

Lifetime Halal Certificate Policy: Implications and Challenges for Consumer Protection

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ABSTRACT

The lifetime halal certificate policy stipulated in the amendment to Law Number 33 of 2014 concerning Halal Product Assurance (Law on Halal Product Assurance) thru Law Number 6 of 2023 concerning Job Creation has sparked controversy among business actors, certification bodies, and the public. On the one hand, this policy is seen as a form of deregulation that promotes efficiency and ease of doing business; on the other hand, it raises concerns about the declining effectiveness of halal supervision and consumer protection guaranties. This research aims to analyze the implications and challenges of the lifelong halal certificate policy from a consumer protection perspective, using a normative legal approach based on Philipus M. Hadjon's legal protection theory and Satjipto Rahardjo's progressive law principles. The research results indicate that without periodic evaluation and verification mechanisms, lifetime halal certificates have the potential to create a false sense of security for consumers and reduce public trust in the national halal assurance system.

Keyword: Halal Certification; Consumer Protection; Public Policy; Progressive Law

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1. INTRODUCTION

The halal status of a product is a fundamental right of Muslims and an integral part of the national consumer protection system. This right does not solely concern religious aspects, but also encompasses health, safety, and the accuracy of information. Within the framework of Indonesian positive law, this right is guarantyd by Article 4 of Law Number 8 of 1999 concerning Consumer Protection, which states that every consumer has the right to comfort, safety, and security when consuming goods and/or services. Halal product assurance is not merely a moral preference, but a legal obligation of the state to protect citizens' fundamental rights in the context of public consumption.

A halal certificate serves as a legal guaranty indicating that a product has met Sharia standards and passed verification by the relevant authority. The existence of a halal certificate also strengthens public trust in the national food trade and industry system. According to Law Number 33 of 2014 concerning Halal Product Assurance (Law on Halal Product Assurance), products circulating, distributed, and traded in Indonesian territory must be halal-certified. This demonstrates the state's explicit recognition that halal status is part of the constitutional rights of Muslims.

However, this legal configuration changed after the enactment of Law Number 6 of 2023, which is the ratification of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation. Thru changes to Article 42 of the Food and Drug Law (JPH), the validity period of halal certificates has been changed to lifetime, as long as there are no changes in ingredients, production processes, or facilities used. This new provision is intended as an administrative deregulation step to accelerate the certification process and reduce the cost burden for business actors, especially MSMEs (Micro, Small, and Medium Enterprises). On the economic side, this policy appears progressive and adaptable to the efficiency needs of the global halal industry.

However, substantively, the policy creates tension between the principle of economic efficiency and the principle of consumer protection. The Halal Product Assurance Agency (BPJPH), a state institution under

the Ministry of Religious Affairs responsible for implementing the halal assurance system, expressed its objection to this policy. BPJPH even announced that it would file a material test with the Constitutional Court, arguing that the lifetime provision could threaten the integrity and credibility of the national halal guaranty system (Tempo.co, October 20, 2025).

According to BPJPH, periodic halal audits are a very important mechanism to ensure the sustainability of a product's halal status amidst the dynamics of the industry. Without periodic evaluation, there is no guaranty that the business operator will continue to use the same materials and processes as when the certificate was issued. In fact, the supply chain of modern industry is dynamic and adaptable to the market, making changes in materials, suppliers, or production methods highly likely. In this context, the implementation of lifetime certificates can create an "illusion of legal certainty," appearing to provide administrative certainty but actually reducing substantive certainty for consumers.

Furthermore, this policy has the potential to create information asymmetry between businesses and consumers. When consumers consider a product certified halal for life to remain safe indefinitely, while on the other hand, there is no re-verification mechanism, the consumer's right to accurate and correct information as stipulated in Article 4 letter c of the Consumer Protection Law is diminished. As a result, the country is threatened with losing its active state control function in ensuring product legality, and moral responsibility shifts entirely to business operators.

In the context of the political economy of law, the lifetime halal certificate policy reflects the pro-business deregulation spirit promoted by the Job Creation Law. The goal is to eliminate bureaucratic obstacles, speed up business processes, and reduce production costs. However, this kind of deregulation should not be done at the expense of the principle of prudence in consumer protection. In this context, "halal" is not merely an administrative label, but a manifestation of the values of trust and purity (*ṭahārah*) within the Islamic economic system. Therefore, the elimination of periodic audit mechanisms is inherently contrary to the *maqāṣid al-sharī'ah*, particularly in the aspects of *ḥifẓ al-dīn* (preserving religion) and *ḥifẓ al-nafs* (preserving life) (Jasser Auda, 2008).

Academic studies in higher education institutions, such as the research conducted by Nur Khasanah (2022), show that most halal industry players are also concerned about the potential decline in consumer trust if there is no clear audit system (Nur Khasanah, 2022). Additionally, in international practice, the majority of the world's halal certification bodies, such as JAKIM (Malaysia) and the Islamic Religious Council of Singapore (MUIS), implement a limited validity period (usually 2–3 years) accompanied by periodic audits to maintain system integrity (JAKIM, 2022). The lifetime halal certificate policy in Indonesia appears anomalous compared to international standards that emphasize continuous compliance.

From a consumer protection perspective, a lifetime halal certificate policy can be seen as inconsistent with the principle of business operator responsibility (liability principle) regulated in Article 19 of the Consumer Protection Law. When certificates are issued without a time limit but oversight is reduced, the potential for violations and abuse increases. In this case, the state is actually at risk of losing its corrective and preventive functions in ensuring that consumer rights remain protected.

Considering this complexity, the ideal policy solution is not to eliminate the audit mechanism, but rather to design a sustainable halal certification system with a risk-based approach. Products with high potential for change (e.g., processed food or cosmetics) remain subject to periodic audits, while stable products (e.g., mineral water or certain organic products) can be given a longer shelf life. This approach will create a balance between economic efficiency and consumer protection certainty.

Ultimately, consumer protection in the context of product halalness is not merely an administrative responsibility of BPJPH, but an integral part of the state's moral responsibility to maintain public trust in the national legal and market system. Without an adaptive and sustainable oversight mechanism, a lifetime halal certificate policy has the potential to become a legal paradox, intended to provide convenience but actually undermining consumers' fundamental right to obtain truly halal and safe products.

2. RESEARCH METHOD

This study uses a normative legal approach, which involves examining the lifetime halal certificate policy based on laws and regulations, legal doctrines, and consumer protection legal principles (Soerjono Soekanto, 1986). This approach is also complemented by conceptual and comparative analysis, in order to examine the relevance of Indonesian policies compared to international halal certification standards such as those in Malaysia and Singapore. Sources of legal materials consist of: Primary legal materials, including Law Number 33 of 2014 concerning Halal Product Assurance, Law Number 6 of 2023 concerning Job Creation, and Law Number 8 of 1999 concerning Consumer Protection. Secondary legal materials, including books, scientific journals, BPJPH reports, online media articles such as Tempo.co, and relevant research results.

Tertiary legal materials, such as legal dictionaries, encyclopedias, and international halal certification standard documents (JAKIM and MUIS).

Data Analysis Techniques use a descriptive-analytical approach, which involves describing the applicable regulations and practices, and then analyzing them argumentatively and reflectively using Philipus M. Hadjon's theory of legal protection and Satjipto Rahardjo's progressive law (Bambang Sunggono, 2010).

A. *Theoretical Framework*

The concept of legal protection is a key conceptual foundation for understanding the direction and legitimacy of public policy, including the policy of lifelong halal certificates. According to Philipus M. Hadjon, legal protection is a mechanism provided by the legal system to prevent rights violations (preventive) and guaranty justice if violations have occurred (repressive) (Philipus M. Hadjon, 1987). Preventive legal protection is realized thru administrative procedures and regulations that guaranty legal certainty for citizens before a dispute arises, while repressive protection is carried out thru law enforcement, sanctions, and the restoration of rights for the aggrieved party (Philipus M. Hadjon, 1987).

In the context of the Halal Product Assurance System (SJPH), the preventive approach is manifested in the obligation of halal certification, which regulates the production process based on Sharia principles, while the repressive approach is present thru audit mechanisms, supervision, and administrative sanctions for business actors who violate the regulations. However, after the enactment of Law Number 6 of 2023 concerning Job Creation, the validity period of halal certificates is set for life, as long as there are no changes in ingredients, processes, or production facilities. This change has significant theoretical consequences: when the mechanism of periodic verification is removed, the preventive aspect of legal protection loses its long-term effectiveness and sharpness.

Hadjon emphasizes that the effectiveness of legal protection is not measured by the number of norms created, but by the extent to which those norms guaranty a sense of justice and legal certainty in practice (Philipus M. Hadjon, 2019). Without substantive control mechanisms, legal norms become mere formal symbols without any real protective function. In this context, the lifetime halal certificate policy has the potential to create a "substantive oversight vacuum," as the law appears to protect consumers administratively, but substantively opens up room for uncertainty regarding product halalness. This contradicts the spirit of Article 4 paragraph c of Law Number 8 of 1999 concerning Consumer Protection, which guaranties the public's right to accurate, clear, and honest information regarding the condition of goods and services.

Satjipto Rahardjo, thru the concept of progressive law, provides a different moral and sociological foundation. Satjipto emphasized that law should not be viewed as a rigid normative structure, but rather as an instrument for liberating humanity from social injustice (Satjipto Rahardjo, 2009). Progressive law stems from the belief that law must function to humanize people (*law for human*), not the other way around (Satjipto Rahardjo, 2009). The measure of legal justice does not stop at the text of the law, but rather at the extent to which the law is able to meet the real needs of society and uphold human values.

In the context of the lifelong halal certificate policy, a progressive legal perspective demands a critical evaluation of the policy's orientation, which overemphasizes administrative efficiency while neglecting substantive justice. Rahardjo will question: does this policy truly protect the spiritual and religious rights of Muslim consumers, or does it actually weaken the state's moral responsibility for guaranteeing product halalness? (Satjipto Rahardjo, 1980). Progressive law rejects the positivist paradigm that prioritizes regulatory ease over human protection. In this view, the law should be alive and adapt to social, economic, and technological changes in production, rather than freezing protection within a shallow framework of efficiency (Sulistiyowati Irianto & L. B. Wiyono).

These two theories—Hadjon's and Rahardjo's—can be combined to understand the dynamics of lifelong halal policy. Hadjon provides a normative-positive framework, emphasizing the importance of an effective legal system in providing concrete protection for society. Conversely, Rahardjo offers an ethical-progressive dimension, asserting that law must side with human values and substantive justice (Bernard L. Tanya et al., 2013). The combination of the two gives rise to a complete legal paradigm: good law is not only procedurally efficient, but also socially just and morally meaningful.

In its application to the lifetime halal certificate policy, this approach shows that the law should not stop at administrative deregulation, but must ensure the sustainability of supervisory and consumer protection functions (Tempo.co, September 20, 2023). A policy that is legally valid does not necessarily have moral legitimacy if it ignores the real protection of consumer rights. Therefore, a lifetime halal policy can only be considered legitimate if it meets two theoretical prerequisites:

1. Guaranteeing effective legal protection as stated by Hadjon; and
2. Being oriented toward substantive justice and public welfare as emphasized by Satjipto Rahardjo (2007).

When these two dimensions are not met, the policy risks falling into “legality without legitimacy,” formally valid but morally and socially weak (Jimly Asshiddiqie, 2014). This condition contradicts the spirit of progressive law and also the principles of *maqāṣid al-syarī'ah*, which place the protection of religion (*hifẓ al-dīn*), life (*hifẓ al-nafs*), and public interest (*maṣlahah 'āmmah*) as the primary goals of Islamic law (Jasser Auda, 2008). The policy of lifetime halal certificates needs to be directed not only at creating regulatory efficiency but also at affirming the state's role as a moral guarantor, consumer protector, and guardian of the integrity of national product halalness.

3. RESULTS AND DISCUSSION

A. *Administrative Efficiency vs. Substance of Oversight*

The lifetime halal certificate policy, regulated through the amendment of Article 42 of Law Number 33 of 2014 concerning Halal Product Assurance (Law on Halal Product Assurance) by Law Number 6 of 2023 concerning Job Creation, is part of the major agenda of deregulation of permits and simplification of national bureaucracy. The government argues that this step will boost efficiency, speed up the certification process, and reduce costs, particularly for micro and small businesses (MSMEs) (Coordinating Ministry for Economic Affairs of the Republic of Indonesia, 2021). This approach aligns with the spirit of regulatory reform in national economic policy, which emphasizes ease of doing business and reducing the administrative burden on entrepreneurs.

However, this principle of administrative efficiency cannot be separated from the risk of degrading the quality of supervision and substantive control over product halalness. Halal is not merely a static legal label, but a dynamic concept closely related to the stability of raw materials, production processes, and supply chain integrity. In the modern food, pharmaceutical, and cosmetic industries, changes in substitute ingredients, suppliers, and production technologies can occur rapidly and repeatedly. Even small changes, such as in food additives, emulsifiers, or production aids, have the potential to significantly alter the halal status of a product.

Therefore, the elimination of periodic audit mechanisms or recertification causes the halal certificate to lose its substantive function as a quality assurance instrument and become a mere administrative symbol. Without continuous verification, the policy could potentially obscure legal accountability and undermine public trust in the national halal guaranty system.

This situation has direct implications for the implementation of Article 4 letter c of Law Number 8 of 1999 concerning Consumer Protection, which states that every consumer has the right to obtain correct, clear, and honest information regarding the condition and warranty of goods and/or services consumed. When halal status is no longer updated regularly, consumers' right to current and valid information is neglected. However, while a lifetime halal policy provides administrative efficiency for businesses, normatively it has the potential to lower the quality of legal protection for consumers.

This concern was also expressed by the Halal Product Assurance Agency (BPJPH), which assessed that the lifetime halal certificate application lowers halal supervision standards and poses a risk to international trust (Tempo.co, September 20, 2023). The criticism indicates a potential decline in the credibility of the national halal system in the eyes of the global market, which is contrary to the initial spirit of Law No. 33 of 2014 on Halal Product Assurance (JPH) to build an integrated, accountable, and internationally competitive halal assurance system.

From the perspective of the preventive legal protection theory put forward by Philipus M. Hadjon, periodic control mechanisms are part of the legal system that prevents violations from occurring before they cause harm (Philipus M. Hadjon, 1987). With the removal of this mechanism, the lifetime halal policy actually weakens preventive protection and relies on slower and more reactive repressive protection. In fact, the purpose of legal protection in the consumer context is *ex ante*, meaning it protects before losses occur (Philipus M. Hadjon, 1987).

B. *Legal Certainty vs. Certainty of Halal Status*

In administrative law theory, legal certainty is a fundamental principle that ensures every government action must be based on clear, consistent, and predictable rules (Ridwan HR, 2016). In the context of a lifetime halal policy, the state does indeed provide administrative certainty for business owners, as certificates no longer need to be renewed periodically. However, formal legal certainty is not necessarily identical to substantive halal certainty (Muchsan, 2018).

A paradox occurs: the law provides certainty on paper, but social reality reveals the potential for uncertainty regarding the product's permissibility in the field. In this context, the difference between procedural legality and substantive justice becomes important. True legal protection should not stop at fulfilling administrative procedures, but must ensure the substantive truth of the products in circulation are truly halal and safe for consumers.

From the perspective of Satjipto Rahardjo's progressive law, law must live and function as an instrument of humanity, not merely as a frozen text (Satjipto Rahardjo, 2009). Therefore, legal certainty in halal certification should not be interpreted as administrative rigidity, but rather as a system that is adaptable to social, technological, and industrial changes. Within the framework of progressive law, a lifetime halal policy should ideally be accompanied by a dynamic, risk-based audit mechanism, not a complete elimination of periodic audits (LPPOM MUI, 2022).

Sound legal certainty is certainty that supports the protection of society, not merely providing administrative convenience for business actors (Bernard L. Tanya, et al., 2013). If legal certainty is separated from certainty of permissibility, then law loses its moral dimension and becomes legality without legitimacy, as stated by Jimly Asshiddiqie (2014).

From this, it is clear that legal reform in the field of halal product guaranties should not be solely aimed at simplifying procedures, but at integrating efficiency and accountability, legal certainty and halalness certainty, and protecting business actors and consumers. The ideal halal policy paradigm is not total deregulation, but rather smart regulation based on risk, transparency, and social accountability (OECD, 2021).

C. Global Standards and International Recognition

In the global halal trade ecosystem, the principle of continuous compliance, the ongoing adherence to halal standards, is a key foundation of certification systems in various countries. Almost all international certification authorities, such as the Department of Islamic Advancement Malaysia (JAKIM), the Islamic Religious Council of Singapore (MUIS), and the Standards and Metrology Institute for Islamic Countries (SMIIC), set the validity period for halal certificates between two to three years with periodic audits and mandatory recertification (JAKIM, 2020). This principle affirms that the guaranty of halalness is not a permanent status, but rather a dynamic process that must be continuously verified as raw materials, production technology, and the supply chain change.

The implementation of a lifetime halal certificate policy in Indonesia actually deviates from that universal principle. In the context of international law, this deviation has the potential to create inconsistencies with the Mutual Recognition Agreement (MRA) between global halal certification bodies (OIC/SMIIC, 2019). Standard disharmony is not only technical but also strategic: trading partner countries may refuse to recognize Indonesian halal certificates, citing weak post-certification monitoring and verification mechanisms.

Consequently, Indonesian products risk not being recognized as halal in the global market, particularly in regions with strict standards such as Malaysia, the United Arab Emirates, and the European Union (Ministry of Trade of the Republic of Indonesia, 2023). The economic impact is very significant, reducing the export competitiveness of the food, beverage, pharmaceutical, and cosmetic sectors, which are the backbone of national halal industry exports. This directly contradicts the government's vision of making Indonesia a Global Halal Hub, as outlined in the Indonesian Sharia Economic Masterplan 2019–2024.

Thus, halal policy reform is not only urgent for the protection of domestic consumers, but also for restoring the credibility of Indonesian halal diplomacy. Harmonizing regulations with international standards such as SMIIC 35:2020 on Halal Management Systems is a strategic step to ensure the national halal system is competitive, legitimate, and globally accepted.

D. Ethical Aspects and Public Accountability

Philosophically, the halal status of a product is not merely about formal legality, but reflects the state's moral responsibility toward the Muslim community as the majority of its citizens. The policy of eliminating periodic audits can be interpreted as a form of public ethics degradation, as the state seems to be relinquishing its moral responsibility as the guardian of public trust (Alfitri, 2023).

In the good governance paradigm, the principles of accountability and transparency demand open and continuous oversight mechanisms (UNDP, 2007). If a halal certificate is valid without periodic evaluation, there is a risk of moral hazard, such as manipulation of raw materials, misuse of the halal label, and production practices that do not comply with Sharia regulations. This kind of practice not only violates the ethical principles of halal auditors but also erodes public trust in state institutions.

Public trust is a crucial form of social capital for the effectiveness of the legal system. When society loses trust in the credibility of halal certificates, the legal legitimacy of halal will erode (Francis Fukuyama, 1995). In this context, the effectiveness of halal policies cannot be measured solely by administrative efficiency, such as accelerated certification or reduced costs, but rather by their ability to uphold public morality and legal integrity. The state must enforce accountability thru a public reporting system, independent audits, and the digitalization of halal information that is accessible to the public in real-time.

E. Legal Reflection: Deregulation or De-substantiation of Law?

The policy of lifetime halal certificates also needs to be examined from the perspective of the legal institutional structure. Based on empirical research conducted on UIN Sunan Kalijaga students (2022), after the enactment of Law Number 6 of 2023 concerning Job Creation, there was an imbalance of authority between the Halal Product Assurance Agency (BPJPH) and the Halal Inspection Agency (LPH), resulting in weak coordination of field supervision. Deregulation, initially expected to simplify bureaucracy, instead led to institutional disarticulation, resulting in a decrease in the effectiveness of legal protection for consumers.

According to Philipus M. Hadjon's theory of legal protection, an ideal legal system must contain two forms of protection: preventive and repressive (Philipus M. Hadjon, 1987). Preventive protection is realized thru administrative regulations and procedures (e.g., certification and standardization), while repressive protection is realized thru supervision and the enforcement of sanctions in case of violations. When the supervisory function is removed thru a lifetime halal certificate, the law loses its substantive dimension as a tool for protection.

In other words, deregulation without control mechanisms actually gives rise to the phenomenon of de-substantiation of law, law that remains only as a formal symbol without social control power. Law that loses its substance in this way no longer fulfills the principles of a Rechtsstaat, but rather has the potential to shift into mere administrative formalism. Therefore, the direction of halal certification reform should not be deregulation that eliminates substantive functions, but adaptive re-regulation that strengthens efficiency without sacrificing the integrity of supervision.

4. CONCLUSION

The lifetime halal certificate policy marks a paradigm shift in state administration toward efficiency and deregulation. However, this administrative efficiency presents a substantial dilemma: reduced oversight mechanisms actually threaten the safety, trust, and rights of Muslim consumers.

From the perspective of Philipus M. Hadjon, effective legal protection demands a system capable of preventing violations and enforcing justice thru continuous monitoring. According to Satjipto Rahardjo, law must always be on the side of humanity and substantive justice, not merely formal certainty.

A lifetime halal certificate without a re-verification mechanism creates a legal paradox: efficient on paper, but weak in substantive assurance. Policy revisions are a constitutional and moral necessity to uphold genuine consumer protection and maintain the dignity of Indonesia's halal system in the eyes of the world.

The lifetime halal certificate regulation needs to be revised to include a risk-based periodic audit mechanism and progressive administrative sanctions, ensuring policy efficiency remains aligned with legal protection for consumers. Halal supervision must be strengthened thru coordination between BPJPH, LPH, and MUI within the framework of collaborative governance, with clear division of authority and the development of a national audit portal to increase accountability. At the global level, Indonesia needs to harmonize international halal standards such as JAKIM, MUIS, and SMIIC thru Mutual Recognition Agreements (MRAs) and the implementation of continuous compliance principles to maintain the credibility of the national halal system.

Transparency and public literacy must also be improved thru a national halal digital application and public education to help people understand the importance of continuous monitoring. Additionally, halal policies must uphold the country's moral ethics and accountability so that they are not solely economically driven, but also reflect spiritual and social responsibility toward the people. Finally, interdisciplinary research in law, economics, and social sciences needs to be strengthened to evaluate the effectiveness of lifelong halal policies and serve as a scientific basis for improving national regulations.

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