



OBLIGATION TO LABEL NON-HALAL PRODUCTS IN HALAL PRODUCT ASSURANCE SYSTEM IN INDONESIA

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Article Info	Abstract
Article History Received: 2024-09-03 Revised: 2024-09-05 Published: 2024-10-01	<i>The mandatory labeling of non-halal products is a crucial element of the Halal Product Assurance system in Indonesia as stipulated in Law Number 33 of 2014. This study highlights normative, technical, and consumer protection aspects, including the inclusion of the "non-halal" statement on packaging, material color indicators, and the basis of sharia legitimacy through Islamic jurisprudence (fiqh) principles. Using a qualitative approach, using analysis of legal documents, academic literature, and comparative studies with countries such as Malaysia and Turkey, this study found that non-halal labeling increases legal certainty, transparency, and consumer trust while reducing the risk of misleading claims. This study recommends strengthening fatwa registration, harmonizing procedures, and improving LPH accreditation to strengthen the credibility and efficiency of the JPH system in Indonesia.</i>
Keywords: Halal Labeling, Products, Non-Halal, Product Guarantee.	

I. INTRODUCTION

The Halal Product Assurance (JPH) system in Indonesia has undergone significant institutional transformation since the enactment of Law Number 33 of 2014 concerning Halal Product Assurance. This law emphasizes that labeling non-halal products is not merely an administrative formality, but rather a strategic instrument that integrally combines legal, moral, and technical functions. This instrument plays a dual role: First, it protects Muslim consumers from the risks of consuming prohibited ingredients. Second, it ensures business actors' compliance with sharia principles and administrative provisions. Third, it provides transparent, publicly accessible information in an increasingly complex, heterogeneous, and global market.

Article 92 of the JPH Law requires every business actor producing products containing haram ingredients to display a "non-halal" statement using a specific symbol, text, or image on the packaging or a visible part of the product. Article 93 further stipulates technical requirements, including the use of different colors in the ingredient composition, generally red, so that consumers can quickly and accurately identify haram ingredients. This mechanism is designed to address information asymmetry between producers and consumers, in line with international consumer protection principles, as consumers have the right to correct, clear, and reliable information (information right).

From a normative and sharia perspective, the obligation to label non-halal products has a strong basis. From a muamalah jurisprudence perspective, products containing haram ingredients have legal and moral consequences for consumers who consume them without knowing their status. The principle of *ibra' al-yaqin* (certainty of rights in transactions) emphasizes the need for certainty of information to avoid losses and unintentional sins (*ghalat*) in transactions. The principle of trustworthiness requires producers to act honestly and transparently, providing accurate information regarding product contents. Unclear labeling can undermine the legitimacy of fatwas, reduce public trust in the JPH system, and create compliance conflicts between businesses and supervisory authorities.

Furthermore, labeling non-halal products is a relevant market control instrument in the modern economic context. Halal products fall into the category of credence goods, meaning products that are difficult for consumers to independently verify. In this context, label clarity is a key factor influencing consumer decisions, producer reputation, and market integrity. Shapiro emphasized that information consistency plays a crucial role in building consumer trust in market credibility.

From a global perspective, transparency, label consistency, and the certainty of certification authorities are key factors in enhancing consumer

trust and the integrity of the halal market. Comparative studies show that countries with centralized halal certification systems, such as Malaysia's Department of Islamic Development (JAKIM), are able to minimize authority ambiguity, expedite the certification process, and enhance international recognition of halal certificates. Meanwhile, the technical accreditation-based models of the Indonesian Ministry of Finance (SMIIC) and Turkey emphasize scientific validation, laboratory audits, and accreditation of halal inspection bodies to ensure technical consistency and accurate product verification, while supporting mutual recognition mechanisms between countries.

The obligation to label non-halal products can be understood as an integrative mechanism that unites three fundamental dimensions: legal, technical, and moral. From a legal perspective, labeling serves as an instrument of regulatory certainty and a systematic oversight mechanism, ensuring that producers are accountable for product transparency and that consumers receive clear legal protection. From a technical perspective, labeling provides a concrete means of verification, including the identification of haram ingredients through color codes, symbols, or scientifically verifiable composition information, thereby reducing the risk of misinterpretation or misleading claims. From a sharia perspective, labeling affirms consumers' right to obtain correct information, while also demanding moral and ethical responsibility from business actors in accordance with the principles of *ibra' al-yaqin* and the principle of *amanah*, which emphasize honesty, transparency, and certainty of rights in transactions.

The integration of these three dimensions emphasizes that non-halal labeling is not merely an administrative procedure or legal formality, but rather a strategic instrument that serves to: first, maintain the credibility of the national JPH system, so that the public and business actors have confidence in the certification and fatwa mechanisms; second, increase the competitiveness of Indonesian halal products in the global market through certainty of standards and label consistency; third, strengthen sharia legitimacy, because every product consumed by the Muslim community has a guarantee of compliance with Islamic legal principles and transaction morals.

This study aims to comprehensively analyze the implementation of mandatory labeling of non-halal products in Indonesia, examining the

technical, normative, and institutional challenges that arise in practice, and assessing its sharia legitimacy through a *muamalah* jurisprudence perspective. An international comparative approach is also used to identify best practices that can strengthen the national JPH system, particularly regarding legal certainty, consumer protection, harmonization of labeling procedures, and strengthening the credibility of halal certification amidst global market pressures that increasingly demand transparency, accountability, and verifiable technical standards. Therefore, labeling of non-halal products serves as a meeting point between legal compliance, technical standards, and sharia ethical principles, while also functioning as a risk control mechanism, a consumer education tool, and a strengthener of the overall integrity of the halal market.

II. RESEARCH METHODS

This study uses a qualitative approach with a normative-argumentative and comparative framework to examine the mandatory labeling of non-halal products within the Halal Product Assurance system in Indonesia. Data were obtained from legal documents, including Law No. 33 of 2014, Government Regulation No. 42 of 2024 in conjunction with Government Regulation No. 39 of 2021, as well as technical guidelines from BPJPH and LPH, as well as academic literature and reports from related institutions such as the Indonesian Ulema Council (MUI), SMIIC, and Malaysian and Turkish practices. The analysis was conducted comparatively to assess procedural consistency, sharia legitimacy, and consumer protection, with a focus on labeling provisions, symbolization, and the use of different colors in ingredient compositions. This approach combines Islamic jurisprudence and consumer protection studies to evaluate legal certainty, institutional accountability, and mitigate the risk of misleading information.

III. RESULTS AND DISCUSSION

A. Non-Halal Labeling Obligations: Legal, Technical, and Jurisprudential Provisions

In Indonesia's Halal Product Assurance (JPH) system, labeling non-halal products serves as a strategic instrument to protect consumers, ensure compliance with sharia principles, and strengthen the legitimacy of the halal market. The JPH Law explicitly stipulates that any product containing

prohibited ingredients must include the statement "not halal" on the packaging or a specific part of the product. Furthermore, Article 93 establishes specific technical provisions, such as the use of a different color, usually red, for prohibited ingredients. This mechanism not only makes it easier for consumers to quickly and accurately identify prohibited ingredients but also reduces the risk of misinterpretation and potentially misleading claims, thereby supporting transparency and legal certainty in the national JPH system.

This legal approach aligns with the principles of transparency, legal certainty, and consumer protection. Halal products are categorized as credence goods, meaning their quality cannot be independently verified by consumers. In this context, mandatory labeling becomes a crucial information tool. Shapiro emphasized that the clarity of labels and the authority issuing them are determining factors for consumer confidence in market integrity. Labeling non-halal products is not merely an administrative formality, but part of the regulatory architecture that builds the credibility of the halal system as a whole.

From a muamalah jurisprudence perspective, the labeling obligation reinforces the principle of *tahdhib al-muamalah*, which regulates fair and transparent transactions, and the principle of *ibra' al-yaqin*, which emphasizes the certainty of rights and obligations in buying and selling. Unlabeled haram products can lead to unintentional sin (*ghalat*) for consumers, while also violating sharia principles that require clear information. Several contemporary scholars emphasize that non-halal labeling is an applicable *ijtihad*, connecting classical principles with a modern context: consumer protection, transparency, and legal certainty. In other words, the labeling obligation has strong sharia legitimacy, while also affirming the moral and legal responsibilities of business actors.

Technically, the use of different colors for haram ingredients has two benefits. First, it facilitates quick identification by consumers, even those unfamiliar with ingredient composition. Second, it simplifies the monitoring task of halal auditors, LPH (Islamic Legal Entity Agency), and BPJPH (Islamic Product Regulatory Agency), allowing for efficient verification of compliance. This approach reflects the integration of administrative and technical mechanisms with Islamic moral and legal principles, making labeling a multifunctional instrument: protecting

consumers, enforcing Sharia compliance, and safeguarding the reputation of the halal industry.

Furthermore, mandatory labeling serves as a mitigation mechanism for the risk of misleading claims. Unlabeled products can cause consumer confusion, the risk of legal disputes, and undermine trust in the Halal Product Procurement System (JPH). With clear non-halal labels, consumers have legally protected information rights, while businesses gain procedural certainty to legally produce, label, and market products. This emphasizes the dual function of labeling as a consumer protection instrument and as a Sharia compliance enforcement tool.

Analytically, the integration of legal, technical, and Islamic jurisprudence (*fiqh*) aspects confirms that the mandatory labeling of non-halal products serves as a structural foundation for the Halal Product Assurance (JPH) system in Indonesia. Labeling is not merely a means of conveying information, but also a legitimizing instrument that affirms the roles and responsibilities of three key institutions: the Indonesian Ulema Council (MUI) as a fatwa issuer, the BPJPH as an administrative regulator, and the LPH as a technical auditor. When these three institutions operate within a clear and integrated procedural framework, labeling simultaneously creates legal certainty, technical consistency, and sharia legitimacy. The mandatory labeling of non-halal products serves as a mechanism that unifies the normative, technical, and moral dimensions, while strengthening the integrity of the national halal market and minimizing the potential for compliance conflicts between businesses and regulators.

Furthermore, non-halal labeling can be viewed as a bridge connecting domestic compliance with international recognition. Globally, non-compliant or non-halal labels serve as explicit information tools for consumers, facilitate technical audits, and support the implementation of verifiable international certification standards, such as the SMIIC (OIC) and the Turkish accreditation system. By adopting an integrated labeling mechanism based on Islamic jurisprudence (*fiqh*), Indonesia not only enhances consumer protection and legal certainty domestically but also strengthens the competitiveness of national halal products in the global market. Clear compliance with sharia and technical standards will enhance international consumer confidence and facilitate the

recognition of Indonesian halal certification by trading partner countries.

This approach emphasizes that non-halal labeling is more than just an administrative procedure; it is a comprehensive strategy that combines legal certainty, technical validation, and moral-sharia legitimacy. Through this integration, labeling serves as a consumer education tool, a monitoring mechanism, and a reputational booster for the national halal industry. It also serves as a foundation that enables Indonesia to credibly and sustainably face the challenges of globalizing the halal market.

B. Challenges of Implementing Non-Halal Labeling in Indonesia

Although the legal and technical framework for labeling non-halal products has been regulated in detail, implementation in the field presents quite complex challenges. One key issue is fragmentation of authority, as determining halal/non-halal status involves interaction between the Indonesian Ulema Council (MUI) as the fatwa issuer, the BPJPH (Indonesian Food and Drug Authority) as the administrative regulator, and the LPH (Indonesian Food and Drug Authority) as the technical auditor. Lack of synchronization between these three institutions can create ambiguity of authority, delay the certification process, and increase the risk of misleading claims, thus threatening consumers' right to clear and adequate information.

This approach demonstrates that without a formal coordination mechanism and clear referral protocols, plurality of authorities is not a strength, but rather a potential weakness of the JPH system, impacting legal certainty, Sharia compliance, and consumer protection. Procedural integration and communication between institutions are key to ensuring the consistent, efficient, and credible implementation of non-halal labeling.

Furthermore, the technical capacity of businesses, particularly MSEs, is often a barrier. Many businesses lack the resources or understanding to adapt packaging designs to technical requirements, such as the use of different colors for prohibited ingredients or the placement of labels on specific product areas. These difficulties can lead to unintentional non-compliance, which poses legal and ethical risks for Muslim consumers.

Another aspect is compliance and oversight. Field inspections of the implementation of non-halal labeling are still limited, particularly in traditional markets and e-commerce platforms.

This opens up opportunities for violations, both in the form of inaccurate labeling and concealment of prohibited ingredients. These three challenges emphasize the need for intensive coordination between the Indonesian Ulema Council (MUI), the BPJPH (Products Supervisory Agency), and the LPH (Products Supervisory Agency), as well as outreach and mentoring for business actors to ensure effective implementation of labeling obligations.

Normatively, implementation challenges reflect the dilemma between Sharia compliance and administrative compliance. Without standard coordination procedures and adequate oversight mechanisms, the primary objectives of labeling—consumer protection, legal certainty, and halal market integrity—can be undermined. Therefore, implementation strategies must be multifaceted, encompassing legal, technical, administrative, and public education aspects.

C. Study of Sharia Jurisprudence and Legitimacy

From a muamalah jurisprudence perspective, the obligation to label non-halal products has strong legitimacy because it avoids elements of *ghish* (fraud) and upholds the principle of trustworthiness. Products containing haram ingredients, if not labeled, can lead to unintentional sin (*ghalat*) for consumers, while also violating their right to obtain clear information. This is consistent with the Prophet's hadith which emphasizes the importance of clear information in transactions to avoid losses: The status of goods must be clear to avoid causing losses to both buyers and sellers.

Contemporary scholars emphasize that non-halal labeling is an applied *ijtihad*, connecting classical principles with a modern context. From this perspective, the labeling obligation is not merely administrative but also strengthens the sharia legitimacy of the JPH system, as it ensures consumers' right to clear information is protected while minimizing the risk of sharia violations for producers.

Furthermore, non-halal labeling supports the principle of *ibra' al-yaqin*, which emphasizes certainty of rights and obligations in buying and selling. With clear labeling, consumers can make informed purchasing decisions, while businesses gain procedural certainty in meeting Sharia and administrative standards. This approach also prevents misleading claims, safeguards the reputation of the halal industry, and creates a transparent and accountable business ecosystem.

Analytically, the mandatory labeling of non-halal products serves as an integrative mechanism that unites the legal, technical, and moral dimensions within Indonesia's Halal Product Assurance (JPH) system. With clear provisions and verifiable technical procedures, this labeling ensures legal certainty for consumers and businesses, while minimizing the risk of ambiguous interpretations or disputes regarding a product's halal status.

Furthermore, this obligation enforces Sharia compliance, as any product containing haram ingredients must be transparently labeled in accordance with the MUI fatwa, thus holding businesses accountable for the clarity of information and product integrity. From a consumer protection perspective, non-halal labeling provides the right to access accurate and reliable information, enabling consumers to make decisions that align with their beliefs and moral principles.

The obligation to provide non-halal labeling is not merely an administrative instrument, but also strengthens the legitimacy of the JPH system as a whole, harmonizing legal compliance, technical standards, and Sharia principles within a coherent and credible regulatory framework. Non-halal labeling serves not only as an administrative tool but also as a moral and normative foundation for the entire JPH ecosystem, providing a basis for international recognition and credibility.

D. International Comparisons and Their Implications for Indonesia

1. Malaysian Model (JAKIM)

Malaysia implements a centralized and integrated halal certification system through the Department of Islamic Development Malaysia (JAKIM), which is the sole national authority authorized to issue halal certificates. Each certification is directly linked to the State Fatwa Council, ensuring clear synchronization between sharia legitimacy and state administrative mechanisms. This structure ensures that decisions regarding halal status are final and standardized, minimizing the potential for multiple interpretations or legal uncertainty that often arise in pluralistic systems.

The strategic advantages of Malaysia's centralized model are evident in several aspects. First, clarity of authority: all decisions regarding halal/non-halal certification are made through a single official portal, providing businesses and consumers with a clear reference to legitimate authority. Second, procedural efficiency: the

certification process is faster by eliminating overlapping audits, redundant procedures, and complex bureaucracy. This provides certainty for industry and exporters to more optimally plan production, distribution, and exports. Third, international recognition: JAKIM certification is widely accepted in the GCC, SMIIC, and various trading partner countries, directly enhancing the competitiveness of Malaysian halal products in the global market.

Malaysia is also leveraging digitalization as a tool for transparency and accountability. The MyE-Halal portal provides comprehensive information, including certification status, auditor lists, audit trails, and technical standards documents. This transparency strengthens consumer and business trust while minimizing the risk of misleading claims in the market. Therefore, this system not only strengthens the normative legitimacy of sharia authorities but also enhances the efficiency and credibility of the administrative certification mechanism.

Analytically, the Malaysian model emphasizes the synergy between fatwa authority and administrative procedures, as their integration is key to the success of a national halal system. This success highlights the importance of institutional harmonization and procedural standardization for other countries, including Indonesia, whose Halal Product Assurance systems still face plurality of authorities and regulatory fragmentation. The JAKIM model exemplifies how legal certainty, transparency, and sharia legitimacy can coexist if managed systematically and centrally.

2. SMIIC/Türkiye Model

Unlike Malaysia's centralized model, Turkey's SMIIC (Standard and Metrology Institute for Islamic Countries) approach emphasizes technical standardization, independent accreditation, and scientific verification as key pillars of halal certification. Through its Halal Accreditation Agency (HAK), Turkey ensures that Halal Inspection Institutions (LPH) conduct audits according to SMIIC standards, which include scientific validation, laboratory audits, supply chain verification, and the use of porcine DNA detection methods.

This model emphasizes that product halal certification is not merely normative but must be scientifically and technically verifiable. The independent HAK accreditation system enhances the objectivity, audit consistency, and integrity of certification, thereby strengthening technical legitimacy alongside the sharia legitimacy of

fatwas. This approach also facilitates international recognition, as certificates issued by SMIIC-accredited LPHs are accepted by OIC member states and the global market, which demands verifiable audit standards.

Furthermore, the Turkish model emphasizes the importance of scientific components as a complement to fatwa authority. For example, audits not only confirm whether a product meets Sharia requirements but also technically validate the production process, supply chain, and raw material controls. This makes the halal system not merely a religious symbol but also a reliable instrument of scientific transparency for consumers and exporters. From a consumer protection perspective, the integration of these technical standards reduces the risk of misleading claims and increases public trust in certified halal products.

Analytically, the SMIIC/Turkey model demonstrates that technical and scientific certainty are indispensable components of a modern halal certification system. This approach complements centralized fatwa models like JAKIM, as it ensures that sharia legitimacy remains relevant and globally recognized, while meeting the demands of objectivity and audit integrity. This provides important lessons for Indonesia, which currently faces a plurality of fatwa authorities and fragmented procedures. Technical standards and independent accreditation are key instruments for enhancing the credibility of the national JPH system.

3. Implications for Indonesia

Indonesia has the opportunity to adopt a hybrid approach that combines the advantages of Malaysia's centralized model (JAKIM) and the standardization-accreditation approach of SMIIC/Turkey. This is crucial given that the national Halal Product Assurance (JPH) system currently faces a plurality of fatwa authorities, procedural fragmentation, and challenges to legal certainty.

First, Malaysia-style procedural centralization can be used to clarify the final authority for issuing halal certificates and the obligation to label non-halal products. With a clear and integrated certification pathway, the risk of ambiguity between the Indonesian Ulema Council (MUI), the Halal Product Supervisory Agency (BPJPH), and the Halal Product Fatwa Committee can be minimized. This step not only increases legal certainty for businesses but also strengthens consumers' rights to accurate information and

facilitates enforcement of labeling requirements in the domestic market.

Second, strengthening accreditation and technical standardization under the SMIIC/Turkey framework allows LPHs in Indonesia to implement scientifically based and objective audits. Technical validation of the supply chain, laboratory testing for haram materials, and halal/non-halal production management procedures can be conducted transparently, thereby enhancing certification integrity. The adoption of these technical standards also facilitates international recognition of Indonesian halal certification, strengthens the competitiveness of halal products in the global market, and provides additional protection for Muslim consumers seeking assurance of product credibility.

The integration of these two approaches enables Indonesia to build a transparent, credible, and efficient JPH system, while maintaining sharia legitimacy. Mandatory labeling of non-halal products is a strategic instrument in this context, because: Labeling of non-halal products plays a strategic role in ensuring consumers have access to clear and transparent information regarding the haram content of the products they consume, thereby fulfilling their rights to legal certainty and sharia compliance. With this mechanism, the risk of misleading claims can be minimized, and the potential for disputes between consumers and business actors can be significantly reduced, because each haram ingredient is clearly marked on the packaging or product composition.

Furthermore, mandatory labeling reinforces the accountability of business actors, forcing them to comply with Sharia provisions while meeting applicable administrative requirements. This compliance not only strengthens consumer trust in products but also enhances the reputation and credibility of Indonesia's Halal Product Assurance (JPH) system both nationally and internationally. Non-halal labeling serves as a crucial instrument integrating consumer protection, Sharia compliance, and institutional legitimacy within a single, comprehensive regulatory framework.

In other words, this hybrid approach not only addresses the weaknesses of the current pluralistic system but also makes non-halal labeling a comprehensive mechanism for consumer protection and sharia assurance. This aligns with the principles of Islamic jurisprudence (fiqh muamalah), which emphasize transparency, certainty of rights, and trustworthiness in transactions, while also meeting the demands of

international practice regarding the credibility and objectivity of halal audits.

IV. CONCLUSIONS AND RECOMMENDATIONS

The mandatory labeling of non-halal products is a strategic instrument within Indonesia's Halal Product Assurance (JPH) system. Its implementation strengthens legal certainty, protects consumers' rights to accurate information, and maintains sharia legitimacy. Key challenges include fragmented authority between the Indonesian Ulema Council (MUI), the Halal Product Assurance Supervisory Agency (BPJPH), and the Halal Product Fatwa Committee, limited technical capacity of business actors, particularly MSEs (Micro, Small, and Medium Enterprises), and limited field supervision.

International lessons learned from Malaysia (JAKIM) and SMIIC/Turkey emphasize the importance of procedural harmonization, a centralized fatwa registry, and strengthening the technical accreditation of LPHs. This hybrid approach enables the integration of sharia legitimacy and technical credibility, increasing certification efficiency, and strengthening international recognition of Indonesian halal certification.

Suggestion

Some policy suggestions that can be implemented are:

1. Establish a Written Coordination Protocol between the MUI, the Halal Product Fatwa Committee, BPJPH, and technical agencies to determine the jurisdiction, referral flow, and responsibilities of each agency in labeling non-halal products.
2. Developing a Centralized Online Fatwa Registration, which contains all fatwa decisions along with scientific and sharia rationales, so that the public and business actors can access information in a transparent and accountable manner.
3. Establish an Independent Fatwa Dispute Resolution Panel consisting of religious scholars, administrative law experts, halal auditors, and consumer representatives, to resolve substantive conflicts and reduce the risk of legal uncertainty.
4. Strengthening LPH Accreditation according to SMIIC standards, including laboratory audits, halal management systems, and supply chain verification procedures, to improve the technical quality of

assessments and facilitate international recognition.

By implementing this mechanism in an integrated manner, Indonesia can build a credible, efficient, transparent, and sustainable JPH system, and ensure that the obligation to label non-halal products is effective, trustworthy, and reliable for consumers at the domestic and global levels.

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