

## RESEARCH ARTICLE

# Supervision of Self-Declared Halal Certification Under Government Regulation No. 39/2021: A *Sadd Al-Dzari'ah* Perspective

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### Abstract

*This study explores the supervision of the self-declared halal certification system under Government Regulation No. 39 of 2021 on the Administration of Halal Product Assurance, analyzed through the sadd al-dzari'ah perspective. The research focuses on the mechanism for supervising self-declared certifications, identifying potential deviations, and proposing solutions through sadd al-dzari'ah, which emphasizes preventing risks that could harm society. Using a qualitative normative legal method, this study incorporates a statutory approach and literature review, supported by secondary data from legal documents and interviews with relevant institutions and business actors. The findings highlight challenges in supervising self-declarations, such as limited human resources, inadequate infrastructure, and difficulties in ensuring compliance among businesses. While self-declaration aims to simplify the certification process for micro and small enterprises, insufficient monitoring jeopardizes public trust in product halal integrity. From the sadd al-dzari'ah perspective, strengthening this regulation is necessary to mitigate violations by expanding the number of supervisors, leveraging monitoring technologies, and raising awareness about halal compliance. These efforts can enhance the effectiveness of the self-declaration system, improve consumer confidence, and bolster Indonesia's reputation in the global halal industry. The study calls for comprehensive policy revisions to ensure the program's accountability and sustainability.*

**Keywords:** *Halal Certificate; Self-Declare; Government Regulation; Sadd Al-Dzari'ah.*

### 1. Introduction

Muslims are commanded to consume food that is *halalan thayyiban* (lawful and good), as stated in the Quran. In Surah Al-Baqarah verse 168, Allah instructs mankind to eat only what is lawful and good while avoiding the path of Satan.<sup>1</sup> This verse highlights the importance of consuming halal products not only as a religious obligation but also as a means of ensuring well-being. The concept of halal extends beyond food to include all aspects of daily life, making halal assurance an essential concern for Muslim-majority countries. Given this

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<sup>1</sup> Ministry of Religion of the Republic of Indonesia, *Qur'an Kemenag* (Jakarta: Kementerian Agama Republik Indonesia, 2019), 25.

religious mandate, governments in predominantly Muslim nations, including Indonesia, play a crucial role in ensuring that halal standards are properly regulated and implemented.

Indonesia is home to the largest Muslim population in the world, making it a key player in the global halal industry. According to *The Muslim 500: The World's 500 Most Influential Muslims 2024*, published by The Royal Islamic Strategic Studies Centre (RISSC), Indonesia's Muslim population reaches 240.62 million, constituting 86.7% of the total population. This large demographic significantly influences consumer demand, making halal certification a critical factor in the country's economic policies.<sup>2</sup> Recognizing this, the Indonesian government has made efforts to develop a robust halal industry ecosystem, ensuring that halal products are accessible and properly regulated. The government's role is not only to support the growth of the halal market but also to safeguard consumer rights by maintaining the integrity of halal product assurance.<sup>3</sup>

To strengthen the halal industry, the Indonesian government has established a legal framework that integrates production processes, logistics, and certification into a unified system. The Halal Product Assurance Law (JPH) was first introduced in Law No. 33 of 2014, which was later amended by Law No. 11 of 2020 on Job Creation to streamline business regulations.<sup>4</sup> This amendment was followed by Government Regulation (PP) No. 39 of 2021, which replaced PP No. 31 of 2019 and now serves as the primary regulation governing halal product assurance in Indonesia. To oversee the implementation of halal certification, the government created the Halal Product Assurance Organizing Agency (BPJPH) under the Ministry of Religious Affairs. BPJPH collaborates with Halal Inspection Agencies (LPH), Halal Product Process Assistance Institutions (LP3H), the Indonesian Ulema Council (MUI), and the Halal Product Fatwa Committee to ensure the credibility of the halal certification process.

One of the key strategies introduced by the government is the self-declaration (self-declare) certification system for micro and small enterprises (MSEs).<sup>5</sup> This initiative aims to simplify the halal certification process for small businesses, reducing bureaucratic hurdles and increasing their competitiveness in the market. Under this system, MSE owners can declare their products halal without undergoing the standard certification process required for larger enterprises. While this policy supports economic growth, it also raises concerns about potential misuse due to insufficient monitoring mechanisms. The effectiveness of halal certification relies not only on accessibility but also on the government's ability to enforce proper supervision and compliance.

The lack of clear monitoring regulations for the self-declaration system poses risks to halal assurance. According to PP No. 39 of 2021, halal product assurance supervision must be conducted periodically, at least every six months, or whenever a violation is suspected. However, Ministerial Regulation (PMA) No. 20 of 2021, which governs halal certification for MSEs, does not specify detailed procedures for supervising self-declared products. This regulatory gap creates legal uncertainty, making it difficult to ensure that businesses comply with halal standards after obtaining certification. Without a structured monitoring

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<sup>2</sup> Cindy Mutia Annur, *10 Negara dengan Populasi Muslim Terbanyak Dunia 2023, Indonesia Memimpin!*. [https://databoks.katadata.co.id/datapublish/2023/10/19/10\\_negara-dengan-populasi-muslim-terbanyak-dunia-2023-indonesia-memimpin](https://databoks.katadata.co.id/datapublish/2023/10/19/10_negara-dengan-populasi-muslim-terbanyak-dunia-2023-indonesia-memimpin) (accessed October 25, 2023).

<sup>3</sup> Istanah dan Dewi, "Analisis Masalah Pada Konsep Halal Self-Declare Sebelum Dan Pascaenachment Undang-Undang Cipta Kerja," *Al-Adl: Jurnal Hukum* (2022): 86.

<sup>4</sup> Law Number 33 of 2014 on Halal Product Assurance (State Gazette of the Republic of Indonesia of 2014 Number 295, Supplement to the State Gazette of the Republic of Indonesia Number 5604).

<sup>5</sup> Lutfika, dkk., *Buku Panduan Pendamping PPH (Proses Produk Halal)*, (Jakarta: Komite Nasional Ekonomi dan Keuangan Syariah, 2023), 2.

framework, the credibility of halal certification could be undermined, leading to consumer distrust and potential violations of halal integrity. Strengthening these regulations is essential to maintaining public confidence in the halal certification system.

From an Islamic legal perspective, this research examines the proactive measures the government can take to strengthen the self-declared halal certification system through the principle of *sadd al-dzari'ah*. *Sadd al-dzari'ah*, meaning “blocking the means”, is a legal methodology that seeks to prevent actions that may lead to harm or violations of Islamic law. By applying this principle, the study explores strategies to mitigate potential risks in the self-declaration system, ensuring it does not compromise halal integrity. This includes evaluating regulatory improvements, enhancing supervision mechanisms, and leveraging technology to uphold compliance. Strengthening oversight through policy reforms, increased monitoring personnel, and digital tracking systems will reinforce the credibility of halal certification and sustain public trust.

## 2. Literature Review

The literature review aims to provide an overview of previous studies relevant to this research, serving as a reference for the study. The related literature includes:

The first study was conducted by Lise Nandini (2021), titled "Implementation of Government Regulation No. 39 of 2021 on the Administration of Halal Product Assurance in East Nusa Tenggara." In her research, Lise found that Government Regulation No. 39 of 2021 did not introduce significant changes compared to Government Regulation No. 31 of 2019, particularly in the implementation of halal product assurance.<sup>6</sup> The similarity between Lise's study and this research lies in the use of Government Regulation No. 39 of 2021 as the legal basis. However, the difference is in the research focus—Lise examined the regulatory changes and implementation in East Nusa Tenggara, whereas this study focuses on the supervision of self-declared halal certification through the *sadd al-dzari'ah* perspective.

The second study was conducted by Dwi Surya Ningsih (2023), titled "Implementation of Article 79 of Government Regulation No. 39 of 2021 on the Administration of Halal Product Assurance from the Perspective of Fiqh Siyasah." Dwi's research examines the implementation of Article 79 of Government Regulation No. 39 of 2021 in Bandar Lampung, particularly among micro and small business owners in Labuhan Dalam, Tanjung Senang District.<sup>7</sup> The findings indicate that the regulation has not been fully implemented in accordance with the established provisions.<sup>8</sup> This study shares a similarity with the present research in that both use Government Regulation No. 39 of 2021 as the main subject of analysis. However, the difference lies in the research focus—Dwi examines the implementation of Article 79 from the perspective of *fiqh siyasah*, while this study analyzes the supervision system of self-declared halal certification using the Islamic legal approach of *sadd al-dzari'ah*.

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<sup>6</sup> Lise Nandini, "Penerapan Peraturan Pemerintah Nomor 39 Tahun 2021 Tentang Penyelenggaraan Bidang Jaminan Produk Halal Di Wilayah Nusa Tenggara Timur", *Thesis*, (Department of Comparative Madhhab, Faculty of Sharia and Law UIN Syarif Hidayatullah Jakarta, 2021), 5.

<sup>7</sup> Dwi Surya Ningsih, "Implementasi Pasal 79 Peraturan Pemerintah Nomor 39 Tahun 2021 Tentang Penyelenggaraan Bidang Jaminan Produk Halal Perspektif Fiqh Siyasah", *Thesis*, (Department of Constitutional Law UIN Raden Intan Lampung, 2023), 8.

<sup>8</sup> Dwi Surya Ningsih, "Implementasi Pasal 79 Peraturan Pemerintah...", 8.

The third study was conducted by Ratna Juwita (2023), titled "Implementation of Government Regulation No. 39 of 2021 on the Administration of Halal Product Assurance (A Study at LPH LPPOM-MUI Lampung Province)." Ratna concludes that the implementation of Government Regulation No. 39 of 2021 at LPH LPPOM-MUI Lampung has been optimal and in accordance with Islamic law, particularly in upholding the principles of *al-ḍarūriyāt* (essential necessities).<sup>9</sup> This study shares a similarity with the present research in that both analyze Government Regulation No. 39 of 2021. However, while Ratna's research focuses on the implementation of the executing institution, this study examines the supervision system of self-declared halal certification.

The fourth study is a journal article by Nur Kasanah and Muhammad Husain As Sajjad (2022), titled "Potential, Regulation, and Issues of Free Halal Certification." This study identifies various challenges in the Sehat program, including lack of halal awareness, limited socialization efforts, and suboptimal stakeholder involvement.<sup>10</sup> The research discusses the potential, regulatory framework, and challenges of the Sehat program, an initiative by the Ministry of Religious Affairs through BPJPH, which aims to accelerate halal certification for MSMEs that meet the criteria. The study highlights several issues in the implementation of the Sehat program, such as low awareness of halal certification among MSME actors, inadequate outreach efforts, insufficient engagement from relevant stakeholders, business owners' lack of responsiveness to regulations and digital services, and inadequate assistance in the halal certification process. While this research is relevant to the present study in the context of self-declare certification, it primarily focuses on implementation challenges rather than the supervision of halal certification.

The fifth study is a journal article by Istianah and Gemala Dewi (2022), titled "Maslahah Analysis of the Halal Self-Declare Concept Before and After the Enactment of the Job Creation Law." This study demonstrates that halal self-declaration aligns with the objectives of Islamic law (*sharī'ah*) in achieving public benefit (*maslahah*).<sup>11</sup> While this research is relevant to the present study due to its discussion on the self-declare concept, its focus differs as it examines the concept from a *maslahah* perspective, whereas the present study analyzes the supervision system of halal certification through the Islamic legal principle of *sadd al-dzarī'ah*.

Finally, the study by Muhammad Farich Maulana and Shofiyun Nadidloh (2023), published in a journal article titled "Maslahah Review of Mandatory Halal Certification in Law No. 33 of 2014 on Halal Product Assurance in Indonesia," emphasizes that mandatory halal certification falls under the category of *maslahah* as it supports the fundamental needs of the Muslim community.<sup>12</sup> The difference between this study and the present research lies in the focus of analysis—while this study examines the mandatory certification concept, the present research analyzes the supervision system of self-declared halal certification.

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<sup>9</sup> Ratna Juwita, "Implementasi Peraturan Pemerintah No 39 Tahun 2021 Tentang Penyelenggaraan Bidang Jaminan Produk Halal (Studi di LPH LPPOM-MUI Provinsi Lampung)", *Thesis, (Department of Sharia Economic Law UIN Raden Intan Lampung, 2023)*, iii.

<sup>10</sup> Nur Kasanah dan M. Husain As Sajjad, "Potensi, Regulasi, dan Problematika Sertifikasi Halal Gratis," *Journal of Economics, Law and Humanities*, Vol. 1 Nomor 2 (2022), 28.

<sup>11</sup> Istianah dan Dewi, *Analisis Masalah Pada...*, 84.

<sup>12</sup> M. Farich Maulana dan Shofiyun Nahidloh, "Tinjauan Masalah Terhadap Mandatory Sertifikasi Halal Dalam Undang-Undang No. 33 Tahun 2014 tentang Jaminan Produk Halal Di Indonesia", *Journal of Creative Student Research (JCSR)*, Vol. Nomor 1 (2023), 460.

### 3. Theoretical Framework

#### 3.1 Supervision

Supervision is the process of ensuring that an organization's objectives are achieved according to plan. According to various experts, supervision includes evaluating work implementation and applying corrective actions when necessary. The primary goal of supervision is to ensure that performance aligns with established standards and to detect any deviations, ultimately preventing misconduct.<sup>13</sup>

From an Islamic perspective, supervision is referred to as *ar-riqābah*, which means monitoring activities to ensure compliance with established regulations.<sup>14</sup> Islamic supervision is categorized into two types: internal supervision, which stems from faith in Allah and encourages individuals to remain cautious and responsible, and external supervision, which is carried out by others to ensure that tasks are executed according to plan.<sup>15</sup> Effective supervision in Islam is rooted in mutual advice, truthfulness, patience, and compassion.<sup>16</sup>

The forms of supervision include internal supervision (within the organization) and external supervision (from outside the organization), preventive supervision (conducted before activities take place) and repressive supervision (carried out after activities have been completed). Additionally, supervision can be active (conducted directly at the activity site) or passive (performed through document reviews). Moreover, supervision involves formal correctness verification based on rights (*rechtmatigheid*) and material correctness examination concerning the purpose of expenditures (*doelmatigheid*).<sup>17</sup>

Supervision plays a vital role in maintaining organizational integrity, ensuring that all activities align with established goals and regulations. By setting clear standards, continuously measuring performance, and addressing any deviations, organizations can uphold efficiency and accountability. In the context of Islamic principles, supervision is not only a procedural necessity but also a moral obligation that encourages both individual and collective responsibility.<sup>18</sup> A well-structured supervision system fosters transparency, enhances trust, and prevents potential misconduct, ultimately contributing to the sustainability of an organization.<sup>19</sup> Integrating effective supervision—both from a conventional and Islamic perspective—is essential in ensuring that objectives are met while upholding ethical and legal principles.

#### 3.2 *Sadd al-Dzari'ah*

*Sadd al-Dzari'ah* is an Islamic legal concept that focuses on preventing actions that could lead to harm or wrongdoing.<sup>20</sup> Etymologically, "*sadd*" means to block or prevent, while "*dzari'ah*"

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<sup>13</sup> A.M. Kadarman dan Jusuf Udaya, *Pengantar Ilmu Manajemen* (Jakarta: PT. Prenh. Aliando, 2001), 101.

<sup>14</sup> Sunarji Harahap, "Implementasi Manajemen Syariah", *Jurnal At-Tawassuth*, Vol. 2, No. 1, (2017), 218.

<sup>15</sup> Nida Ilmi Salsabila, "Sistem Pengawasan Dewan Pengawas Syariah Pada Rumah Sakit Ridhoka Salma Cikarang", *Thesis*, (Department of Islamic Economic Law UIN Syarif Hidayatullah Jakarta, 2021), 16.

<sup>16</sup> Nana Herdiana Abdurrahman, *Manajemen Bisnis Syariah dan Kewirausahaan* (Bandung: Pustaka Setia, 2013), 140.

<sup>17</sup> Nana Herdiana Abdurrahman, *Manajemen Bisnis...*, 102.

<sup>18</sup> Baihaqi, "Pengawasan Sebagai Fungsi Manajemen Perpustakaan dan Hubungannya Dengan Disiplin Pustakawan", *Jurnal Libria*, Vol. 8 No. 1, (2016), 138.

<sup>19</sup> A.M. Kadarman dan Jusuf Udaya. 2001. *Pengantar Ilmu...*, p. 161.

<sup>20</sup> Satria Effendi M. Zein, *Ushul Fiqh* (Jakarta: Kencana, 2017), 158.

refers to a means or pathway.<sup>21</sup> Thus, *sadd al-dzari'ah* can be understood as a preventive measure to block avenues leading to destruction or wrongdoing, even if the action itself may hold certain benefits. Imam Al-Syathibi emphasized that actions that are inherently permissible but have the potential to result in harm should be avoided.<sup>22</sup> This principle aims to prevent undesirable consequences, even if they are not directly intended by the individual performing the action.

The legal foundation of *sadd al-dzari'ah* can be found in several verses of the Qur'an and Hadith. In *Surah Al-An'am* (6:108), Allah prohibits Muslims from insulting the deities worshipped by others, as this could provoke hatred toward Allah and lead to greater harm. Similarly, *Surah An-Nur* (24:31) instructs women not to display their adornments excessively, as doing so may cause temptation and lead to negative consequences. Furthermore, a Hadith narrated by Abdullah bin Amr (RA) states that insulting someone else's parents, which then results in one's own parents being insulted in return, is considered a major sin.<sup>23</sup> In this context, the principle of fiqh—*دَرْءُ الْمَفَاسِدِ مُقَدَّمٌ عَلَى جَلْبِ الْمَصَالِحِ*—applies, meaning that preventing harm takes precedence over attaining benefits.<sup>24</sup>

*Sadd al-dzari'ah* can be categorized based on the quality and type of harm it may cause. In terms of harm quality, there are four types of actions: first, actions that definitely lead to harm, such as digging a well in a location that poses a danger to others; second, actions that rarely result in harm; third, actions that are highly likely to cause harm, such as selling weapons to an enemy; and fourth, actions that are inherently permissible but have the potential to lead to harm, such as business transactions that may result in *riba* (usury).<sup>25</sup> Meanwhile, in terms of harm type, actions can be divided into those that directly result in harm, such as consuming alcohol, and those that are permissible in principle but can be misused for unlawful purposes, such as *nikah at-tahlil* (marriage for the sole purpose of legalizing remarriage with a former spouse).<sup>26</sup> In this context, *sadd al-dzari'ah* functions as an essential preventive mechanism in Islamic law, ensuring that actions with the potential to lead to harm are restricted or avoided, even if they are not explicitly forbidden, to uphold the overarching objective of safeguarding societal well-being and moral integrity.

#### 4. Research Method

This study is a qualitative research employing a doctrinal approach. This approach is used to analyze primary and secondary legal materials relevant to the supervision system of halal certification through the self-declare mechanism as regulated in Government Regulation No. 39 of 2021.<sup>27</sup> Additionally, this approach evaluates the relevance of the system within the framework of Islamic law, particularly through the concept of *sadd al-dzari'ah*. Two main

<sup>21</sup> Atabik Ali dan Ahmad Zuhdi Muhdlor, *Kamus Kontemporer Arab-Indonesia* (Yogyakarta: Multi Karya Grafika Pondok Pesantren Krapiyak, 2003), 1053.

<sup>22</sup> Misranetti, "Sadd Al-Dzari'ah Sebagai Suatu Hukum Metode Istihsan Hukum Islam", *An-Nahl*, Vol. 09 Nomor 05, (2017), 54.

<sup>23</sup> Muhammad Firquwatin, "Nikah Diri Menurut Perspektif Sadd Al-Dzari'ah (Studi Kasus di Kecamatan Bandungan Kabupaten Semarang)", *Thesis*, (Ahwal Al-Syakhshiyah Department UIN Walisongo Semarang, 2018), 34.

<sup>24</sup> Amir Syarifuddin, *Ushul Fiqh Jilid 2* (Jakarta: Kencana, 2008), 445.

<sup>25</sup> Rachmat Syafe'i, *Ilmu Ushul Fiqh* (Bandung: CV Pustaka Setia, 2018), 133.

<sup>26</sup> Rachmat Syafe'i, *Ilmu Ushul Fiqh...*, 135.

<sup>27</sup> Johnny Ibrahim, *Teori dan Metodologi Penelitian Hukum Normatif* (Malang: Banyumedia Publishing, 2006), 44.



approaches are utilized in this research: the statute approach and the analytical approach.<sup>28</sup> The statute approach examines legal regulations such as Law No. 33 of 2014, Law No. 11 of 2020, and Government Regulation No. 39 of 2021, while the analytical approach aims to understand the conceptual meaning and practical application of these regulations.

The data used in this research comes from primary legal materials, such as laws and government regulations, as well as secondary legal materials, including legal journals, reference books, and expert opinions.<sup>29</sup> The data collection technique is carried out through documentation, by examining official documents, regulations, and relevant literature. The collected data is then analyzed using the content analysis method, which involves several stages: data collection and recording, data reduction to filter relevant information, and drawing conclusions to understand the issues being studied.<sup>30</sup> Through this method, the study aims to provide a comprehensive overview of the supervision procedures for self-declared halal certification and its contribution to legal certainty, in line with the principle of *sadd al-dzari'ah*.

## 5. Result and Discussion

### 5.1 Analysis of the Supervision Procedure for the Self-Declared Halal Certification System

In the study of the supervision procedure for the self-declared halal certification system under Government Regulation No. 39 of 2021, several dimensions need to be analyzed in depth, particularly regarding its effectiveness and the challenges it faces. The regulation on halal product assurance, as stipulated in Law No. 33 of 2014 on Halal Product Assurance, which was later amended by Law No. 11 of 2020 on Job Creation, provides the legal basis for the implementation of the halal certification program, including the self-declaration mechanism. This is further reinforced by Government Regulation No. 39 of 2021 on the Implementation of Halal Product Assurance, which states that halal certification for micro and small enterprises (MSEs) can be carried out through the self-declaration mechanism at no cost.<sup>31</sup> This policy serves as a strategic initiative to accelerate the number of halal-certified products in Indonesia.

Essentially, the self-declared halal certification program is a process in which micro and small enterprises (MSEs) can independently declare the halal status of their products without undergoing overly complex procedures. This policy is clearly aimed at reducing financial and administrative burdens for MSEs, which often face resource constraints. The program is highly relevant to Indonesia's economic landscape, where MSEs serve as the backbone of the national economy. However, while this procedure offers convenience for business owners, concerns remain regarding the quality of supervision to ensure that halal-certified products circulating in the market genuinely meet halal standards.

In this regard, Article 103 of Government Regulation No. 39 of 2021 stipulates that supervision of halal-certified products through the self-declare mechanism must be

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<sup>28</sup> Muhaimin, *Metode Penelitian Hukum* (Mataram: Mataram University Press, 2020), 58.

<sup>29</sup> Muhaimin, *Metode Penelitian...*, 59-60.

<sup>30</sup> Burhanuddin Bungin, *Penelitian Kualitatif* (Kencana Pradana Media: Jakarta, 2011), 57.

<sup>31</sup> *Government Regulation of the Republic of Indonesia Number 39 of 2021 concerning the Implementation of the Halal Product Assurance Sector Article 81 Paragraph (1)*.

conducted periodically, at least once every six months.<sup>32</sup> This supervision is carried out by a designated unit responsible for monitoring and enforcement. However, the implementation of this oversight faces challenges due to a limited number of personnel,<sup>33</sup> as noted by several sources involved in the supervision system, including BPJPH officials and halal product process (PPH) assistants. The shortage of inspectors at the regional level, coupled with infrequent post-certification visits to business operators, makes effective supervision difficult to implement.<sup>34</sup> This situation poses a risk of legal uncertainty regarding the halal status of products in circulation, which could ultimately be detrimental to consumers.

Based on interviews with several PPH assistants and relevant stakeholders in the field, as revealed by Encep Moh Ilham and Sutarno, the supervision conducted is not optimal, both in terms of the number of inspectors and the methods used. For instance, although BPJPH carries out visitation activities, many of them are conducted indirectly through digital platforms such as Zoom meetings, which do not provide in-depth oversight of business operators.<sup>35</sup> Furthermore, the lack of physical supervision of halal-certified products and limited public awareness regarding their rights and responsibilities in monitoring add to the challenges of ensuring that halal products in circulation truly meet halal standards.

Additionally, issues also arise in the verification and validation process carried out by PPH assistants. Allegations of non-compliant practices, such as registering business operators without direct verification at their business locations, further complicate the supervision system. Although BPJPH has made improvements by requiring PPH assistants to upload photographic evidence during location verification,<sup>36</sup> these measures still need to be complemented by broader efforts to strengthen the overall supervision system.

Regarding system evaluation, although the self-declare halal certification procedure has proven effective in increasing the number of MSMEs that can quickly access halal certification, weaknesses remain in maintaining the consistency of halal compliance after certification is issued. Further evaluation of this procedure is necessary to ensure that once a certificate is granted, no deviations or non-compliance with halal standards occur. Continuous monitoring is also crucial, involving all relevant stakeholders, including BPJPH, the public, and business operators themselves.

In an effort to improve the system, BPJPH has taken several important steps, such as revising regulations related to verification and validation photo evidence and promoting the capacity building of inspectors. However, these measures must be accompanied by an increase in human resources and the strengthening of information technology systems to ensure more effective and efficient supervision. The digitalization of the supervision and certification system could serve as a solution to these challenges, accelerating the verification process and facilitating the reporting of irregularities.

Overall, while the halal certification program through the self-declare mechanism holds great potential in accelerating halal certification for MSMEs, effective and sustainable supervision is essential to ensure that certified products continue to meet halal standards. Therefore, comprehensive improvements involving all relevant stakeholders—including

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<sup>32</sup> *Government Regulation of the Republic of Indonesia Number 39 of 2021 concerning the Implementation of the Halal Product Assurance Sector Article 103 Paragraph (1-2).*

<sup>33</sup> Encep Moh Ilham, interviewed by the author, Surakarta, June 19, 2024.

<sup>34</sup> Encep Moh Ilham, interviewed by the author, Surakarta, June 19, 2024.

<sup>35</sup> Sutarno, interviewed by the author, Boyolali, April 3, 2024.

<sup>36</sup> Hadi Sucahyono dan Ratna Puspitasari, "Konsultasi Bersama LP3H Nasional dan cabang Seluruh Indonesia beserta Pendampingnya", *Summary of LP3H Branch Manager of UIN Sunan Kalijaga Yogyakarta dated January 24, 2024.*



regulatory revisions, inspector capacity building, and public education—must be a primary focus in enhancing the effectiveness of this supervision system. Only with strong and continuous oversight can the halal certification system guarantee product halal integrity and provide maximum protection for consumers.

## 5.2 Analysis of *Sadd Al-Dzari'ah* Perspective on the Supervision Procedure of Halal Certification Through the Self-Declare Mechanism

The concept of *sadd al-dzari'ah*, which means blocking avenues that may lead to harm, is highly relevant when discussing the halal certification system through the self-declare mechanism. In the fiqh perspective, *sadd al-dzari'ah* emphasizes the importance of preventing actions that have the potential to cause harm, even if such harm is not immediately apparent. In the context of halal certification, while the self-declare system aims to facilitate business actors in obtaining halal certification, it also creates loopholes that allow them to declare their products as halal without sufficient supervision. This poses a threat to the integrity of the halal system itself. The potential for misuse or negligence in adhering to halal standards without strict examination could undermine public trust in halal-certified products, which are supposed to be guaranteed for their compliance with halal requirements.

Based on the *qaidah fihiyyah*:

دَرْءُ الْمَفَاسِدِ مُقَدَّمٌ عَلَى جَلْبِ الْمَصَالِحِ

Which means: "Preventing harm takes precedence over obtaining benefits."<sup>37</sup>

This principle emphasizes that in the context of the halal certification system, strict supervision and closing loopholes that may lead to harm should take precedence over providing convenience that carries risks. While the self-declare pathway offers advantages in terms of efficiency and accessibility for small and medium enterprises, inadequate supervision can create opportunities for fraud or errors in halal declarations. Misuse of this system could harm consumers, who rely on halal certification as a guarantee that the products they consume truly comply with halal principles.

Stricter supervision is necessary to ensure that products approved under the self-declare system truly meet the halal requirements established by the Indonesian Ulema Council (MUI) and the Halal Product Assurance Organizing Agency (BPJPH). In the implementation of *sadd al-dzari'ah*, additional regulations and control mechanisms are required to prevent potential deviations. Without rigorous oversight, the self-declare system becomes vulnerable to manipulation and fails to provide credible halal assurance. If strict supervision is not enforced, business owners may feel unmonitored and prioritize profit over compliance. This concern was confirmed when the Halal Task Force of the Ministry of Religious Affairs in Surakarta assisted BPJPH in conducting a survey of five business owners in Solo.<sup>38</sup> The survey results from BPJPH revealed that four out of five business owners in Solo did not implement the halal product assurance system in accordance with regulations.<sup>39</sup> Therefore, the application of *sadd al-dzari'ah* is crucial in maintaining the quality and trustworthiness of halal products.

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<sup>37</sup> Syaikh Abdul Hamid Hakim, *Mabadi' Al-Awwaliyyah: Prinsip-Prinsip Dasar Memahami Ushul Fiqh & Qaidah Fiqh*, trans. Kairudin & Sukanan (Malang: alkhoirot.org, 2024), 46.

<sup>38</sup> Encep Moh Ilham, interviewed by the author, Surakarta, June 19, 2024.

<sup>39</sup> Encep Moh Ilham, interviewed by the author, Surakarta, June 19, 2024.

In practice, more intensive supervision also involves verification by authorized parties. Additionally, while strict oversight can reduce the potential for fraud, it requires significant financial and human resources. Therefore, the halal certification system through the self-declare mechanism must be supported by clear regulations regarding supervision obligations, evaluation, and product audits to ensure that halal standards are consistently maintained. This process should also be accompanied by capacity-building efforts for inspectors to enable them to detect any potential issues, both apparent and hidden, that may arise.

In accordance with the fiqh maxim:

مَا لَا يُدْرِكُ كُلُّهُ لَا يُتْرَكُ كُلُّهُ

Which means: "Something that cannot be fully achieved should not be entirely abandoned."<sup>40</sup>

This principle emphasizes that even if perfect supervision of the self-declare halal certification system is difficult to achieve, efforts to enhance oversight should still be pursued. Implementing gradual improvements, strengthening regulations, and optimizing available resources are necessary steps to ensure that the system maintains its credibility and fulfills its intended purpose of guaranteeing halal product integrity.

Although stricter supervision requires significant costs and effort, in the long run, it will prevent broader harm, both economically and in terms of the reputation of the halal industry. Without firm and effective preventive measures, the halal certification system could lose its credibility and become unreliable for consumers, ultimately reducing market interest in halal products.

The government's decision to uphold Government Regulation No. 39 of 2021 on the Implementation of the Halal Product Assurance Sector, when viewed from the perspective of Islamic law, aligns with the fiqh principle:

تَصَرُّفُ الْإِمَامِ عَلَى الرَّعِيَّةِ مَنْوُظٌ بِالْمَصْلَحَةِ

which means: "A leader's policy in governance must be based on the welfare of the people."<sup>41</sup>

This principle clarifies that a leader's policy regarding the rights of the people must be directly linked to the welfare of the majority and aimed at bringing about overall well-being. A leader should not base decisions on a single consideration but must ensure that policies are fair and prioritize the collective benefit rather than individual interests, except in cases where the decision could lead to significant harm or detrimental consequences. Referring to this principle in the context of Government Regulation No. 39 of 2021 on the Implementation of the Halal Product Assurance Sector, it aligns well with the underlying fiqh principle. If this regulation were not enforced, there would be no guarantee of halal products circulating in society. This would undoubtedly lead to greater harm, both for individuals and communities, particularly for Muslims, who would constantly experience uncertainty regarding the halal status, safety, and health aspects of the products they consume. This concept is also in line with another fiqh principle:

الْيَقِينُ لَا يُرَالُ بِالشَّكِّ

the meaning: "Certainty is not removed by doubt."<sup>42</sup>

<sup>40</sup> Syaikh Abdul Hamid Hakim, *Mabadi' Al-Awwaliyyah...*, 58.

<sup>41</sup> Syaikh Abdul Hamid Hakim, *Mabadi' Al-Awwaliyyah...*, 52.

<sup>42</sup> Syaikh Abdul Hamid Hakim, *Mabadi' Al-Awwaliyyah...*, 32.

Therefore, the implementation of PP No. 39 of 2021 on the Administration of Halal Product Assurance, despite its shortcomings in the supervision system, is still better than repealing the regulation and eliminating supervision altogether. By enforcing this regulation, potential harm in society can be minimized.

On the other hand, considering the general concept of *dzarī'ah*, particularly *fath al-dzarī'ah*, which means opening pathways to benefit, this perspective offers a more flexible approach and provides greater opportunities for businesses, especially micro and small enterprises, to access the halal market. From the perspective of *fath al-dzarī'ah*, halal certification through the self-declare mechanism creates broader opportunities for these businesses to market their products as halal without having to go through complex and costly procedures. This, in turn, benefits the inclusive halal economy by allowing more halal products to enter the market at a more affordable cost for small business owners.

The self-declare system provides an opportunity for micro and small business owners who may lack the resources to undergo the conventional halal certification process. For example, Pardi, a business owner producing emping mlinjo in Boyolali, previously faced financial barriers to obtaining halal certification.<sup>43</sup> Now, through the self-declare halal certification program, he can register his products more easily. With this improved access, Pardi can expand his market, enhance the competitiveness of his products, and gain easier entry into broader markets.<sup>44</sup> This system also contributes to improving the quality of halal products, as business owners who previously struggled to meet the full certification requirements can now utilize a simpler pathway while still adhering to fundamental halal principles.

However, even though the self-declare system offers many conveniences, its implementation must still be closely monitored to ensure that the products declared as halal truly meet the required standards. The application of *fath al-dzarī'ah* in this context does not mean allowing the system to operate without control, but rather creating greater opportunities for halal business owners while maintaining adequate oversight to uphold the quality and integrity of the products. In this regard, while the self-declare system provides room for business growth, monitoring must still be in place, whether through product audits or periodic inspections of the processes carried out by business owners.

*Fath al-dzarī'ah* offers convenience for business owners to obtain halal certification, but it must still uphold the principle of caution in maintaining the quality of halal itself. Without a strong monitoring mechanism, the self-declare system risks creating loopholes that allow products failing to meet halal standards to enter the market. Therefore, it is crucial for the government and relevant institutions not only to expand access but also to establish oversight mechanisms that ensure the products circulating in the market are truly halal and in accordance with the principles of Islamic law.

## 6. Conclusion

Based on the findings of this study, it can be concluded that the monitoring system for halal certification through the self-declare mechanism under Government Regulation No. 39 of 2021 still has various weaknesses that need immediate improvement. Although this scheme aims to facilitate halal certification access for micro and small business owners, weak post-

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<sup>43</sup> Pardi, interviewed by the author, Boyolali, May 18, 2024.

<sup>44</sup> Pardi, interviewed by the author, Boyolali, May 18, 2024.

certification supervision, limited human resources, and inadequate supporting technological infrastructure may lead to potential deviations from halal principles. Monitoring, which is conducted periodically with a minimum frequency of once every six months, is insufficient to ensure that business owners consistently adhere to halal standards in the long term. Additionally, the limited use of technology makes the supervision process inefficient, particularly in more remote areas.

From the perspective of Islamic law, particularly through the approach of *sadd al-dzari'ah*, weaknesses in monitoring pose a risk of opening pathways to potential harm (*mafsadat*) in society. *Sadd al-dzari'ah* teaches that any policy or action that could lead to negative consequences, even if not explicitly prohibited, must be addressed with strict oversight to prevent greater harm. In this context, weak supervision of halal certification could result in losses not only for consumers but also for the credibility of Indonesia's halal system at the international level. Therefore, strengthening regulations, implementing stricter and technology-based monitoring, and increasing business owners' awareness of the importance of maintaining halal integrity from an Islamic legal perspective are essential.

The revision of PP No. 39 of 2021 is a crucial first step in improving the monitoring system. Existing regulations should provide clearer guidelines on post-certification supervision, such as mandatory periodic reporting from business owners, the use of technology for real-time monitoring, and strict enforcement of sanctions against violators. Additionally, the role of the public as independent monitors can be actively involved through app-based reporting mechanisms, ensuring a more transparent and accountable monitoring system. Increasing socialization and education for business owners about the importance of maintaining product halalness as a religious obligation should also be a priority. This will help them understand not only the administrative aspects of halal certification but also their moral and religious responsibility to produce halal and high-quality products.

Overall, strengthening the monitoring system for halal certification through the self-declare scheme is essential to ensure that this policy benefits MSME business owners without compromising the integrity of halal products consumed by the public. The *sadd al-dzari'ah* approach provides a clear legal foundation to prevent harm and minimize potential violations of Islamic law, ensuring that this policy achieves its objectives in a more optimal and accountable manner. With comprehensive improvements in regulations, supervision, technology, and education, the halal certification system is expected to have a greater positive impact on MSME business owners and society while also enhancing global trust in Indonesia's halal products.

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