

The Implementation of Halal Product Guarantee in Indonesia and Malaysia: A Responsive Legal Theory Perspective

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Abstract

The guarantee of product halal has a very important role in various aspects, especially for Muslim consumers. In Indonesia, the authority related to halal product assurance has indeed been regulated and guaranteed in various laws and regulations. This research focuses on the analysis of the comparison of halal product guarantee laws in Indonesia and Malaysia using an analytical framework with responsive legal theory. This research is a normative legal study with a conceptual, legislative, and comparative approach. The research results emphasize that the main difference in halal certification regulations is that in Indonesia, the important roles of BPJPH and MUI are highlighted, whereas in Malaysia, it is accommodated within a single institution, namely JAKIM. The implementation of halal certification in Malaysia is simpler because everything is regulated by a single body, whereas in Indonesia, halal certification is carried out by several institutions such as BPJPH, LPH, and MUI. From the perspective of responsive law theory, halal product assurance can be considered more responsive because it has involved the role of state governments in halal certification policies for micro, small, and medium enterprises, whereas in Indonesia, local governments have not yet been optimally involved in halal certification policies for micro, small, and medium enterprises. This research recommends that local governments in Indonesia should be involved in formulating regulations and policies to successfully implement halal product guarantees in Indonesia.

I. Introduction

Halal product assurance has a very important role in various aspects, especially for Muslim consumers. For Muslims, consuming halal products is part of carrying out religious orders. Halal assurance provides certainty that the product meets the requirements set by Islamic law (Azizah, 2021). This is in line with the view in Islam that consuming halal food or drinks is part of an effort to carry out religious teachings. From a human rights perspective, citizens who practice their religious teachings need to be facilitated and protected (Taklima et al., 2023). In this context, the guarantee of the halalness of a product must be a separate focus, especially the state's authority to regulate it (Kadir et al., 2024).

In Indonesia, the authority related to halal product guarantees has actually been regulated and guaranteed in Article 5 paragraph (1) 33 of 2014 concerning Halal Product Guarantee (JPH Law) and several provisions amended in Law No. 6 of 2023 concerning Stipulation of Government Regulations in Lieu of Law Number 2 of 2022 concerning Job Creation into Law (Ciptaker Law) which emphasizes that the government has the authority to ensure the implementation of halal product guarantees in Indonesia. Efforts to implement halal product guarantees at a practical level are carried out through the halal certification process. Halal certification not only ensures the absence of haram content, but also pays attention to aspects of product hygiene and safety (Puspita Ningrum, 2022). This indirectly provides health insurance for consumers.

Halal labeling on a product increases consumer confidence, especially Muslims (Srifauzi & Surwandono, 2023). Consumers feel safer and more comfortable in consuming these products because their halalness has been verified by an authorized institution (Kasri et al., 2023). The importance of halal labeling and its relation to consumer protection is in line with the provisions of Article 3 of Law No. 8 of 1999 concerning Consumer Protection (PK Law) where one of the important aspects of consumer protection is an effort to ensure legal certainty through accurate information for consumers. The guarantee of product halalness is closely related to consumer protection, including that consumers have the right to obtain correct and clear information about the products they consume, including their halal status (Manda et al., 2022). Halal assurance provides accurate and reliable information about the content and manufacturing process of the product (Haryanti, Tuti, 2024). With the guarantee of halalness, consumers have the freedom to choose products that suit their beliefs and needs. This allows consumers to make better and

responsible decisions.

Halal assurance protects consumers from fraudulent practices by irresponsible producers. Fake or unauthorized halal labels can harm consumers and mislead them. Manufacturers have a responsibility to ensure that the products they sell are safe, healthy and halal (Hijawati, 2020). Halal guarantee is one form of producer responsibility towards consumers. The government and related institutions have a role in supervising and enforcing laws related to halal product guarantees (Farida, 2019). It aims to protect consumers from products that do not meet the established halal standards. Thus, the guarantee of halal products is not just a label or certificate, but also an important part of consumer protection (Wibowo & Disantara, 2024). This provides certainty, security, and trust for consumers in consuming halal products (Fibrianti et al., 2023). This emphasizes that halal product information is actually part of efforts to realize optimal consumer protection. Halal products are often considered to have added value in the eyes of consumers. This can increase product competitiveness in the market, both in domestic and international markets.

In the era of globalization, the demand for halal products is increasing. Halal assurance is important for manufacturers who want to enter Muslim markets around the world (Yamaguchi, 2019)(Konety et al., 2021). This emphasizes that the importance of halal products has become a common standard of the global industry so that all countries in the world, especially countries with a majority Muslim population, prioritize the existence of halal product-based industries (Srifauzi & Surwandono, 2023). This is also a focus for the Indonesian government as well as in other Muslim countries that are Indonesia's "neighboring countries", namely Malaysia. It can be seen that in 2024 the number of Muslims in Malaysia is around 20.6 million people or around 63.5% of the total population of Malaysia (Anuar et al., 2023). It is further emphasized that in Article 3 of the Malaysian Constitution, that Islam is the "official" religion in Malaysia. This provision emphasizes that Malaysia also has an important orientation to ensure the implementation of the teachings of Islam, one of which is by guaranteeing halal products. In Malaysia, the guarantee of halal products is carried out by Jabatan Kemajuan Islam Malaysia (JAKIM) which is a federal government agency responsible for Islamic affairs in Malaysia including the main authority for halal certification in the country (Atiah & Fatoni, 2019).

The similarity of culture and the majority of the Muslim population between Indonesia and Malaysia is what actually forms the basis of this research to focus on analysis related to the comparison of halal product

guarantee laws in Indonesia and Malaysia by using an analytical framework with responsive legal theory. Responsive legal theory is used in this study because it is to see and analyze how the state in both Indonesia and Malaysia exercise its authority to ensure the optimal implementation of halal product guarantees. Therefore, this research is intended to answer two problem formulations, namely: (i) how is the development of the idea and regulation of halal product guarantees in Indonesia and Malaysia? And (ii) how is the legal comparison of the implementation of halal product guarantees in Indonesia and Malaysia in the perspective of responsive legal theory.

2. Research Method

This research which focuses on the comparative aspects of halal product guarantee law in Indonesia and Malaysia by using an analytical framework with responsive legal theory is normative legal research (Negara, 2023). Because it is a normative legal research, this research focuses on analysis based on legal doctrine using responsive legal theory. Primary legal materials in this research are: PK Law, JPH Law, and CK Law as well as regulations in Malaysia that discuss halal product guarantees. Secondary legal materials are journal articles, books, and research results on product guarantees in Indonesia and Malaysia. Non-legal materials are legal dictionaries. The legal materials that have been collected are then analyzed prescriptively by focusing on legal solutions to the legal issues that have been described. Analysis of legal materials is done prescriptively by emphasizing on legal solutions to the legal issues discussed (Efendi et al., 2019).

3. Results and Discussion

The Development of the Idea and Regulation of Halal Product Guarantee in Indonesia and Malaysia

The development of halal product assurance in the world and globally has experienced significant growth in recent decades. This is driven by the increasing awareness and demand of global Muslim consumers, as well as the economic growth of countries with large Muslim populations (Darmalaksana et al., 2018). The global halal market covers a wide range of sectors, including food and beverages, pharmaceuticals, cosmetics, tourism, finance and logistics. The value of this market is estimated at trillions of US dollars and is growing every year. The growth of the halal market is driven by factors such as an increase in the global Muslim population, rising incomes in Muslim countries, increased awareness about halal products, and the growth of the halal tourism industry (Azizah, 2021).

Halal markets offer attractive investment opportunities for companies and

investors around the world (Rusmita et al., 2020). Many multinational companies have started investing in halal products and services to meet the growing market demand. Halal standards vary across different countries, which creates challenges for companies looking to export their halal products. There are ongoing efforts to harmonize halal standards at regional and international levels. Organizations such as the Organization of Islamic Cooperation (OIC) and the Codex Alimentarius Commission have been working to develop global halal guidelines and standards (Sakti & Ramadhani, 2023). Harmonization of halal standards will facilitate cross-border trade, reduce compliance costs, and increase consumer confidence.

The number of halal certification bodies (LSHs) around the world has increased significantly in recent years. LSHs play an important role in ensuring that products and services meet halal standards. Some LSHs are accredited by international accreditation bodies, which increases the credibility and recognition of their certification. As such, halal product assurance has become an important global issue with significant economic, social and religious implications (Hudaefi & Jaka, 2021). Developments in this area continue, driven by market growth, technological innovation, and standards harmonization efforts.

Halal product assurance holds great significance for Muslim communities around the world. It is not just about meeting consumption needs, but also closely related to religious beliefs and values. In Islam, Muslims are required to consume food and use products that are halal (permitted) and stay away from those that are haram (prohibited) (Aufi, 2021). Halal product assurance ensures that Muslims can practice this religious commandment with confidence and peace of mind. Consuming halal products is considered part of worship. By eating halal food and using halal products, Muslims believe that their worship will be more accepted by Allah SWT (Lukman Raimi, Salisu Monsuru Adekunle, 2023).

Halal products are not only free from prohibited ingredients, but must also be produced to high standards of hygiene and safety. This provides health assurance for Muslim consumers. The halal certification process ensures that the products do not contain harmful ingredients or those that could be harmful to health. The halal label on a product gives Muslim consumers confidence and assurance that the product has been inspected and approved by an authorized institution (H et al., 2021). With the guarantee of halal products, Muslim consumers can shop and consume products without worry or doubt about their halal status. By purchasing halal products, Muslim consumers indirectly support the growth of the halal industry, which creates jobs and provides

economic benefits to society. Halal product assurance also promotes Islamic values such as honesty, transparency and responsibility in the production and distribution of products. Overall, halal product assurance is not just about meeting material needs, but also about meeting the spiritual and moral needs of the Muslim community. It is an important part of the Muslim identity and lifestyle, and has a positive impact on individuals, society, and the economy.

The importance of halal product assurance also has relevance to a number of significant economic benefits, both for producers, consumers, and the country as a whole. Some of the main economic benefits of halal product assurance for producers include (Harman, 2022):

- a. Halal certification can improve product competitiveness in domestic and international markets, especially in countries with large Muslim populations.
- b. Halal products have access to a wider market, including a rapidly growing Muslim market and a non-Muslim market that is increasingly aware of the quality and safety of halal products.
- c. Halal labeling increases consumer confidence in the product, which can increase sales and customer loyalty.
- d. The halal certification process often requires manufacturers to improve production hygiene, sanitation and safety standards, which can improve efficiency and reduce waste.
- e. Producers who have halal certification have a competitive advantage over producers who do not have halal certification, especially in tenders and government procurement contracts.

For consumers, the main economic benefits of halal product assurance include (Syafitri et al., 2022):

- a. Halal labeling makes it easier for Muslim consumers to choose products that are in line with their religious beliefs.
- b. Consumers feel more trust and confidence in products that have halal certification, because it has been verified by an authorized institution.
- c. Consumers are often willing to pay more for halal products as they perceive them to have added value in terms of quality, safety and hygiene.
- d. By purchasing halal products, consumers indirectly support the growth of the halal industry, which creates jobs and provides economic benefits to society.

For consumers, the main economic benefits of halal product assurance include (Muhammad Syarif Nurdin, 2021):

- a. Halal product assurance can increase exports of products from Muslim

- countries, which can increase national income and create jobs.
- b. Countries with strong halal product assurance systems are more attractive to foreign investors who wish to invest in the halal industry.
 - c. The halal tourism industry can develop in countries with a strong halal product assurance system, which can increase national income and create jobs.
 - d. Countries that promote halal products can improve their image as countries that care about Islamic values and product quality.
 - e. e. A strong halal product assurance system can reduce the risk of fraud and counterfeiting of halal products, which can protect consumers and increase confidence in domestic products.

From the description above, it can be seen that halal product assurance encourages the growth of the halal industry, which includes various sectors such as food and beverages, pharmaceuticals, cosmetics, tourism, finance, and logistics. The halal industry creates jobs in various sectors, from production to marketing and distribution. The halal industry increases income for producers, traders, and the country as a whole. The halal industry can improve the welfare of society by providing quality products and services that comply with Islamic values (Aji Jumiono, 2020). Thus, halal product assurance provides significant economic benefits for producers, consumers and the state. It encourages the growth of the halal industry, creates jobs, increases income, and improves people's welfare.

In Indonesia, halal product guarantee is regulated in the PK Law, JPH Law, and CK Law. The substance of the regulation of halal product guarantee in Indonesia is comprehensively regulated in Law Number 33 of 2014 concerning Halal Product Guarantee (JPH Law) and its implementing regulations. This JPH Law is the main legal basis that regulates all aspects of halal product guarantee in Indonesia. The main substance of the regulation of halal product guarantee in Indonesia is to provide legal certainty for businesses and consumers in the implementation of JPH, protect Indonesian Muslim consumers in consuming halal products, increase the competitiveness of Indonesian products in the domestic and global markets, empower Micro, Small and Medium Enterprises (MSMEs) in producing halal products.

The regulation of halal products in Indonesia also requires all products circulating and traded in Indonesia to be halal certified. The products in question include: food and beverages, medicines, cosmetics, chemical products, biological products, genetically modified products, and goods used, used, or utilized by the public. One important aspect of halal product assurance in Indonesia is the establishment of the Halal Product Guarantee

Agency (BPJPH). BPJPH is a government agency responsible for organizing JPH.

BPJPH's duties include (Mohammad, 2021):

- a. Formulating and establishing JPH policy.
- b. Setting halal standards.
- c. Issuing halal certificates.
- d. Supervising halal products.
- e. Conduct socialization and education about JPH.
- f. Cooperate with other institutions, both at home and abroad.

In addition to BPJPH, a Halal Examining Agency (LPH) was also formed as an institution that conducts examination and / or testing of product halalness. LPH must meet the requirements set by BPJPH, including having competent and accredited halal auditors. LPH plays a role in conducting audits of production facilities, ingredients, and product manufacturing processes to ensure conformity with halal standards.

The regulation of halal product assurance in Indonesia also emphasizes the important role of the Indonesian Ulema Council (MUI). MUI still plays a role in determining the halal fatwa for a product. The halal fatwa from MUI is the basis for BPJPH in issuing halal certificates (Aliyudin, 2022). Regarding the halal certification process in Indonesia, it is carried out first by business actors applying for halal certification to BPJPH. BPJPH assigns LPH to conduct an examination of the proposed product. LPH submits the results of the examination to MUI to obtain a halal fatwa. BPJPH issues a halal certificate based on a halal fatwa from MUI.

Business actors who have obtained halal certification are required to maintain the halalness of halal-certified products. Business actors are also required to include a halal label on product packaging. Business actors must comply with applicable JPH provisions. Halal certificates that have been issued by MUI before the enactment of the JPH Law remain valid until their validity period expires. With this comprehensive arrangement, Indonesia strives to realize an effective, efficient, and reliable halal product guarantee system, so as to provide protection to Muslim consumers and increase the competitiveness of Indonesian products in the global market.

In Malaysia, regulations related to the development of halal product assurance have actually developed in several regulations such as the Act of Commerce 1972 (APD 1972) to the Act of Commerce 2011 (APD 2011). APD 1972 initially focused more on aspects of consumer protection in general, specifically related to misleading descriptions or statements about goods and services (Anuar et al., 2023). In the context of halal, APD 1972 is used to act on

false or misleading halal claims. If a product claims to be halal but in fact does not comply with halal standards, legal action can be taken under the APD 1972. The APD 1972 has limitations in comprehensively regulating halal certification. There is no clear and legally defined halal standard. Enforcement relies more on complaints and proof of misleading claims.

Along with the increasing awareness and demand for halal products, the Malaysian government began to realize the importance of having a more structured and reliable halal certification system. Jabatan Kemajuan Islam Malaysia (JAKIM) began to play a more active role in developing halal standards and conducting halal certification (Muhtadi, 2020). However, initially, JAKIM's role was more administrative and did not have strong legal powers. Significant changes related to halal product assurance in Malaysia are actually more comprehensive with the APD 2011 is a significant change in halal regulation in Malaysia. This act provides a stronger legal framework to regulate halal certification and protect consumers from false halal claims. The APD 2011 provides a clearer definition of what is meant by "halal" in the context of the law (Maripatul Uula & Ikhwan, 2022). This helps in law enforcement and provides certainty for businesses and consumers. APD 2011 provides greater authority for JAKIM to supervise and regulate halal certification. JAKIM can set halal standards, accredit certification bodies, and take legal action against violations (Sakti & Ramadhani, 2023).

The 2011 PPE imposes more severe sanctions on businesses that make false or misleading halal claims. This provides a deterrent effect and protects consumers from fraud. APD 2011 enhances consumer protection by ensuring that products claiming to be halal actually meet established halal standards. APD 2011 helps create a more reliable and internationally recognized halal certification system. A robust halal certification system helps Malaysian companies to increase exports of halal products to the global market (Susetyo et al., 2019). Muslim consumers in Malaysia feel more protected and confident in choosing halal products. Clear and structured regulations encourage the growth of the halal industry in Malaysia. Thus, the change from APD 1972 to APD 2011 is an important step in developing a stronger and more reliable halal product assurance system in Malaysia. It demonstrates the Malaysian government's commitment to protect Muslim consumers and promote the halal industry.

From the description above, it can be concluded that the development of ideas and arrangements for halal product guarantees in Indonesia and Malaysia are actually not much different apart from the fact that both are culturally similar countries as well as countries with a majority Muslim

population in Southeast Asia. The main difference in regulating halal certification is that if Indonesia emphasizes the important role of BPJPH and MUI, while in Malaysia it has been accommodated in one institution, namely JAKIM.

Comparison of Legal Implementation of Halal Product Guarantee in Indonesia and Malaysia in the Perspective of Responsive Legal Theory

The policy and implementation of halal product assurance in Indonesia continues to evolve, with various initiatives and programs aimed at strengthening the halal certification system and increasing consumer awareness (Disantara et al., 2024). One example in Indonesia related to the implementation of halal product assurance to increase consumer awareness and participation is the "Sehati" halal certification. "Sehati" certification is an initiative that aims to speed up and simplify the halal certification process, especially for MSMEs. The program offers technical assistance, training, and mentoring to MSMEs to meet halal certification requirements. The main objective is to increase the number of MSMEs that have halal certification and improve the competitiveness of their products. BPJPH and related institutions continue to socialize and educate the public about the importance of halal products and the halal certification process. BPJPH developed an online system to make it easier for businesses to apply for halal certification and monitor the status of their applications. BPJPH collaborates with various parties, such as local governments, community organizations, and universities, to expand the reach of the halal product guarantee program. Even so, there are still challenges in completing halal certification for all products circulating in Indonesia, especially with the large number of MSMEs that do not yet have halal certification.

Efforts to harmonize halal standards with other countries continue to be made to facilitate international trade. Increasing the effectiveness of supervision of halal products in the market continues to be pursued to prevent fraud and falsification of halal certification. Increasing the capacity and competence of LPH continues to be carried out to ensure the quality of halal inspection. What is also a focus in the implementation of halal certification in Indonesia is related to community efforts to be able to play an active role in monitoring halal products circulating in the market and reporting if they find violations. With various efforts and initiatives that continue to be carried out, the halal product assurance system in Indonesia is expected to be stronger and more effective in protecting Muslim consumers and supporting the growth of the halal industry. "Sehati" certification and similar programs are concrete

examples of efforts to facilitate access to halal certification for MSMEs and improve the competitiveness of Indonesian halal products.

The "Sehati" certification program and similar programs that aim to facilitate halal certification for MSMEs in Indonesia, although it is a good program, still face several obstacles in its implementation, including:

- a. Many MSMEs, especially those located in remote areas or small in scale, are less aware of the existence of the "Sehati" program or other similar programs.
- b. Available information on the program may be incomplete or difficult for MSMEs to understand.
- c. MSMEs do not fully understand the benefits of halal certification for their business, so they are less motivated to participate in this program.
- d. Requirements for obtaining halal certification, although simplified in the "Sehati" program, are still considered complicated and time-consuming by some MSMEs.
- e. The process of collecting and submitting documents required for halal certification can be a burden for MSMEs, especially those without adequate administrative staff.
- f. While the "Sehati" program may offer subsidies or fee assistance, the initial cost for halal certification (including inspection, testing and consultation fees) can still be a barrier for MSMEs with limited capital.
- g. In addition to the initial cost, MSMEs also need to consider the cost of maintaining halal certification (such as periodic audit fees and certificate renewal fees) which can add to their financial burden.
- h. Many MSMEs lack human resources who have the necessary knowledge and skills to fulfill halal certification requirements.
- i. Some MSMEs may need to make significant improvements to their product quality and production processes to be *compliant* with halal standards.
- j. MSMEs in remote areas may face infrastructure limitations (such as adequate clean water and sanitation facilities) that may hinder the halal certification process.

By addressing these barriers, the "Sehati" program and similar programs can run more effectively and help more MSMEs to obtain halal certification, thereby increasing the competitiveness of Indonesian halal products and protecting Muslim consumers.

In Malaysia, there are several programs and initiatives that aim to help small and medium-sized enterprises (SMEs) obtain halal certification at a lower cost or even for free. Some state governments in Malaysia offer financial

assistance or subsidies to SMEs seeking halal certification. This assistance may include reimbursement of certification fees, training fees, or consultancy fees. The Selangor state government has offered a program called "Halal Certification Assistance Scheme" that provides financial assistance to SMEs to obtain halal certification from JAKIM or a recognized certification body. SMEs can contact their local state government office (e.g., Ministry of Usahawan Development or equivalent body) to find out about available halal certification assistance programs.

JAKIM also has special programs aimed at helping SMEs obtain halal certification at a lower cost. These programs may include free training, consultations, or subsidized certification fees. SMEs can visit the JAKIM website or contact their local JAKIM office to find out about available programs. Some NGOs working on SME development or the halal industry also offer halal certification assistance programs to SMEs. This assistance can be in the form of training, consultation or financial assistance. Some large companies or corporate bodies in Malaysia have corporate social responsibility (CSR) programs that focus on SME development. These programs include halal certification assistance.

The following table compares the implementation of halal certification in Indonesia and Malaysia.

Tabel 1. Comparison of halal certification in Indonesia and Malaysia.

Features	Indonesia	Malaysia
Main Body	Halal Product Guarantee Agency (BPJPH)	Position of Islamic Progress Malaysia (JAKIM)
Role MUI	Determining halal fatwa which is the basis for issuing halal certificates by BPJPH.	Not directly involved in the certification process. However, JAKIM considers the views and principles of Shariah in setting halal standards.
Halal Examining Organization (LPH)	LPH conducts product inspection and testing, must be accredited by BPJPH.	There is no separate institution like LPH. Audits and inspections are carried out by

		JAKIM auditors or halal certification bodies (CB) recognized by JAKIM.
Nature of Certification	Mandatory for most products circulated and traded in Indonesia (with some exceptions).	Mandatory for some product categories, but many companies choose to obtain halal certification voluntarily to improve competitiveness.
Halal Standard	Referring to halal standards set by BPJPH and MUI fatwa.	Refer to Malaysian standards (MS), especially MS 1500:2019 (Halal Food - General Requirements) and other relevant standards for non-food products.
Certification Process	1. Submission to BPJPH; 2. Examination by LPH; 3. Determination of halal fatwa by MUI; 4. Issuance of certificates by BPJPH.	1. Submission to JAKIM or CB; 2. Audit and inspection by auditor; 3. Evaluation; 4. Issuance of certificate by JAKIM or CB.
International Recognition	Indonesia's halal certification is recognized in several countries, but continues to work on expanding	Malaysia's halal certification (JAKIM) is widely recognized around the world, especially in

	international recognition.	Muslim countries.
Surveillance	BPJPH supervises halal products circulating in the market.	JAKIM and the Ministry of Domestic Trade and Consumer Affairs (KPDNHEP) conduct supervision.
Sanctions	Administrative sanctions (warnings, fines, certificate revocation) for violations of JPH provisions.	Administrative and criminal sanctions (fines, imprisonment) for violations of halal provisions.
Community Role	The public can play an active role in monitoring and reporting violations related to halal products.	The public can report violations to JAKIM or KPDNHEP.
Main Focus	Ensuring halal products to protect Muslim consumers and improve the competitiveness of Indonesian products.	Maintain high halal standards, facilitate trade in halal products, and establish Malaysia as a global halal hub.
Challenge	Large number of MSMEs that are not yet certified, harmonization of standards with other countries, effectiveness of supervision.	Harmonization of global halal standards, technological innovation in certification, consumer education.
Power	Involving MUI in the	Established and internationally

	determination of halal fatwa, the potential of a large domestic halal market.	recognized certification system, strong government support.
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(Sumber: Analisis Penulis)

From the description of the table above, it can be concluded that the main difference in the implementation of halal certification in Indonesia and Malaysia can actually be seen in the institutional aspect. The implementation of halal certification in Malaysia is simpler because everything is regulated by JAKIM and for small and medium enterprises the state government also makes policies to facilitate the implementation of halal certification for micro, small and medium enterprise products. In Indonesia, halal certification is carried out by several institutions such as: BPJPH, LPH, to MUI and there is no active and comprehensive role from local governments to support and facilitate halal certification programs for small and medium enterprises.

The implementation policy of halal product assurance between Indonesia and Malaysia is relevant when viewed from responsive legal theory. Responsive legal theory as developed by Philippe Nonet and Philip Selznick is one of the important approaches in the study of law and society. This theory criticizes the positivistic view of law that only emphasizes formal rules and procedures, and instead, offers a more dynamic and contextual perspective on how law interacts with social needs and values.

Responsive law emphasizes adaptation to evolving social needs and values. The focus of responsive law is to find fair and effective solutions to social problems by considering the context, the interests of various parties, and broader social goals. The core values of responsive law are substantive justice, flexibility, participation, and effectiveness. Responsive law emphasizes sensitivity to social needs, is more flexible in the face of change, and is more participatory in the decision-making process.

Referring to responsive legal theory, both Malaysia and Indonesia have actually accommodated aspects of responsive legal theory, especially on sensitivity to social needs, more flexible in the face of change, and more participatory in the decision-making process. This can be seen from various regulations and policies in both Indonesia and Malaysia which both aim to facilitate the guarantee of halal products. Even so, in Malaysia the implementation of halal product guarantees can be said to be more responsive because it has involved the role of the state government in halal certification policies for micro, small and medium enterprises, while in Indonesia the local

government is still not optimally involved in halal certification policies for micro, small and medium enterprises.

4. Conclusion

The development of the idea and regulation of halal product guarantees in Indonesia and Malaysia is actually not much different apart from the fact that both are culturally similar countries as well as countries with a majority Muslim population in Southeast Asia. The main difference in regulating halal certification is that if Indonesia emphasizes the important role of BPJPH and MUI, while in Malaysia it has been accommodated in one institution, namely JAKIM.

Legal comparison of halal product assurance implementation policies between Indonesia and Malaysia confirms that in the institutional aspect. The implementation of halal certification in Malaysia is simpler because everything is regulated by while in Indonesia halal certification is carried out by several institutions such as: BPJPH, LPH, to MUI. In terms of responsive legal theory, the true guarantee of halal products can be said to be more responsive because it has involved the role of the state government in halal certification policies for micro, small and medium enterprises, while in Indonesia local governments are still not optimally involved in halal certification policies for micro, small and medium enterprises. This study recommends that local governments in Indonesia be involved in both formulating regulations and policies in the success of halal product guarantees in Indonesia.

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