LEGAL ANALYSIS OF MUI'S AUTHORITY IN PROVIDING HALAL LABEL GUARANTEES AFTER THE ISSUANCE OF LAW NUMBER 33 OF 2014 CONCERNING GUARANTEES FOR HALAL PRODUCTS

Muhammad Kharrazi¹  
Idzam Fautanu²  
Atma Suganda³  
Maryano⁴

ABSTRACT

Purpose: This study aims to analyze the authority of the Indonesian Ulema Council (MUI) in providing halal label guarantees following the implementation of Law Number 33 of 2014 concerning Guarantees for Halal Products.

Theoretical framework: The research employs a normative legal approach, utilizing data from statutory regulations, court decisions, and legal literature to assess the legal standing of the MUI post-implementation of Law Number 33 of 2014.

Results and discussion: Findings reveal that despite changes introduced by the law, the MUI’s authority remains pertinent and enforceable. The MUI plays a crucial role in issuing fatwas and recommendations on product halal status, complementing government agencies' responsibilities in halal certification. The law delineates specific boundaries for the MUI's jurisdiction, emphasizing collaboration with governmental bodies and affiliated organizations for effective halal product certification and labeling.

Method: This research adopts a normative legal methodology, analyzing legal texts, court precedents, and scholarly works to assess the continuity and scope of the MUI's authority post-Law Number 33 of 2014.

Originality/value: This study contributes by delineating the evolution of the MUI's authority in the context of halal certification pre- and post-Law Number 33 of 2014. It highlights the MUI's transition from sole authority to a collaborative partner in certifying halal products, underscoring the significance of halal certification for consumers, regulatory compliance, and religious principles.

Keywords: Authority, MUI, Halal Products.

ANÁLISE JURÍDICA DA AUTORIDADE DA MUI NO FORNECIMENTO DE GARANTIAS DE RÓTULOS HALAL APÓS A EMISSÃO DA LEI NÚMERO 33 DE 2014 RELATIVA A GARANTIAS PARA PRODUTOS HALAL

RESUMO

Objetivo: Este estudo tem como objetivo analisar a autoridade do Conselho Ulema da Indonésia (MUI) no fornecimento de garantias de rótulo halal após a implementação da Lei Número 33 de 2014 relativa a Garantias para Produtos Halal.

Enquadramento teórico: A investigação emprega uma abordagem jurídica normativa, utilizando dados de regulamentos estatutários, decisões judiciais e literatura jurídica para avaliar a situação jurídica do MUI pós-implementação da Lei Número 33 de 2014.

Resultados e discussão: As conclusões revelam que, apesar das alterações introduzidas pela lei, a autoridade do MUI permanece pertinente e aplicável. O MUI desempenha um papel crucial na emissão de fatwas e

¹ Faculty of Law, Universitas Jayabaya Jakarta, Indonesia. E-mail: muhd.kharrazi@yahoo.com  
² Faculty of Law, Universitas Jayabaya Jakarta, Indonesia. E-mail: idzamfautanu@uinsgd.ac.id  
³ Faculty of Law, Universitas Jayabaya Jakarta, Indonesia. E-mail: atmasuganda7@gmail.com  
⁴ Faculty of Law, Universitas Jayabaya Jakarta, Indonesia. E-mail: maryano.myn@gmail.com
Legal Analysis of MUI’s Authority in Providing Halal Label Guarantees after the Issuance of Law Number 33 of 2014 concerning Guarantees for Halal Products

recomendações sobre o estatuto halal dos produtos, complementando as responsabilidades das agências governamentais na certificação halal. A lei delinea limites específicos para a jurisdição do MUI, enfatizando a colaboração com órgãos governamentais e organizações afiliadas para certificação e rotulagem eficazes de produtos halal.

**Método:** Esta pesquisa adota uma metodologia jurídica normativa, analisando textos legais, precedentes judiciais e trabalhos acadêmicos para avaliar a continuidade e o alcance da autoridade do MUI pós-Lei número 33 de 2014.

**Originalidade/valor:** Este estudo contribui ao delinear a evolução da autoridade do MUI no contexto da certificação halal pré e pós-Lei Número 33 de 2014. Ele destaca a transição do MUI de autoridade única para parceiro colaborativo na certificação de produtos halal, ressaltando a importância da certificação halal para os consumidores, conformidade regulatória e princípios religiosos.

**Palavras-chave:** Autoridade, MUI, Produtos Halal.

ANÁLISIS LEGAL DE LA AUTORIDAD DE MUI PARA BRINDAR GARANTÍAS DE ETIQUETAS HALAL DESPUÉS DE LA EMISIÓN DE LA LEY NÚMERO 33 DE 2014 SOBRE GARANTÍAS PARA PRODUCTOS HALAL

RESUMEN

**Propósito:** Este estudio tiene como objetivo analizar la autoridad del Consejo Ulema de Indonesia (MUI) para brindar garantías de etiquetas halal luego de la implementación de la Ley Número 33 de 2014 sobre Garantías para Productos Halal.

**Marco teórico:** La investigación emplea un enfoque jurídico normativo, utilizando datos de normas estatutarias, decisiones judiciales y literatura jurídica para evaluar la situación jurídica del MUI posterior a la implementación de la Ley Número 33 de 2014.

**Resultados y discusión:** Los hallazgos revelan que a pesar de los cambios introducidos por la ley, la autoridad del MUI sigue siendo pertinente y ejecutable. El MUI desempeña un papel crucial en la emisión de fatwas y recomendaciones sobre el estatus halal de los productos, complementando las responsabilidades de las agencias gubernamentales en materia de certificación halal. La ley delinea límites específicos para la jurisdicción del MUI, enfatizando la colaboración con organismos gubernamentales y organizaciones afiliadas para una certificación y etiquetado efectivo de productos halal.

**Método:** Esta investigación adopta una metodología jurídica normativa, analizando textos legales, precedentes judiciales y trabajos académicos para evaluar la continuidad y alcance de la autoridad del MUI post-Ley Número 33 de 2014.

**Originalidad/valor:** Este estudio contribuye al delinear la evolución de la autoridad del MUI en el contexto de la certificación halal antes y después de la Ley Número 33 de 2014. Destaca la transición del MUI de autoridad única a socio colaborador en la certificación de productos halal, subrayando la importancia de la certificación halal para los consumidores, el cumplimiento normativo y los principios religiosos.

**Palabras clave:** Autoridad, MUI, Productos Halal.

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1 INTRODUCTION

Law Number 33 of 2014 concerning Guarantees for Halal Products is the legal umbrella that regulates halal certification and labels for products in Indonesia (Suriyani, 2019). Prior to the enactment of this legislation, the MUI Board held a pivotal function in issuing fatwas and halal labels, instilling assurance among Muslim consumers regarding the adherence of products to halal standards. However, after Law Number 33 of 2014 came into force, questions arose regarding the relevance and continuity of MUI's authority to guarantee halal labels under the new regulations. The JPH Law is one of the laws in the Job Creation Law cluster, and several provisions have been amended to regulate regulation of business permits in Indonesia (Iswaningsih et al., 2021). Changes in authority for LPH accreditation, certification of Halal Auditors, involvement of Islamic organizations in administering LPH, simplification of the bureaucracy, and sanctions for violating norms are the differences between the JPH Law and the Job Creation Bill in the JPH cluster. However, the implementation of the JPH Law faces several issues, including the lack of the presence of LPH and Halal Auditors which may occur because this authority belongs to the MUI. Apart from that, other problems related to the formation of Implementing Regulations that have not been implemented have also become obstacles in the implementation of the JPH Law (Waspada et al., 2023).

In the Halal Product Guarantee Bill (JPH) it is stated that several factors distinguish this law from previous halal product laws (Nur, 2021). Previous legislation failed to provide legal certainty to consumers regarding halal products. This makes it risky to distinguish halal and haram products. Second, there is no legal certainty regarding state involvement in guaranteeing halal products, including coordination. Technological advances exacerbate the challenges, especially in managing product distribution in the domestic market. Fourth, there is no official national halal standard in Indonesia such as in Singapore, the United States and Malaysia. Information systems related to halal products are still difficult to find related to how broad a person's insight and needs are for halal products.

Compared to previous statutory provisions which were minimal and voluntary in nature, the JPH Law was made to regulate specific and detailed halal provisions. The JPH Law covers various aspects ranging from guaranteeing the availability of halal products, rights and obligations of business actors, implementing halal product guarantees, certification, international cooperation, community involvement, to supervision and law enforcement (Sukri,
2021). Thus, the JPH Law is a form of refinement and unification of the previous law to ensure certainty and fairness in guaranteeing halal products in Indonesia.

The advantages of the JPH Law include changes related to the nature of implementing halal certification as an obligation. This consideration became one of the reasons for drafting the JPH Bill. In addition, the Academic Text of the JPH Bill also explains that several existing legal products, such as regulations from the Minister of Religion of the Republic of Indonesia, have not yet provided legal certainty and protection for the Islamic community (Abduh, 2021).

Certification is the essence of implementing halal product guarantees for all products circulating and traded in the territory of Indonesia in accordance with the JPH Law (Putri, 2021). After the JPH Law was promulgated, halal certification for products must run effectively within 5 years. Product halal certificates are officially issued by the Halal Product Assurance Agency (BPJPH), an institution specifically established by the government and responsible to the Ministry of Religion.

Changes in the role and authority of the MUI in granting halal label guarantees have become a crucial issue after the enactment of Law Number 33 of 2014. Initially, the MUI played a major role in the implementation of LPPOM halal certification. Certification is carried out voluntarily at the request of business actors who wish to have halal certificates (Aliyudin et al., 2022). However, the existence of the latest law on the management of Halal Certification raises doubts about the role of the MUI. Does MUI still have a strategic role in providing fatwas and recommendations regarding the halal status of products, or is its role limited as a partner in the certification process? This is a doubt on the role of the MUI to guarantee halal products for Muslim consumers in Indonesia. Before the Law on JPH was enacted, the MUI also supervised products in circulation, but when there was misuse of the halal label, the MUI could not give legal sanctions to business actors, it could only give warnings and warnings. However, with the formation of BPJPH, it is hoped that guarantees of protection and legal certainty for guaranteed halal products in Indonesia will be realized.

According to the JPH Law, all products distributed and traded in Indonesia must have halal certification, which should have been enforced on 17 October 2019 (Pardiansyah & Abduh, 2022). However, its implementation faces several problems, such as the synergy between BPJPH and MUI, the lack of existence of LPH and Halal Auditors, certification costs, socialization of halal certification, and the absence of a number of regulations implementing the JPH Law that need to be finalized.
The implementation of the JPH Law is still experiencing several obstacles and problems. One of them is related to the subject matter of the JPH Law which requires 1 Presidential Regulation, 9 Government Regulations, and 11 Ministerial Regulations or Decrees as its implementation. Even though Article 4 of the JPH Law requires halal certification for products circulating in Indonesia, its application as dwigenrecht (force) must be supported by clear sanctions for products that are not halal certified, but there are no regulations governing these sanctions. In terms of structure, the implementation of the JPH Law involves BPJPH, LPH with halal auditors, and MUI, but the existence and availability of these institutions and human resources are not evenly distributed in all provinces. To overcome this obstacle, integrated efforts are needed so that the implementation of the JPH Law can run effectively and provide maximum benefits for the community in maintaining halal products in Indonesia.

The inclusion of the JPH Law in the structuring of the Job Creation Law is an opportunity to resolve problems with the implementation of Halal Product Guarantees (Pardiansyah & Abduh, 2022). Several provisions of the JPH Law that were amended in the Job Creation Law, such as certification for UMK products, authority for LPH accreditation and Halal Auditor certification, as well as the involvement of Islamic organizations in the Halal certification process, show significance in simplification of bureaucracy and time efficiency. However, this change also raises the potential to change the sharia values of the JPH Law and needs to consider the philosophical, sociological and juridical aspects that live in Indonesian society.

This study aims to fill the gap in knowledge about changes in MUI's authority in providing guarantees for halal labels after the issuance of Law Number 33 of 2014. Using a normative legal approach, this study will analyze the provisions in Law Number 33 of 2014 and Islamic law regarding halal certification to understand the changing role of the MUI. This research can contribute to understanding the authority of the MUI after Law Number 33 of 2014 and its implications. This can help stakeholders to maximize MUI's role in guaranteeing halal products and building the trust of Indonesian Muslim consumers.
2 LITERATURE REVIEW

2.1 CONCEPT OF HALAL PRODUCT GUARANTEE

Halal product guarantees are an attempt to ensure the halalness of a product or service by following procedures and standards of Islamic laws (Ilham et al., 2023). The process is also closely monitored to ensure the product is halal. Thorough inspections encompass materials, production methods, and supplementary substances (Muhamad, 2020).

Certification bodies or authorized entities continually monitor and audit the entire production, storage, and distribution process of halal items to sustain adherence to halal standards. Attaining a halal certificate results in a halal label, signifying compliance with Islamic guidelines and safe consumption.

In this context, businesses are accountable for transparently conveying product composition, production procedures, and ingredients. The need for collaboration with MUI in directing towards halal certification is felt to be very important. Furthermore, educating consumers about selecting halal products and recognizing them through distinct labels or marks is crucial. Law enforcement, including strict sanctions for business actors who violate halal rules and standards, is urgently needed to create discipline in complying with the provisions of halal guarantees. Effective implementation can foster consumer confidence in the quality and halalness of a product. Thus many stakeholders will feel the beneficial results.

2.2 PUBLIC INTEREST THEORY

Public welfare refers to who has the right to be given protection or recognition. This is related to the interests of society, especially interests that justify government regulations. The Public Interest Theory is a theoretical foundation used to support state intervention in making regulations (Azizah, 2021). The general welfare is based on special interest groups, and also from public sentiment based on public interest organizations. This is also supported by public organizations and institutions to meet public needs.

The objective of regulation within the framework of the public interest theory is not centered on serving the agenda of limited factions or societal benefits favoring specific clusters. Instead, its aim is to establish regulations that uphold the welfare of a wider spectrum of stakeholders.
2.3 PROGRESSIVE LAW THEORY

Satjipto Rahardjo introduced the term progressive law for the first time through an article entitled "Indonesia Needs Progressive Law Enforcement" which was published in the Kompas daily on 15 June 2002. This term became increasingly known after it became the title of his own book (Turiman, 2010). A flawed law can make people distrust the law. This causes the emergence of problems such as judicial mafia, commercialization, and commodification of law (Wijaya, 2022).

Progressive law is used as an effort to overcome the legal downturn in a more meaningful way, such as making rapid changes, fundamental reversals, liberations, and breakthroughs. The solution is to place people and their humanity as the focus of law enforcement. With this relationship pattern, law does not stand alone, but is part of a wider humanity.

Satjipto Rahardjo argues that humans do not start their lives by making a legal system, but it is society that builds laws. Progressive law rejects a rigid view of regulatory texts and focuses more on reading the law based on realities in society. An understanding of law must be holistic, combining law with the environment, nature, and the larger order of life (Wijaya, 2022). This view of progressive legal theory is in line with the Sociological Jurisprudence school developed by Roscoe Pound in America and Eungen Ehrlich in Europe. Pound conveyed that legal developments are in line with legal science and society.

3 RESEARCH METHOD

This research uses a normative legal approach with a focus on analysis of laws and regulations related to changes in MUI authority before and after the enactment of Law Number 33 of 2014 concerning guarantees for halal products (Purwati, 2020). This approach will systematically and thoroughly examine the contents of laws, implementing regulations, and other documents.

This research is a descriptive study with the aim of providing a clear picture of changes in MUI's authority regarding halal certification. The research data are laws, court decisions, legal literature, and government policies.

The main data source is laws and regulations related to halal product guarantees, in particular Law Number 33 of 2014 and it’s implementing regulations. In addition, this research
also uses other documents such as related court decisions, related government policies, and legal literature that discusses halal certification.

Data collection was carried out by accessing and collecting laws and regulations related to halal product guarantees and changes in MUI authority from various official sources. Court decisions are also used and legal literature are collected through access to relevant legal databases and libraries. The data that has been collected is analyzed systematically by identifying changes in laws and MUI authority regulations related to Law Number 33 of 2014.

4 RESULTS

4.1 ANALYSIS OF STATUTORY REGULATIONS

The results of the analysis carried out on the statutory regulation Number 33 of 2014 concerning Guarantees for Halal Products, take into account the substance and purpose of the law. The several points of analysis related to this regulation include:

Table 1
Analysis of Law Number 33 of 2014 Regulations

<table>
<thead>
<tr>
<th>Law Substance &amp; Analysis Results</th>
<th>Purpose of the Act &amp; Analysis Results</th>
<th>Implications, Challenges &amp; Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Halal Guarantee</td>
<td>Protecting Muslim Consumers</td>
<td>Implement and Coordination</td>
</tr>
<tr>
<td>This law regulates halal guarantees for products circulating in the Indonesian market. This is important to ensure that the products consumed by the Muslim community meet halal standards and requirements in accordance with Islamic religious law</td>
<td>One of the main objectives of Law Number 33 of 2014 is to protect Muslim consumers from products that do not comply with halal principles. With the guarantee of halal, it is hoped that Muslim consumers can confidently consume products that are in accordance with their religious beliefs</td>
<td>One of the main challenges of Law Number 33 of 2014 is implementation and coordination between related institutions, especially BPJPH, Halal Inspection Agency (LPH), and the Indonesian Ulema Council (MUI). Good cooperation between these institutions is very important to ensure the successful implementation of halal product assurance.</td>
</tr>
<tr>
<td><strong>Halal Certification</strong></td>
<td><strong>Increasing Consumer Confidence</strong></td>
<td><strong>Supervision and Law Enforcement</strong></td>
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<tr>
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<tr>
<td>Law Number 33 of 2014 requires all products circulating and traded in Indonesia to have a halal certificate. This certification process is carried out by an institution recognized by the government, namely the Halal Product Guarantee Agency (BPJPH).</td>
<td>With the existence of halal certification which is strictly monitored by BPJPH, it is hoped that consumer confidence in halal products will increase. Consumers will have more trust and confidence in products that have received official halal certificates.</td>
<td>The importance of effective supervision and law enforcement to ensure that products in circulation meet the established halal standards. Strict sanctions for violators are also needed so that this law has a better security effect.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Supervision and Law Enforcement</strong></th>
<th><strong>Improving the Competitiveness of Indonesian Halal Products</strong></th>
<th><strong>Education and Socialization</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>This law regulates supervision and law enforcement related to halal product guarantees. The agency authorized to carry out supervision is BPJPH, and sanctions are imposed on business actors who violate the provisions of this law.</td>
<td>With this law, it is hoped that Indonesian halal products can compete with halal products from other countries. Clear and reliable halal standards and certifications will help Indonesian products gain global market share.</td>
<td>Education to the public about the importance of halal products and how to identify halal products from legal labels or signs is very important. Socialization of this law must be carried out so that the public understands and accepts the guarantee of halal products properly.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Strengthening the Halal Industry</strong></th>
<th><strong>Harmonization with Other Regulations</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Law Number 33 of 2014 also aims to strengthen the halal industry in Indonesia. With clear and coordinated regulations, the halal industry is expected to develop better and make a positive contribution to the Indonesian economy.</td>
<td>Law Number 33 of 2014 must also be synchronized with other laws and regulations related to halal products. This is to avoid overlapping or discrepancies between this law and other applicable regulations.</td>
</tr>
</tbody>
</table>

An analysis of statutory regulations No. 33 of 2014 concerning Guarantees for Halal Products shows the importance of protecting Muslim consumers and the halal industry in Indonesia. Good implementation, coordination of related institutions, and outreach to the community are the keys to the success of this law in achieving its goals.
4.2 COMPARATIVE ANALYSIS OF THE MUI’S ROLE AND AUTHORITY BEFORE AND AFTER THE ENACTMENT OF LAW NUMBER 33 OF 2014

The results of the analysis show that there are differences in the authority of the MUI between before and after the enactment of Law Number 33 of 2014. The data analysis can be seen in the following table:

Table 2
Analysis of the Roles and Authorities of the MUI before and after the enactment of Law Number 33 of 2014

<table>
<thead>
<tr>
<th>Prior to the enactment of Law Number 33 of 2014</th>
<th>After the enactment of Law Number 33 of 2014</th>
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<tbody>
<tr>
<td>Full Authority in Halal Certification: Prior to Law Number 33 of 2014, MUI had full authority in carrying out halal certification of products and services. MUI can issue halal certificates for products that meet halal requirements based on fatwas and assessments from Halal Inspection Institutions (LPH) affiliated with MUI.</td>
<td>Partners in Halal Certification: After the enactment of Law Number 33 of 2014, MUI's role changed to that of a partner in the process of halal certification. MUI no longer has full authority to carry out certification, but is one of the institutions that plays a role in issuing halal fatwas based on certification results from the Halal Product Assurance Organizing Agency (BPJPH).</td>
</tr>
<tr>
<td>Issuance of Halal Fatwas: MUI has the authority to issue halal fatwas, which form the basis for determining the halal status of a product or service. This halal fatwa is a reference for the Muslim community in selecting and consuming products in accordance with Islamic religious law.</td>
<td>Involved in Issuing and Establishing Halal Certificates: Within the framework of Law Number 33 of 2014, BPJPH becomes the government agency responsible for halal certification. MUI is involved in issuing halal fatwas based on the results of certification carried out by BPJPH and accredited LPH.</td>
</tr>
<tr>
<td>Main Authority Holder: MUI as a religious institution has the main authority in determining the halal status of products and services in Indonesia. MUI decisions have a major influence on public perceptions of halal products circulating in the market.</td>
<td>Supervision and Consultation: Although they no longer have full authority in certification, MUI has an important role in supervision and consultation regarding the halal aspects of products. MUI can also provide recommendations and guidance to BPJPH in the halal certification process.</td>
</tr>
<tr>
<td>-</td>
<td>Empowerment of LPH and Halal Auditors: With the enactment of Law Number 33 of 2014, MUI has focused more on empowering LPHs and halal auditors. MUI has a role in accrediting and providing technical guidance to LPH and halal auditors to ensure the certification process runs according to established halal standards.</td>
</tr>
</tbody>
</table>

The results of this analysis indicate that the MUI's role in halal certification underwent significant changes after the enactment of Law Number 33 of 2014. Previously, MUI had full authority in halal certification, while after Law Number 33 of 2014, MUI's role changed to that of a partner in the certification process carried out by BPJPH and affiliated LPHs. Nonetheless, MUI still has a strategic role in issuing halal fatwas and providing guidance and supervision of
the halal aspects of products. This change fosters the effectiveness and transparency of the halal product guarantee process.

5 DISCUSSION

The results of this study clearly show that Law Number 33 of 2014 has served as a legal basis that regulates the process of halal certification and labeling for products and services circulating in the Indonesian market. This law becomes a legal umbrella that provides a comprehensive framework to guarantee the halalness of products and services, especially for Muslim communities.

The main purpose of making Law Number 33 of 2014 is to provide guarantees of halal products in accordance with state and religious law, especially Islam, which is the majority religion in Indonesia. This is in line with the MUI's role as the institution authorized to issue halal fatwas previously (Suriyani, 2019). With the existence of this law, the implementation of halal certification is more open. The impact is that Muslim consumers have more confidence in these products in accordance with halal standards. (Jati et al., 2021).

With Law Number 33 of 2014, it is hoped that harmonization will be created between the interests of producers, consumers and religious institutions in terms of product halalness (Heriyanti & NM, 2022).

With halal certification, consumers feel confident and believe that products that have received a halal fatwa from the MUI are products that are indeed halal and in accordance with Islamic teachings (Yuniarti & Yusuf, 2023). The change in the role of the MUI after the enactment of Law Number 33 of 2014 raises questions about how effective and consumer confidence is in the halal certification carried out by BPJPH and LPH. Even though the MUI's role is no longer central, the results of Rosyidah and Riyanti's research show that consumer confidence continues to increase thanks to the implementation of Law Number 33 of 2014 which regulates the halal certification process in a more structured way.

With the existence of Law Number 33 of 2014, it is hoped that collaboration between MUI, BPJPH, and LPH can create an effective and trustworthy halal certification system for Muslim consumers.
6 CONCLUSION

The conclusion in this study is that there are differences in the role and authority of the MUI for the enactment of Law No. 33 of 2014. Nonetheless, these alterations have not diminished the trust of consumers in halal products that bear valid certification. In addition, further research can explore the perspectives of Muslim consumers about the effectiveness of product halal guarantees after the enactment of this law. Thus, the information obtained can help improve and enhance the halal assurance mechanism in Indonesia, to provide maximum confidence and protection for the Muslim community.

REFERENCES


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