



# Legal Awareness of MSMEs on the Halal Certification Program for Micro-Medium Business in Banyumas

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**Abstract.** The existence of MSMEs in Indonesia is essential as the backbone of economic growth at the regional level. Unfortunately, the awareness of MSME actors to obtain halal certificates for their businesses is still low. It was found that many MSME actors paid little attention to legal and regulatory aspects. To increase the economic potential of MSMEs, many programs have been carried out by the government to increase the number of halal certification applicants, including the free halal certificate registration program and various funding and assistance programs, but this has yet to receive significant results. Therefore, it is necessary to conduct research that analyzes how, ideally, the legal awareness development model for MSME actors is related to the Halal Certification Program in Banyumas Regency. This research provides a legal analysis of the rules for halal certification for MSMEs and the level of legal awareness related to halal certification in the Banyumas Regency.

**Keywords:** Community Participation, Halal Certification, Legal Awareness, MSMEs.

## 1. Introduction

The effects of the Covid-19 pandemic have pressured Indonesia's economic condition to the point of experiencing a recession. Amid this situation, Micro, Small and Medium Enterprises (MSMEs) have proven to be able to survive and support the Indonesian economy. The existence of Indonesian MSMEs is vital in helping stability and solid and inclusive economic growth. MSMEs are considered to be able to grow again faster than large-scale businesses. Unfortunately, awareness of MSME actors to register for halal certification for their products is still low. To increase the economic potential of MSMEs, there are many aspects that MSME players need to pay attention to, including halal certification.[1] Halal certification is a business ethic that producers should carry out as a halal guarantee for consumers. Apart from being a halal guarantee for consumers, the halal label provides economic benefits for producers, including: (1) Can increase consumer confidence because it is guaranteed halal, (2) Has a USP (Unique Selling Point), (3) Able to penetrate the global halal market, (4) Increasing product marketability

in the market, (5) Cheap investment compared to the revenue growth that can be achieved. [2]

The halal label positively impacts company profits due to increased consumer trust and the inclusion of the halal label on the product.[3] Most MSMEs still consider Halal certification only to fulfil obligations in the Islamic religion, without looking at the opportunity to increase business turnover.[4] Most MSMEs need to be aware of halal certification's benefits.[5] All food and beverage MSMEs must have halal certification to sell products throughout Indonesia.[6] If it does not have halal certification, processed food and beverage products can be withdrawn from circulation by the government.[7] The Indonesian state constitution, namely the 1945 Constitution, already states the guarantee of halal products as stated in Article 29 Paragraph (2). To strengthen halal product guarantees, in 2014, the government collaborated with the House of Representatives (DPR) to prepare a legal instrument regulating halal product guarantees, namely Law Number 33 of 2014. According to Article 3 Letter a of Law Number 33 of 2014, this law aims to provide legal certainty regarding the availability of halal products and provide legal protection for consumers. Furthermore, it gives instructions and regulations for business actors regarding the assurance of halal products circulating on the market.[8]

Based on Article 64, it is stated that the Halal Product Guarantee Law (UU JPH) also regulates the obligation for every business actor to have certification and include a halal label on their products. The period given is five years after this law is promulgated. However, many products without the halal label are widespread on the market, reducing consumers' convenience, especially Muslims. According to LPPOM MUI statistics, the number of products with halal certificates is 259,984 as of October 11, 2017. Based on data from the Association of Food and Beverage Entrepreneurs or *Gabungan Pengusaha Makanan dan Minuman* (GAPMMI), there are more than one million micro and small industries. Aside from that, Indonesia also has around 6000 food industries, both large and medium scale.[9] The number of halal-certified products does not reach half the total number on the market.

The number of MSMEs is around 53,778, recorded in Banyumas with a still low percentage of halal certification registration. The government is making many efforts to create legal awareness in processing certification in MSMEs, such as the free halal certificate registration program and other assistance programs. Apart from the financial assistance program, the Banyumas Regency Government, through the local Integrated Business Service Center or *Pusat Layanan Usaha Terpadu* (PLUT), encourages micro, small and medium enterprises (MSMEs) to have halal certification. This is a form of PLUT Jateng's commitment and innovation to optimize halal certificates for MSMEs in Banyumas. In providing this service, there is also synergy with the Cooperative and Small and Medium Enterprises Employment Service, the Health Service, the Banyumas Micro, Small and Medium Enterprises Association (Aspikmas), as well as the Banyumas Regency family welfare empowerment team. This is an effort so that MSMEs can compete in highly competitive and challenging conditions like today by utilizing halal

certification and guaranteed quality standards. In addition, the regional government also collaborates with advanced modern shops to participate in marketing MSME products, where one of the obligations that must be met before being granted a modern shop license extension service is fulfilling the conditions for partnering with MSMEs.

Low awareness and the burden of costs are reasons for micro, small and medium enterprises in the regions to register halal certificates for their products. Head of the MSME Facilitation and Financing Section, Banyumas Regency Industry, Trade and Cooperatives Service, Endang Pujiutari, revealed that until now, there are still many operators and MSMEs in the Banyumas area who have not registered their products to obtain a halal certificate. Endang said that most business actors do not realize the importance of registering for halal certification. According to her, MSMEs focus more on daily production activities and tend to put aside halal certification. This year, Banyumas Regency is one of the regions that has received assistance from the Ministry of Cooperatives and MSME for certification registration facilities for MSMEs.

The various facilities and programs the government has provided have not significantly increased the legal awareness of MSMEs to process halal certification of their business products. This becomes a consideration for researchers to conduct research entitled "Legal Awareness of MSMEs on the Halal Certification Program for Micro-Medium Business in Banyumas".

## **2. Problems**

Based on the introduction as mentioned earlier, this study is prepared to resolve the following problems:

- a. How is the legal analysis of the rules for halal certification for MSMEs?
- b. How is an analysis of the level of legal awareness related to halal certification in Banyumas Regency?

## **3. Method**

A qualitative approach with a sociological juridical analysis approach will be employed as the research method. The qualitative approach is supposed to be a systematic effort in legal research, comprising norms and methodologies, for researchers to explore a socio-juridical phenomenon in the pursuit of truth and knowledge. Meanwhile, the analytical approach technique uses a sociological juridical approach. This research approach investigates the legal views and behavior of people (humans and legal entities) and society, as well as the efficiency of positive legislation enactment in society. This study's requirements are more descriptive (Soekanto, 1986). The following venues were used to obtain data for this study: 1) Banyumas Regency Government; 2) Department of

Manpower and MSMEs; and 3) MSME players in the region. This study approach was initially selected using purposive or criteria-based selection, followed by Snowball Sampling. Purposive sampling with criteria-based selection allows researchers to select sources considered knowledgeable and trustworthy sources of solid data and in-depth knowledge. In contrast, snowball sampling searches for continuous informants/samples who only stop searching when they no longer find information.

## 4. Discussion

### 4.1. Legal Analysis of the Rules for Halal Certification for MSMEs

Halal certification is a form of fulfilling the need for regulations provided by the Government as a guarantee that a product complies with Islamic Law standards. The legal definition of halal products, processes and halal certification in Indonesia can be found in Law Number 33 of 2014 concerning Halal Product Guarantees, precisely in Article 1 numbers 2, 3 and 10, which as a whole can be concluded as follows;

*"Halal products in Indonesia are products that comply with Islamic law, where the process, from providing ingredients to serving, is guaranteed to be halal through a series of activities called the Halal Product Process (PPH), and recognition is given through a Halal Certificate by BPJPH based on the MUI fatwa".*

The implementation of halal certification is a form of legal protection for consumers' rights, namely in the form of the right to obtain security and information about a product or service, which is carried out before the transaction occurs.[10] This process is nothing but a form of fulfilling the obligations of the state and business actors in being responsible for fulfilling the rights of consumers in Indonesia, of course, the majority of whom consist of Muslims.

Briefly, halal certification in Indonesia began in 1967 with the Ministry of Health by giving identity to products containing pork. In 1985, there was a change from the "CONTAINING PORK" stamp to "HALAL" after issuing a Joint Decree of the Minister of Health and the Minister of Religion No.42/Men.Kes/SKB/VIII/1985 and No. 68 of 1985 concerning the Inclusion of Halal Writing on Food Labels. Furthermore, in 1989, the urgency of the need for halal certification was again issued through the establishment of the Indonesian Ulama Council Food, Drug and Cosmetic Study Institute (LPPOM MUI), which was established as a response to public unrest in 1988 with news of food products containing pork. The first halal certification was issued in 1994 by the MUI, with a relatively complex and lengthy process, starting with obtaining approval from the Directorate General of Drug and Food Control (Dirjen POM) based on a fatwa from the MUI Fatwa Commission. Once the product is verified to be free from non-halal ingredients, the product can be given a halal certificate by the MUI.

The halal certification is a verification process carried out by auditors who are competent to ensure the halalness of raw materials and the production process of a product according to LPPOM MUI standards. Halal certificates are valid for four years and require consistent halal maintenance and periodic reports. After being granted certification, a halal labelling process is then carried out to indicate the halal status of a product whose permission was granted by BPOM in collaboration with MUI. An MUI certificate is a requirement for a halal label based on PP RI No. 69 of 1999 concerning Food Labels and Advertisements.

The government finally implemented the importance of having a more comprehensive halal certification through the formation of Law No. 33 of 2014 concerning Halal Product Guarantees to provide a legal umbrella for the halal certification process. However, these laws and regulations still have several weaknesses in accelerating the halal industry and products in Indonesia, one of which is the still low awareness of MSME business actors regarding halal certification obligations. The halal certification process in the JPH Law, which still feels quite complex with the presence of the new institution, the Halal Product Guarantee Administering Agency (BPJPH), is also a target for political, economic and interest commodities, thus becoming a new ground for corruption to arise, this is in accordance with the information from Prof. Abdul Djamil (Director General of Islamic Community Guidance, Ministry of Religion).[11]

Then, Law No. 11 of 2020 concerning Job Creation was formed, which then changed form into Perppu No. 2 of 2022 concerning Job Creation as a form of the government's desire to increase the ease of running a business, including for MSME business actors. This regulation, which is omnibus in nature/covers many things, then changes several articles contained in Law No. 33 of 2014, specifically Article 48 of Perppu No. 2 of 2022, including in implementing certification. These changes include the expansion of the definition of Halal Certificate contained in Article 1 Number 10, as follows;

*"A Halal Certificate is an endorsement of the halalness of a product by BPJPH, based on a written halal fatwa or determination of the halalness of a product which can come from the MUI, Provincial MUI, Regency/City MUI, Aceh Ulema Council, or the Halal Product Fatwa Committee."*

Acting official (Plt.) of the Head of BPJPH, Mastuki HS, emphasized that MSME business actors who wish to obtain halal certification must carry out an independent declaration according to BPJPH standards based on Government Regulation No. 39 of 2021[4]. This regulation can also be found in the changes regulated in the Job Creation Law, precisely based on the new article that was inserted, namely Article 4A paragraph (1), which determines;

*"For micro and small business actors, it is mandatory to have a halal certificate as stated in Article 4 based on the halal declaration of the business actor."*

Micro and small business actors must ensure the two main criteria specified in PP No. 39 of 2021 concerning the Implementation of the Halal Product Guarantee Sector, namely in implementing the self-declaration process, the products they own are risk-free or confirmed to be halal and go through a simple and verified production process to halal. To obtain a halal certificate, MSMEs must have a Business Identification Number (NIB) and be registered with the Online Single Submission (OSS) of the Investment Coordinating Board (BKPM). The certification application process can be done in two ways: through BPJPH or the regional Halal Task Force or electronically via the Halal Information System (SI-HALAL).

This electronic-based service delivery process is an addition to the Job Creation Law, which inserts a new chapter and article related to the halal certification process, specifically in CHAPTER VIIA Article 52, which in paragraph (1) states that the JPH process must use an integrated electronic system or in this case Online Single Submission (OSS). After "self-declaring", there will be a verification and validation process by the halal product process assistant (PPH Assistant). If it meets the requirements, BPJPH will accept the statement and submit it to the MUI for a halal fatwa hearing. The result of this trial can be a halal or non-halal fatwa. If halal, BPJPH will issue a halal certificate, which is valid for four years. The process of issuing certificates by BPJPH is carried out within one day after BPJPH receives the decision to determine product halalness from MUI following the mandate of Article 78 Government Regulation No. 39 of 2021.

Apart from that, there are also incentives for Halal Product Process Assistants (PPH), with an incentive of Rp.150,000 from funding for self-declared halal certification. BPJPH will pay this incentive after the PPH Companion completes its duties, which is marked by issuing a Halal Certificate. These provisions are based on the Regulation of the Halal Product Guarantee Organizing Agency (BPJPH) Number 1 of 2022. Providing incentives for PPH Assistants is nothing more than an effort to ensure that various MSME business actors can implement more halal certification.

Efforts to simplify the halal certification process through the self-declaration system are much more straightforward than the process before the enactment of the Job Creation Law. Among these challenges are low awareness and many misunderstandings about the certification process, including misconceptions about costs and transparency. [12] In addition, support from stakeholders, including local governments and associations, still needs to be improved. Many MSMEs in Banten also face technological challenges and see the certification process as a burden. Lastly, PPH assistants have yet to work optimally, with various verification problems arising in certification applications.[13]

Although there are various challenges faced, there are also positive steps that have been taken to simplify the halal certification process. For example, the decision to extend the validity period of halal certificates is a significant step in streamlining the process. This decision is expected to reduce the burden on BPJPH and LPPOM MUI in managing certification. This decision is also in line with the policy issued by the Indonesian Ulama

Council Number: Kep-49/DHN-MUI/V/2021, the validity period of halal regulations has been updated from the initial duration of 2 (two) years to 4 (four) years. This shows a commitment to facilitate access to halal certification for MSMEs while providing longer certainty to consumers regarding the halal status of the products they consume. Thus, this effort can increase consumer confidence and strengthen the position of MSMEs in an increasingly competitive market.

Understanding how halal product consumption is essential to Muslims' religious obligations and a globally recognized quality assurance marker is also necessary. It plays a crucial role in determining the shopping decisions of Muslim communities. Furthermore, the research emphasizes the importance for MSMEs to understand the relevance of halal certification, which will build consumer trust and spur business growth for various MSME business actors.[14]

#### **4.2. Analysis of the Level of Legal Awareness Related to Halal Certification in Banyumas Regency**

##### **Legal Awareness Indicators**

Talking about legal awareness cannot be separated from indicators of legal awareness. This indicator will have a significant influence on legal awareness.[15] Therefore, legal awareness is an abstract conception within humans about the harmony between order and peace that is appropriately desired.

B. Kutschinsky, in Soerjono Soekanto's book, divides the characteristics of legal awareness into 4 (four) indicators, which include:[16]

- a. Knowledge of legal regulations;
- b. Understanding the contents of legal regulations;
- c. Attitudes towards legal regulations;
- d. Patterns of legal behavior.

In addition, based on the legal awareness indicators above, Otje Salman explains as follows:[15]

- a. Legal knowledge. A person knows that certain behaviors are regulated by law. The legal regulations referred to here are written law and unwritten law. This behavior involves conduct that is prohibited by law.
- b. Legal understanding, namely the amount of information a person must have regarding the regulatory content of a particular law. Legal understanding here is an understanding of the content and purpose of regulation in a specific law and its benefits for the parties whose lives are regulated by it. This understanding is manifested through their attitudes towards daily behavior.

- c. Legal attitude, namely a tendency to accept the law because there is an appreciation for the law as something useful or profitable if the law is obeyed. Someone here will later tend to make a specific assessment of the law.
- d. Legal behavior, where a person or in a society complies with applicable regulations. This indicator is the most critical because, in this indicator, it can be seen whether a regulation applies or not in society. Thus, the extent of legal awareness in society can be seen from the degree of legal compliance manifested in actual patterns of human behavior.

### **Factors that Influence Legal Awareness**

A law that is only known to have an immediate impact will have a relatively low level of public legal awareness. Community behavior that can be categorized according to applicable law does not mean the community's legal awareness will also have a high impact.[16] This is because the following factors determine legal awareness:

- a. Fear of sanctions that will be imposed if the law is violated;
- b. Maintain good relations with the group colleagues;
- c. Maintain good relations with authorities;
- d. Personal interests are guaranteed by law;
- e. The law is in accordance with the values adhered to.

The law causes the public's legal awareness following the values they adhere to, so it can be said that the public's awareness of the law is relatively high. Related to that, law enforcement factors that tend to influence business actors' legal awareness of the halal certification in enhancing business quality will be analyzed using the opinion of Soerjono Soekanto as follows:[17]

- a. Legal Factor: In the practice of implementing law in reality, there are times when there is a conflict between legal certainty and justice. This is because the conception of justice is an abstract formulation, while legal certainty is a procedure determined normatively. In fact, a policy or conduct that is not entirely based on law can be justified if the conduct or action does not contradict the law. So, in essence, the implementation of law does not only include law enforcement but also peacekeeping because law implementation is a process of adjustment between the values of rules and actual patterns of behavior which aim to achieve peace.
- b. Law Enforcers Factor: Law enforcement officers' legal function, mentality or personality plays an important role. If the regulations are good, but the quality of the officers is not good, there is a problem. Therefore, one of the keys to success in law enforcement is the mentality or personality of law enforcers.

- c. **Facilities or Supporting Infrastructure Factor:** This factor includes software and hardware. One example of software is education. The education law enforcers receive today tends to be on conventional practical matters. So, in many cases, law enforcers experience obstacles in their goals. For example, police who lack knowledge about computer crimes in specific criminal offences are still given authority to prosecutors. This is because they are technically deemed incapable and not ready. However, it is also recognized that law enforcers must carry out extensive and soft tasks.
- d. **Society Factor:** Law enforcers come from society and aim to achieve peace. Every member of society or group has more or less legal awareness. The problem that arises is the level of legal compliance, namely high, medium or low. The degree of community legal compliance with the law indicates the functioning of the law in question.
- e. **Culture Factor:** Based on the everyday concept of culture, people often talk about culture. According to Soerjono Soekanto, culture has a very different function for humans and society, namely regulating so that humans can understand how they should act and determine their attitudes when they relate to other people. Thus, culture is a primary line of behavior that establishes rules regarding what must be done and what is prohibited.

These five factors are closely interrelated because they are the essence of law enforcement and are also the benchmark for the enactment of the law. Proving the influence of these factors is very important because the concept of legal awareness is very abstract. By identifying these influences, it will be easier to relate each indicator of legal awareness separately or as a whole.

### **Legal Awareness and Legal Culture in the Banyumas Community**

The legal awareness in society is also influenced by the legal culture in that society. Construction of the legal culture of MSME actors in the still prismatic conditions of society in the Banyumas community:

- a. **Cultural and Legal Diversity:** People have different cultural backgrounds in a prismatic society. It means that different norms, values, and legal practices within these cultural groups can influence the construction of the legal culture of MSME actors. For instance, some community groups may prioritize customary law and local traditions in regulating MSME businesses, while others rely more on the existing formal legal system.
- b. **Impact of Globalization:** Prismatic societies are often affected by globalization, which can bring in values and legal practices from other cultures. This can influence how MSMEs understand and implement the law in their business. Some may adopt international or national legal practices, while others may retain the traditional legal norms of their native culture.

- c. **Legal Integration Challenge:** Conflict between legal norms that apply to multiple societal groups is possible in a prismatic society. It can be challenging for MSMEs to find the right way to operate legally and ethically. They may need to address gaps between customary, national, and international regulations, which may influence their business decisions.
- d. **The Need for an Inclusive Approach:** The condition of a prismatic society emphasizes the importance of inclusive and just legal approaches. The government and related institutions need to ensure that the applicable laws and regulations for MSMEs can accommodate cultural diversity and promote an equal chance for all business actors without discrimination based on cultural or ethnic background.

It is important to remember that conditions in prismatic societies will vary significantly across regions and countries.[18] Therefore, the construction of the legal culture of MSME actors can be very diverse and influenced by local and national contexts.

Moreover, based on the research conducted, it can be analyzed that the degree of legal awareness of the Banyumas community:

- a. Legal awareness of MSME actors towards the halal registration of their products is high. It can be proven with the indicators as follows:
  - 1) High level of research on halal by MSMEs in Purwokerto;
  - 2) Lots of training on halal registration in Purwokerto;
  - 3) High level of halal registration in Purwokerto;
  - 4) High levels of service intervention regarding Purwokerto MSME registration;
  - 5) High evaluation of Purwokerto halal registration;
  - 6) High level of halal data collection for MSMEs in Purwokerto.
- b. Legal awareness of MSME actors positively contributes to halal registration in Purwokerto. This means that the higher the legal awareness of MSMEs regarding halal registration, the better the MSMEs' development rate in Purwokerto. This high level of legal awareness is aimed at the large number of medium-level MSMEs taking part in training and registration programs provided by the Banyumas Cooperative and MSME service. In executing this program, the Banyumas Cooperative and MSME Department is assisted by the Banyumas Public Service Office and self-declared halal certification assistance by other parties appointed from certified individuals as companions. However, some challenges exist, such as MSMEs, which are traditional and small-scale in nature, feel hesitant and do not realize the importance of halal registration. Additionally, the budget for the halal certification program comes from the provincial government and is felt insufficient.

Looking at the obstacles in reality, building effective legal awareness for MSME actors regarding the halal certification movement program for micro, small, and medium enterprises must comprise several crucial components. Following are some steps that can help in evolving effective legal awareness:

- a. **Education and Information Campaign:** Building legal awareness among MSMEs begins with a comprehensive education and information campaign. This campaign can be carried out through various channels, including social media, printed materials, exhibition events, and workshops.[19] The purpose of this campaign is to provide information about the importance of legalizing micro, small and medium enterprises, its benefits, and the penalties for not complying with applicable legal regulations
- b. **Providing Assistance and Facilitation:** The MSME legalization program can assist and facilitate MSME actors in the legalization process. This could be a step-by-step guide on how to apply for permits, document processing, and business registration. In this case, collaboration with relevant government agencies and legal consultants can help MSME actors understand the relevant requirements and procedures.
- c. **Training and Guidance:** Apart from information and administrative assistance, training and guidance are also essential to strengthen the legal understanding of MSME actors. In this training, MSME actors can be taught about their legal rights and obligations as business actors, the consequences of breaking the law, and how to comply with applicable regulations. Training can also cover legal-oriented aspects of business management.
- d. **Collaboration with MSME Associations and Communities:** MSME associations and communities play an essential role in raising legal awareness. By collaborating with MSME associations or communities, legalization programs can reach a broader and more relevant audience. Associations can also help MSMEs access resources and other assistance during legalization.
- e. **Incentives and Rewards:** Providing incentives and rewards for MSMEs that have successfully undergone the legalization process might serve as an additional motivation for other MSME actors.[20] These incentives can take the form of financial support, access to facilities, or public recognition for their success in complying with legal regulations.
- f. **Sustainable Approach:** Maintaining sustainable legal awareness of MSME actors is essential. Therefore, programs must be planned with a long-term and sustainable approach. Regular monitoring and evaluation also need to be conducted to measure program effectiveness and evaluate the need for changes or improvements.

By building effective legal awareness among MSME actors, it is hoped that MSMEs' halal certification can become seamless and advantageous for the overall

development of the MSME sector. In this context, the role of the government, non-governmental organizations, associations, and communities is vital to support the program's success.

## 5. Conclusion

The government finally carried out More comprehensive halal certification through the formation of Law No. 33 of 2014 concerning Halal Product Guarantees to provide a legal umbrella for the halal certification process. Based on Government Regulation No. 39 of 2021, MSME business actors who wish to obtain halal certification must carry out an independent declaration according to BPJPH standards. Micro and small business actors must ensure the two main criteria specified in Government Regulation No. 39 of 2021 concerning the Implementation of the Halal Product Guarantee Sector, namely in implementing the self-declaration process, the products they own are risk-free or confirmed to be halal and go through a simple and verified production process. To obtain a halal certificate, MSMEs must have a Business Identification Number (NIB) and be registered with the Online Single Submission (OSS) of the Investment Coordinating Board (BKPM). The certification application process can be done in two ways: through BPJPH or the regional Halal Task Force or electronically via the Halal Information System (SI-HALAL).

The challenge in research related to halal certification in Banyumas MSMEs is the low awareness and many misunderstandings about the certification process, including misconceptions about costs and transparency. In addition, support from stakeholders, including local governments and associations, is still less than optimal. Although there are various challenges faced, there are also positive steps that have been taken to simplify the halal certification process. For example, the decision to extend the validity period of halal certificates is a significant step in streamlining the process. This decision is expected to reduce the burden on BPJPH and LPPOM MUI in managing certification.

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