



# FROM REGULATION TO COMMODIFICATION: A CRITICISM OF THE LEGAL POLITICS OF HALAL CERTIFICATION IN INDONESIA

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## ABSTRACT

This research examines the political and legal transformation of halal certification in Indonesia using the Critical Legal Studies (CLS) approach. In the last decade, halal certification has no longer served solely as an instrument of moral protection and legal certainty for Muslim consumers, but has transformed into a political and economic instrument operating within the logic of the global market. Thru normative-empirical analysis, this study reveals that halal bureaucratization thru the involvement of the Halal Product Assurance Agency (BPJPH) and the Indonesian Ulema Council (MUI) creates tension between legal and moral authorities. This phenomenon shows how religious law is institutionalized by the state and reduced to an administrative mechanism laden with economic interests and political legitimacy. Furthermore, the research found that halal regulations also contribute to the commodification of religious values, where piety and halalness become market symbols and tools for nation branding. This process has implications for the emergence of unequal access for micro and small business actors (MSMEs), who find it difficult to bear the costs and complex certification procedures. Within the framework of CLS, this condition indicates that legal norms operate within a power structure that maintains social and economic hierarchies. This research underscores the need for a more emancipatory reform of halal regulations, emphasizing substantive justice, equitable access, and integration between the values of maqāṣid al-syarī 'ah and modern social justice so that halal certification does not lose its spiritual meaning as a means of public welfare.

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## 1. INTRODUCTION

In the past decade, halal business regulations in Indonesia have undergone significant transformation, driven by increasing awareness among Muslim consumers regarding products that comply with Sharia principles. The Indonesian government, thru Law Number 33 of 2014 concerning Halal Product Assurance (Law on Halal Product Assurance), is striving to provide legal certainty in the production and distribution of halal products. However, the reality of implementing this regulation shows that halal certification is not merely a religious legal instrument, but also a political and economic instrument operating within the logic of the global market. This phenomenon aligns with the findings of Wilson & Liu (2011), which indicate that the halal industry has shifted from a spiritual arena to a commercial one dominated by large economic actors.

This shift shows that "halal" is no longer merely a religious category, but also a symbol of economic and political interests. The state, religious institutions, and market actors are involved in a contest to control halal discourse and authority. In Indonesia, the roles of the Halal Product Assurance Agency (BPJPH) and the Indonesian Ulema Council (MUI) reveal a complex power dynamic between legal and moral authorities. As explained by Müller & Steiner (2018), halal regulations in Southeast Asia reflect a new form of state Islamization, where the state uses religious symbols to build moral and economic legitimacy.

This trend toward halal bureaucratization creates significant social problems. The lengthy certification process, relatively high costs, and unequal access between large and small businesses lead to economic exclusion. MSMEs, which are the backbone of the national economy, often struggle to meet strict administrative requirements. Religious law institutionalized within the state framework often serves as a tool for social and economic control, rather than a means of moral emancipation (Hurd, 2017; Kettell, 2019).

Additionally, the globalization of the halal market promotes the commodification of religious values. The global halal industry has created a "moral economy of consumption" that combines religious values with the mechanisms of modern capitalism, where halal products have become symbols of identity and lifestyle for middle-class Muslim consumers (Fischer, 2011). In the Indonesian context, this is evident in the increasing number of halal festivals, the promotion of "Halal Lifestyle," and the Halal Indonesia campaign, which treats halalness as national branding rather than just a spiritual norm.

This phenomenon raises fundamental questions about the position of Islamic law within the structure of the modern state. Should Islamic law, including halal regulations, be a tool for protecting the moral well-being of society, or has it become an instrument of political and economic legitimacy? This question is relevant to the Critical Legal Studies (CLS) approach, which highlights that law is never neutral, but rather reflects and maintains existing power relations (Kennedy, 1984; Le Roux-Kemp, 2021). Through the lens of CLS, halal regulations in Indonesia can be understood as the state's hegemonic effort to regulate the moral space of society through legal instruments.

Furthermore, criticism of halal regulations can also be read within the context of epistemic inequality between religious interpretation and public policy. In the context of Muslim countries, Islamic law often undergoes recontextualization into an administrative tool that serves the agenda of economic development (Walton, 2017). Thus, the state not only enforces religious law but also reconfigures the meaning of religion to align with national economic and political policies. This phenomenon also reflects a symptom known as the bureaucratization of Islam, where religious values are institutionalized in the form of modern state administrative systems (Asad, 2020).

In a socio-economic context, the implementation of halal regulations also has an ambivalent effect. On the one hand, it strengthens the ethical awareness of Muslim consumers; on the other hand, it raises issues of unequal market access and moral legitimacy. Globally, halal certification is often co-opted by industrial and national interests, resulting in a new form of moral monopoly (Gauthier, 2017). This phenomenon also occurs in Indonesia, where control over the halal label strengthens the position of certain institutions as moral-economic authorities that regulate the consumption behavior of the Muslim community.

Thus, this research is based on the assumption that halal regulations in Indonesia are not only about compliance with religious law, but also an arena of power contestation. The Critical Legal Studies approach is used to reveal how halal law is produced, implemented, and distributed within a broader ideological and structural context. This criticism does not aim to reject halal as a moral principle, but rather to affirm the need for social and economic justice in the application of halal law. Emancipatory law must be able to transcend formalism and create space for social transformation (Unger, 1983). In the context of halal regulations, this means viewing certification not just as an administrative process, but as a means of empowering the community economically. Therefore, this study proposes a re-reading of Indonesia's halal legal politics by placing it within a critical analytical framework that simultaneously considers ideological, economic, and spiritual dimensions.

## 2. RESEARCH METHOD

This research uses a normative-empirical legal approach (socio-legal approach), which combines analysis of written legal norms with observation of their implementation in society. This approach is important because the phenomenon of halal certification is not only a normative construct (legislation and religious fatwas), but also a social, economic, and political practice that is alive within society (Banakar & Travers, 2005; Feenan, 2013).

In a normative approach, this research examines regulations related to Halal Product Assurance in Indonesia, particularly Law Number 33 of 2014 and its derivatives, as well as various implementing regulations issued by BPJPH and MUI. The study analyzes the norms, principles, and legal objectives that

underpin halal policies. Meanwhile, an empirical approach is used to understand how these regulations are implemented in practice, particularly their impact on small and medium-sized business actors and the dynamics of power between institutions (BPJPH, MUI, LPH). As stated by Cotterrell (2017), the empirical legal approach is important for revealing "law in action," which is how law truly operates within its social context. Thus, the normative-empirical approach allows this research to critique the gap between *das sollen* (legal ideal) and *das sein* (legal reality), which is often a fundamental issue in the regulation of halal business in Indonesia.

The focus of this research is directed toward halal business regulations in Indonesia, particularly the implementation of halal certification policies by the Halal Product Assurance Agency (BPJPH) and the Indonesian Ulema Council (MUI). The study location is conceptually and institutionally focused on: first, the Ministry of Religious Affairs of the Republic of Indonesia (BPJPH) as a state institution with administrative authority in halal certification; second, the Indonesian Ulema Council (MUI) as a religious institution with the authority to issue halal fatwas; and third, Micro, Small, and Medium Enterprises (MSMEs) as the subjects directly affected by halal regulations. Thus, this research not only examines legal texts but also the dynamics of institutional relationships and their effects on Muslim economic society.

This research uses two main types of data: first, primary data obtained thru in-depth interviews and observations of business owners, academics, and halal law practitioners. This approach aligns with Flick's (2023) guidance on the importance of data triangulation in social research. Second, secondary data were obtained from primary legal sources (regulations, MUI fatwas), secondary legal sources (books, journals, previous research findings), and tertiary sources (legal dictionaries, Islamic law encyclopedias).

Data collection techniques are carried out thru three main methods. First, a literature review. This study examines relevant legal and Islamic literature, including national regulations, fatwas, and previous empirical research findings. According to Otto (2008), document analysis is crucial for identifying patterns, policies, and legal narratives that shape social structures. Second, semi-structured interviews were used to obtain insights from halal practitioners (business owners, auditors, and BPJPH officials). This approach allows for in-depth information gathering while providing flexibility in exploring the data. Third, focused observation was conducted on the administrative processes of halal certification at several certification bodies and MSME associations. This observation provided empirical understanding of the effectiveness and challenges of policy implementation.

Data analysis was conducted qualitatively-analytically, combining two stages: first, normative analysis, which involved interpreting legal norms in the JPH Law, implementing regulations, and MUI fatwas using an Islamic legal hermeneutic approach. The analysis was conducted to identify the principles, objectives, and structure of halal law from the perspective of social justice and *maqāṣid al-syar'ah*. Second, an empirical analysis was carried out to examine how these legal norms are implemented in practice, including identifying gaps, social resistance, and the effects of bureaucratization.

The analysis was conducted inductively and thematically, meaning that meaning patterns were drawn from empirical data and connected to critical legal theory. This model follows the guidelines of Braun & Clarke (2006) on thematic analysis in qualitative research. The final analysis results are presented in the form of an interpretive narrative that describes the dialectical relationship between law, power, and morality within the context of Indonesian halal regulations.

Data validity was tested using source triangulation and method triangulation (Denzin, 2012). This means that legal data, interviews, and observations are compared to ensure interpretive consistency. Additionally, peer debriefing was conducted with Islamic law experts and halal practitioners to test the strength of the analysis's arguments. The reliability of the research is maintained by systematically recording every process of data collection and interpretation, so that it can be replicated or tested by other researchers.

### 3. RESULTS AND ANALYSIS

#### Legal and Political Structure of Halal Regulation in Indonesia

Halal regulations in Indonesia have a strong legal basis thru Law Number 33 of 2014 concerning Halal Product Assurance (Law on Halal Product Assurance), which was subsequently updated by Law Number 11 of 2020 concerning Job Creation. Its main goal is to provide legal certainty for Muslim consumers and boost national economic competitiveness thru the halal industry. However, in practice, the regulation exhibits two dimensions: on the one hand, it is normative-theological, and on the other hand, it is political-economic.

Normatively, halal law is intended to protect Muslims from consuming products that are not in accordance with Islamic law. However, from the perspective of Critical Legal Studies, the law can be read as a form of state intervention into religious space. Müller & Steiner (2018) refer to this phenomenon as

the bureaucratization of Islam, where the state uses religious symbols to strengthen administrative legitimacy and social control.

The state's involvement thru BPJPH changes the meaning of halal from the spiritual realm to the administrative realm. The process that was previously based on religious scholars' fatwas is now subject to state bureaucratic procedures. As Asad (2020) stated, this is a consequence of secular governmentality, the way the modern state regulates religion to align with the logic of bureaucratic rationality.

This situation creates tension between two forms of authority: moral authority (MUI) and legal authority (BPJPH). This dualism creates institutional ambiguity and interpretive conflict in the practice of halal certification. Lutfi's (2025) research indicates that the differences in orientation between the two institutions lead to fragmentation in the implementation of halal law and uncertainty for business actors.

### **Commodification of Religious Values in the Halal Industry**

The most prominent phenomenon in the development of the halal industry in Indonesia is the emergence of the commodification of religious values, which is the process by which spiritual values are traded and capitalized within the framework of market logic. The term commodification itself refers to the transformation of spiritual values into marketable goods and services, thus intertwining religious practices with economic activities and commercial orientations (McLaughlin et al., 2020; Redden, 2016). In this context, commodification raises academic debate regarding the potential trivialization and devaluation of the underlying religious meaning of these spiritual practices.

According to Mitra (2016), the commodification of spirituality represents a blending of sacred and profane elements that reshapes the relationship between religion and consumer culture. Values that were originally transcendental and personal were then packaged into consumer symbols that could be sold and marketed. McLaughlin et al. (2020) emphasize that this process involves not only economics but also profound social transformation as religious practices begin to succumb to the logic of global capitalism. Thus, spirituality is no longer merely an expression of faith, but also a part of the dynamics of production and consumption.

In the context of the halal industry, the commodification of religious values is becoming increasingly apparent. Lever (2023) shows that religious piety and obedience are transformed into economic instruments by the state, corporations, and certification bodies. This trend is also evident in Indonesian politics, where Karman et al. (2024) identified a significant commodification of Islamic piety during the 2019 presidential election, when political actors transformed religious symbols into tools for enhancing the image and marketability of candidates. In a more structural context, the increasingly broad role of the Indonesian Council of Ulama (MUI) in halal certification serves as a concrete example of the commodification of religious values influenced by corporate and state interests (Lindsey, 2012; Marcotte, 2020).

The commodification of spiritual values is also evident in various global contexts. For example, the New Age movement shows how spiritual traditions were commercialized and treated as public property for market consumption (York, 2001). In North America, children's spirituality has become a lucrative market, raising concerns about the loss of authenticity in spiritual experiences (Mercer, 2006). Similarly, the commodification of Afro-Cuban religions and the Camino de Santiago demonstrates how tourism transforms religious meaning into cultural products (González, 2018; Schmidt, 2016). These studies show that the commodification of spirituality is a global phenomenon that blends sacred values with neoliberal economic logic.

In the Indonesian context, the values of piety and obedience have become economic instruments commodified by the state, corporations, and certification bodies. The halal industry is expanding beyond the food sector to include finance, tourism, and lifestyle, demonstrating a trend known as "halalization" (Calder, 2020). The rise of the Muslim middle class also accelerated the commodification of Islamic identity, where religious observance is linked to social status and economic success (Hasan, 2009). For example, the case of the establishment of 212 Mart reflects the emergence of a small-scale Muslim economy that negotiates Islamic values thru consumption (Savirani et al., 2024), while online platforms marketing polygamy practices demonstrate how religious expression is also marketed (Ahmadi et al., 2022).

This phenomenon creates a duality: on the one hand, commodification opens up economic opportunities; on the other hand, it threatens the authenticity of spirituality. Fischer (2011) highlights that "halal has become a market category," no longer just a theological principle, but an economic label that increases product sales value. Campaigns like Halal Lifestyle and Indonesia Halal Hub emphasize the integration of halal values into nation branding strategies and national economic growth. Research by Butt et al. (2017) and Hariani et al. (2024) shows that religious Muslim consumer behavior strengthens the value of halal brands, while Nisa (2023) highlights the close link between the halal economy and contemporary Islamic culture.

However, aggressive halal branding also has the potential to alienate non-Muslim consumers and strengthen market segmentation (Rauschnabel et al., 2015). In the context of public policy, halal regulations serve a dual function: as a moral guide for consumption and as an instrument of market governance. The state acts as both a regulator and an entrepreneur in facilitating the national halal industry (Wilson & Liu, 2011). Fischer (2016) describes how Malaysia standardized halal certification to expand market governance, while in Indonesia, the MUI and the Halal Product Assurance Implementing Agency (BPJPH) are the main actors in integrating Islamic law and national law (Fenwick, 2018).

This process of commodification creates a fundamental paradox. Religious values that were originally intended to strengthen social justice often get trapped in mechanisms of economic exclusion. Expensive and bureaucratic halal certification is a barrier for MSMEs (Lutfi, 2025). This condition was also found in the Philippines (Chavez & Vicente, 2025) and Lombok (Prawiro & Fathudin, 2023), where halal certification strengthens competitiveness but creates a high administrative burden. Othman & Md Nawi (2025) emphasize that organizational scale is an important factor, with large companies finding it easier to comply with halal standards compared to small businesses with limited resources. Additionally, the complexity of financial and technological compliance exacerbates this gap (Bello et al., 2024).

Within the framework of Critical Legal Studies (CLS), this paradox demonstrates that seemingly neutral legal norms actually reinforce social inequality. Kennedy (1984) asserts that law often facilitates dominant interests thru formal mechanisms that appear fair but are substantively biased against certain classes. Halal certification is thus not merely a technical matter, but also a political economy that reproduces social hierarchies within the religious industry. The CLS perspective also highlights the intersectionality aspect, where gender, class, and culture shape access to certification (Prabowo et al., 2015), as well as legal pluralism between Islamic regulations and secular law (Rafiki & Abdul Wahab, 2016).

The socio-economic implications of halal certification are very broad. SME market access is hindered by the complexity and cost of certification (Alam et al., 2024; Prawiro & Fathudin, 2023), while consumer perception is influenced by cultural factors and trust (Fauzi et al., 2024). Public policy reforms that simplify the certification process, provide financial support, and encourage cross-sector partnerships are an urgent need to create economic justice (Prabowo et al., 2015). In line with this, halal certification has great potential in driving other sectors such as halal tourism and catering services, which strengthens the local economy while respecting cultural values (Pg Hj Idris, 2024).

In conclusion, the commodification of religious values thru halal certification in Indonesia demonstrates the complex relationship between spirituality, economics, and law. The CLS approach helps to uncover the ideological dimensions behind seemingly moral halal regulations, revealing that these laws often operate within a framework of power that perpetuates socio-economic inequality. Therefore, a critical analysis of the halal industry needs to consider aspects of distributive justice, accessibility for MSMEs, and regulatory reform to ensure that spiritual values do not merely become market commodities, but continue to function as the foundation of social ethics and collective well-being.

### **Inequality in Access and its Implications for MSMEs**

The empirical dimensions of this research indicate that micro and small business actors (MSMEs) are the group most impacted by the implementation of halal regulations in Indonesia. Based on field findings and Lutfi's (2025) study, the cost of halal certification in Indonesia ranges from Rp3–5 million per product, excluding the mandatory audit and laboratory testing fees. This burden becomes significant considering the limited capital and operational capacity of MSMEs. Although the government has launched a subsidy scheme thru Self Declare Halal Certification, its implementation is considered still limited, bureaucratic, and does not fully reach small business owners in the regions.

The impact of halal certification costs on the sustainability of micro and small businesses indicates significant structural challenges. The high cost often burdens small business owners who have limited financial resources, especially since they also have to bear the cost of additional audits and testing. The Self-Halal Certification Program (SHWS) initiated by the government has not been fully effective in overcoming this obstacle because its implementation tends to be slow and the procedures are complex (Prawiro & Fathudin, 2023). As a result, the accessibility of MSMEs to halal certification remains low despite the continued increase in market demand for halal products.

Halal certification holds significant economic importance for micro and small businesses because it can enhance product credibility and open up market expansion opportunities, particularly in areas with high levels of halal consumption. For example, in Lombok, West Nusa Tenggara, halal certification serves as a catalyst for the growth of the MSME sector while also supporting the development of halal tourism. However, the complexity of the certification process often becomes a barrier, especially for businesses that do not have a deep understanding of administrative procedures and requirements. Therefore, regulatory

education and simplification of the certification process are urgent needs to enable MSMEs to optimally utilize the potential of the halal economy (Prabowo et al., 2015).

Following the enactment of the Halal Product Assurance Law (Law on Halal Product Assurance), there has been a significant change in the governance of halal certification in Indonesia. The authority that was originally held by the Indonesian Council of Ulama (MUI) has now been transferred to the Halal Product Assurance Agency (BPJPH). This transition makes halal certification mandatory, adding a new layer of compliance for businesses. The policy demands collaboration between the government, business actors, and the community so that regulations can be implemented effectively without placing an excessive administrative burden on MSMEs (Faridah, 2019).

The challenges faced by MSMEs are not only regulatory but also managerial and financial. Low financial literacy and managerial skills make it difficult for many MSME actors to manage operational costs and allocate resources for the certification process. This condition weakens their capacity to comply with increasingly complex regulations. According to (Susan, 2020), increasing financial education and business management training is an important step to strengthen the sustainability of small businesses amidst strict halal certification requirements.

This situation reflects regulatory inequality, where legal norms apply equally to all economic actors, but their impact differs depending on each individual's socio-economic capacity. This phenomenon aligns with Cotterrell's (2017) theory of Law and Social Stratification, which explains that formal law often reinforces social inequality because it does not consider the disparities in the economic capabilities of legal subjects. In the context of halal certification, this disparity worsens the position of MSMEs compared to large companies with stronger financial and institutional resources.

This inequality is evident in several important aspects. First, the relatively high compliance costs are a major barrier for MSMEs, while large companies can easily adapt (Prawiro & Fathudin, 2023). Second, limited access to information and institutional resources makes it difficult for MSMEs to understand the halal regulatory framework and complex administrative procedures (Pg Hj Idris, 2024). Third, the disparity in the industrial support network further widens the gap because large companies typically have companion associations or institutions that assist with the certification process (Blankson et al., 2018). As a result, the halal market is becoming increasingly segmented, with large players dominating and small players being marginalized (Chavez & Vicente, 2025).

High administrative burdens also impact the innovation and competitiveness of MSMEs. According to Fairman & Yapp (2005), the pressure to comply with regulations can divert attention and resources from creative and productive activities, thereby limiting entrepreneurs' ability to innovate. As a result, many MSMEs are trapped in a cycle of bureaucratic compliance without experiencing a significant increase in product added value. This is contrary to the initial purpose of halal certification, which was supposed to boost quality and economic competitiveness.

Beside the economic dimension, there are also epistemic and moral dimensions to the issue of halal certification. Many MSMEs find it difficult to understand the BPJPH digital system due to limited technological and legal literacy, creating a knowledge gap between traditional economic actors and modern bureaucratic institutions. Fischer (2016) refers to this condition as moral marginalization, which is a form of symbolic exclusion against groups unable to access the certification system, thus being socially perceived as less pious or not meeting formal halal standards. This phenomenon confirms that the halal bureaucratization not only has economic impacts but also shapes new moral hierarchies within Muslim societies.

From the perspective of the objectives of Islamic law (*maqāṣid al-syarī'ah*), this condition violates the principles of justice (*al-'adl*) and public interest (*al-maṣlaḥah*). Erkoç Baydar (2024) emphasizes that the goals of Islamic law are not only formal compliance with the Sharia, but also the equitable distribution of benefits and social justice for all segments of society. Thus, the halal bureaucratization that actually marginalizes small business owners is not just an administrative issue, but also a matter of social ethics and the morality of Islamic law. Halal regulations ideally function as an instrument of empowerment, not a tool of exclusion, so that the principle of substantive justice in the *maqāṣid al-syarī'ah* is truly realized in national economic practice.

#### **Dynamics of the Authority: BPJPH, MUI, and Fatwa Institutions**

Another important criticism is related to the dualism of authority between BPJPH as a state institution and MUI as a religious institution. The JPH Law stipulates that halal certification is issued by BPJPH, while halal fatwas remain the responsibility of MUI. Normatively, this division appears harmonious; however, in practice, conflicts of authority and overlapping roles arise.

In many Southeast Asian countries, the relationship between religious institutions and the state in halal certification often leads to institutional rivalry and competition among authorities in defining "who has the right to determine what is halal" (Müller & Steiner, 2018). In Indonesia, this situation creates legal uncertainty for industry players due to differing interpretations of fatwas and technical standards.

Within the framework of Critical Legal Studies, this dualism of authority can be seen as a form of fragmented hegemony: both the state and religious institutions are attempting to maintain symbolic power over the meaning of halal. Unger (1983) explains that law often becomes a "field of ideological contestation" where various groups struggle to control the definition of justice and morality.

As a result, halal certification in Indonesia is not just a legal-procedural matter, but also an ideological arena where religion and the state negotiate their roles. MUI maintains moral authority based on the tradition of religious scholars, while BPJPH enforces legal authority based on state legitimacy. This tension indicates that halal law in Indonesia is a product of compromise between two sources of power: Islamic law and the nation-state.

### Social and Ideological Impact of Halal Regulations

Beside economic and institutional impacts, halal regulations also influence the moral structure and social consciousness of Muslims. By making halal certification a measure of the moral validity of consumption, the state indirectly institutionalizes piety. This phenomenon is referred to as state-managed piety, where spirituality is regulated thru laws and administrative procedures (Hurd, 2017).

This has the potential to shift the religious paradigm from ethical consciousness to formal compliance. Piety becomes measurable thru documents and labels, not thru intentions and spiritual values. In other words, the state successfully "nationalized" religion into standardized legal symbols. Legal modernity always involves an attempt to subordinate religion to secular rationality, making religion a governable domain under state control (Asad, 2020).

In the context of Indonesian Muslim society, this condition creates ambivalence. On the one hand, society gains protection and certainty regarding halal consumption; on the other hand, concerns arise that religious meaning is reduced to an administrative matter. Research shows that in Europe and Asia, halal certification systems tend to foster a culture of consumption that associates piety with possessing a halal label, rather than with social ethics.

Thus, halal law in Indonesia needs to be criticized not to reject the principle of halalness, but to restore it to its true social-spiritual meaning, which is moral protection and economic justice for all people.

**Synthesis: Halal Regulation between Norms, Power, and Ethics** From the overall findings, it can be concluded that halal regulation in Indonesia demonstrates a complex relationship between religious norms, state power, and market logic. The Critical Legal Studies approach helps us understand that law does not stand neutral, but operates within a power structure that intertwines morality, politics, and economics.

Table 1. Normative-Empirical Dialectic in the Implementation of Halal Regulations

| Aspect   | Normative Orientation  | Empirical Reality                                    | Implication                           |
|----------|--|--|---------------------------------------|
| Religion | Maintaining the purity of consumption and the morality of the people | Piety is reduced to an administrative label.         | Reducing religious value to formality |
| Country  | Ensuring legal certainty and consumer protection                     | Using halal as an instrument of political legitimacy | Bureaucratization of religion         |
| Economy  | Enhancing the competitiveness of the halal industry                  | Commodification of value and exclusion of MSMEs      | Social and moral inequality           |
| Law      | Realizing justice and welfare  | Achieving regulatory dominance                       | Law as an ideological tool            |

This synthesis shows that Indonesian halal law, although built on a strong theological foundation, requires socio-legal criticism to avoid losing its moral essence. Halal legal reform should focus on the principle of substantive justice, not just legal compliance. An emancipatory legal approach, as suggested by Unger (1983), must restore law to its social function: to liberate, not restrict; to empower, not subjugate. In this context, halal regulations ideally integrate the *maqāṣid al-syarī'ah* with modern social justice, a synthesis between spiritual piety and structural justice.

## 4. CONCLUSION

This research confirms that the legal politics of halal certification in Indonesia reflects the dialectical relationship between religious norms, state power, and the logic of the global market. Halal regulations,

formally intended to ensure legal certainty and protect Muslim consumers, in practice operate within the logic of bureaucratization and the commodification of religious values. Thru the lens of Critical Legal Studies (CLS), Islamic law is understood not as a neutral instrument, but as an ideological construct that reflects and reinforces the power relations between the state, religious institutions, and the market. Research findings indicate that halal certification has shifted from a moral instrument to an economic commodity and a tool for political legitimacy. The state utilizes religious symbols as a means of strengthening administrative authority, while religious institutions maintain a moral monopoly over the meaning of "halal." The dualism of authority between the Halal Product Assurance Agency (BPJPH) and the Indonesian Ulama Council (MUI) creates an overlap of authority that obscures the substantive goals of Islamic law. In the socio-economic context, the expensive and complex certification process widens the gap between large and small business actors, thus reducing the principle of social justice that Islamic law is supposed to uphold to mere administrative compliance.

Furthermore, the commodification of religious values thru the halal industry marks the transformation of spirituality into a symbol of consumption. This phenomenon not only transforms the meaning of piety into a market attribute but also shapes a new morality regulated by the state thru regulations and certifications. As a result, halal law not only produces formal compliance but also shapes social and moral hierarchies in Muslim societies. Thus, Indonesian halal law needs to be read as a hegemonic instrument that negotiates the boundaries between spirituality, power, and economics within the framework of Islamic legal modernity.

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