014 concerning Halal Product Assurance, Government Regulation Number 39 of 2021, the Decree of the Head of the Halal Product Assurance Agency (BPJPH), and public institution audit standards according to BPK regulations. These sources are used to assess the normative construction and distribution of authority in the halal certification process.

The literature review included academic publications, official reports from the Indonesian Ulema Council (MUI), the Indonesian Food and Drug Authority (BPJPH), and research on halal governance. The literature was selected to assess the integrity of the halal system, the dynamics of fatwa authority, and consumer protection theory.

A comparative analysis was conducted on the Malaysian model, integrated through JAKIM and the National Fatwa Committee, and the SMIC international standard, which serves as a reference for global halal harmonization. This comparison was used to map the effectiveness of the Indonesian model within the global ecosystem. A normative-argumentative approach was used to draw policy implications and formulate reformative recommendations. Data validity was maintained through the use of primary sources from regulations and official institutional documents.

III. RESULTS AND DISCUSSION

A. Sources and Forms of Plurality in Indonesia

The plurality of authority in the implementation of the Halal Product Assurance (JPH) system in Indonesia is a result of the restructuring of the relationship between the state and religious authorities that has developed since the enactment of Law Number 33 of 2014. The transfer of some of the functions of the ulama institutions to state institutions creates a separation of functions that gives rise to several centers of legitimacy in determining halal status.

(1) MUI as the Sharia Fatwa Authority

For decades, the Indonesian Ulema Council (MUI) was the central institution for halal certification through its Fatwa Commission and production process audits through its LPPOM MUI. Following regulatory reforms, audits were transferred to the Halal Inspection Institute (LPH), but the fatwa-issuing process remains under the MUI Fatwa Commission, as mandated by law and implementing regulations. This position positions the MUI as the source of sharia authority that determines the substance of halal certification.

(2) BPJPH as Regulator and Administrative Controller

The Halal Product Assurance Organizing Agency (BPJPH) was established as a state institution to manage the administrative certification process, from standard development and LPH mapping to halal certificate issuance. The state's role was strengthened in governance and system coordination, while the authority to determine Sharia law remained with the fatwa institution.

(3) Halal Product Fatwa Committee as a Technical-Scientific Unit

The Halal Product Fatwa Committee, established under technical regulations, is tasked with providing scientific assessments on specific halal issues. Its scope includes accelerating MSE certification, technical review of product naming, and recommendations under certain circumstances. This unit operates as an additional epistemic node, not a replacement for the MUI, thus increasing the diversity of actors involved in the halal fatwa ecosystem.

(4) Point of Intersection of Authority

Coordination between BPJPH, MUI, and the Fatwa Committee is evident in several official forums discussing product

naming harmonization and certification procedures. These meetings demonstrate two layers of normativeness:

- a) normative sources of sharia from the MUI,
- b) technical-administrative normative sources from BPJPH and the Fatwa Committee.

This plurality of actors can produce innovation, but also has the potential to cause overlapping authority if not supported by a systematic synchronization mechanism.

B. Impact on Legal Certainty and Consumer Protection

The analysis shows three main consequences of plurality of authority: information uncertainty, disparity of standards, and decreased institutional legitimacy.

(1) Information Uncertainty

The unclear division of authority between state and religious institutions has resulted in inconsistent information regarding certification authority pathways. This situation is problematic because halal products fall into the category of credence goods, a type of product whose claims cannot be directly verified by consumers. This misalignment of information sources can undermine public trust in the halal label and trigger potential disputes in the certification process.

(2) Disparity and Fragmentation of Technical Standards

Several standard documents, including the LPH audit guidelines, BPJPH operational standards, the MUI istinbat method, and the Fatwa Committee's technical recommendations, do not always operate in a coordinated manner. This lack of integration can result in: increased compliance costs for businesses; a lack of synchronization between audit results and fatwa issuance; and a lengthier and more inefficient certification process.

The disharmony of standards also affects Indonesia's position in global halal standards competitions such as SMIC and the Malaysian certification model (JAKIM).

(3) Erosion of Institutional Legitimacy

The legitimacy of halal certification rests on sharia authority and public governance. When the two are not aligned,

legitimacy can come under pressure: fatwa decisions can be perceived as influenced by administrative structures; state policies can be seen as less compliant with sharia principles; and differences in recommendations between units create perceptions of inconsistency. Inter-agency coordination forums play a role in mitigating friction, but incidental efforts are insufficient to create long-term institutional stability.

Implications for Consumer Protection. Consumers' right to accurate information is expressly stipulated in Law Number 8 of 1999 concerning Consumer Protection. In the halal context, the quality of information depends heavily on: a clear authority structure; coherence of procedures; transparency in fatwa issuance; and the availability of remedial mechanisms.

The OECD emphasized the need for a single, or at least coordinated, authority system to prevent misleading claims in the food industry. Fragmentation of fatwa authorities has the potential to create gaps for inconsistent information and undermine consumer protection.

(4) Integration of Three Theoretical Pillars

The three theoretical approaches: institutional legitimacy, legal certainty, and consumer protection, provide an integrated framework for reading the impact of plurality of authority:

- a) Institutional legitimacy emphasizes the importance of consistent sources of authority for fatwa decisions to be accepted by the public.
- b) The theory of legal certainty underlines the need for procedural coherence and standardization.
- c) Consumer protection theory highlights the urgency of accurate, verifiable, and unambiguous halal information.

Plurality without a coordinating mechanism threatens the stability of these three pillars. However, organized plurality can open up space for institutional innovation and enhance the integrity of the JPH system.

C. Lessons from the International Model

International experience in halal regulation shows that institutional design is crucial for certification effectiveness, authority transparency, and consumer trust. Of the various

global models, two approaches are particularly relevant for Indonesia: the centralized Malaysian model (JAKIM) and the regional standardization model through SMIIC, practiced, for example, in Türkiye.

(1) Malaysia-JAKIM Centralized Model

Malaysia's halal structure is centered on the Department of Islamic Development Malaysia (JAKIM), which combines religious authority and technical regulators into a single institution. JAKIM's primary functions include: issuing fatwas through the State Fatwa Council within the framework of national standards; national halal certification; developing and monitoring technical standards; and overseeing compliance with the halal industry. Some key lessons from this model:

(a) Consolidation of Authority as a One-Stop Service

JAKIM alone issues official halal certificates across Malaysia, reducing ambiguity for producers and consumers. This centralization integrates technical audit guidelines and fatwas into a single regulatory framework, expediting the certification process, especially for large exporters, and providing clear accountability. Due to its centralized authority, Malaysian halal certification is widely recognized internationally, including by GCC member states and international halal organizations.

(b) Integration of Ulama into Administrative Processes

Ulama, who are members of the State Fatwa Council, do not operate independently; they are directly involved in the administrative processes regulated by JAKIM. This maintains sharia legitimacy while ensuring that fatwa decisions are compatible with technical and operational policies.

(c) Transparency through Digital Infrastructure

JAKIM operates the MyE-Halal portal, which provides critical information such as certification status, auditor lists, halal company track records, and technical standards documents. The availability of this data reduces

information gaps and strengthens consumer protection.

(d) Implications for Indonesia

From Malaysia's experience, Indonesia can learn that centralization is not simply the concentration of power, but rather the integration of sharia authority, technical justification, and administrative mechanisms within a single institutional architecture. This design minimizes conflicts of authority and enhances legal certainty.

- (2) SMIIC Regional Standardization Model (OIC) and Turkish Accreditation Practices Unlike the centralized model, the Standards and Metrology Institute for Islamic Countries (SMIIC) emphasizes harmonization of halal standards across Islamic countries through a scientific, technical approach and accreditation. Turkey, through its Halal Accreditation Agency (HAK), serves as a practical example of how SMIIC standards are effectively implemented.

Some key insights from this model:

(a) Technical and Scientific Validation

SMIIC develops halal standards based on scientific data, such as porcine DNA detection protocols, halal supply chain management, halal management systems, and production requirements. This approach emphasizes that halal certification must be technically tested, not solely based on Sharia principles.

(b) Mutual Recognition Mechanism

SMIIC promotes cross-border recognition through the harmonization of certification documents, audit guidelines, and an accreditation registry system. This model is particularly advantageous for manufacturers targeting exports to multiple SMIIC member countries, as it reduces certification duplication and compliance costs.

(c) Independent Accreditation System

Türkiye, through HAK, implements a halal accreditation system that is relatively independent of religious fatwas. This allows technical audits and certification to be conducted objectively, consistently, and in accordance with international standards.

(d) Implications for Indonesia

The SMIIC/Turkey model demonstrates the importance of strengthening the technical aspects of Indonesian halal certification. Strengthening LPH accreditation with SMIIC standards can improve audit track records, increase the credibility of halal certification, and strengthen global competitiveness.

D. Normative Evaluation and Recommendations

Based on an analysis of international models and the conditions of actors in Indonesia, plurality of fatwa authorities will provide added value only if accompanied by formal institutional harmonization mechanisms. Without formal coordination, plurality can actually lead to unclear authority; inconsistent technical standards; legal uncertainty; a decline in the legitimacy of fatwa institutions; a high compliance burden for the industry; and the risk of misleading information among consumers.

The policy recommendations that need to be reformed are:

1. The Written Coordination Protocol of MUI, BPJPH, and the Fatwa Committee must have a formal, document-based mechanism to establish jurisdiction, referral channels, deadlines, and harmonization forums.
2. Integrated Fatwa Registry in a Digital System Create a national halal fatwa portal that contains all fatwa decisions with sharia and scientific arguments so that the public, business actors, and regulators can access the fatwa history transparently, a model like this has been implemented in MyE-Halal Malaysia.
3. Independent Panel for Fatwa Dispute Resolution Establish a joint panel (religious scholars, legal experts, auditors, and consumers) to resolve substantive disputes such as fatwa interpretations or audit procedures. This method aligns with international Alternative Dispute Resolution (ADR) practices in food consumer regulation.
4. Strengthen LPH Technical Accreditation Referring to SMIIC Adapt Indonesian LPH standards to SMIIC (according to available options) and develop an accreditation scheme equivalent to institutions such as HAK Turkey to strengthen global

recognition and the reliability of the audit process.

IV. CONCLUSIONS AND RECOMMENDATIONS

The following is a paraphrased version with a smoother, flowing, and analytically strong narrative:

The plurality of fatwa authority within the Indonesian Halal Product Assurance system emerged as a result of the new configuration of relations between the state and religious authorities. Without a solid harmonization mechanism, this structure has the potential to create disparate standards, unclear implementation of norms, and undermine the credibility of halal certification in the eyes of the public and industry players. Experiences in various countries demonstrate two proven effective approaches: centralizing religious authority, as implemented by JAKIM in Malaysia, and strengthening standardization and technical accreditation mechanisms, such as those implemented by SMIIC and Turkey. In the Indonesian context, the most strategic option is to combine the advantages of both: maintaining the position of religious scholars as determinants of religious norms, while ensuring the certification process is transparent, accountable, and supported by robust scientific verification.

Suggestion

1. Penyusunan Protokol Koordinasi Tertulis yang mengikat MUI, Komite Fatwa Produk Halal, BPJPH, serta lembaga teknis terkait, sehingga batas kewenangan dan alur konsultasi menjadi jelas dan tidak tumpang tindih.
2. Pengembangan Registri Fatwa Digital Terpadu sebagai sarana transparansi publik dan mekanisme akuntabilitas yang memungkinkan setiap keputusan dapat dilacak, diverifikasi, dan diakses secara terbuka.
3. Pembentukan Panel Independen Penyelesaian Sengketa Fatwa untuk menjaga konsistensi penafsiran, meredam potensi konflik kelembagaan, dan memastikan kesinambungan kebijakan halal.
4. Peningkatan Standar Akreditasi LPH berbasis SMIIC, sehingga kualitas dan keseragaman proses audit semakin terjaga serta membuka peluang perluasan pengakuan halal di tingkat internasional.

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