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The Role Of DSN Fatwa In Realizing Halal Product Guarantees In Indonesia Sharia Economic Review

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Article Info	ABSTRACT
Keywords:	Study This aiming For analyze the role of DSN fatwas in realize
DSN Fatwa,	guarantee halal products in Indonesia from perspective Islamic
Halal Guarantee,	economics . The research method used is study studies library , research
Sharia Economy	with technique data collection with method understand and learn theories from various literature like journals , articles , books and reports related . Research results show that the DSN fatwa has role strategic in increase awareness and compliance public to halal products , as well as support developer Indonesian economy . This fatwa also provides positive impact on the economy national through improvement consumption halal products and exports . Therefore that , work The same between government , industry and with society is very important
This is an open access article	For increase awareness and compliance to halal products . Corresponding Author:
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INTRODUCTION

Indonesia is a country with the largest Muslim population in the world, the need for halal products is an urgent matter to be met. With a large enough number, the demand for halal products, especially food, is also very large. Indonesia is a country with the largest consumption of halal food in the world. Fulfillment of these needs is increasingly urgent with the increasing awareness of the Indonesian people to consume halal products. Food and drink are very important human needs besides need shelter, clothing, and education. God ordained His law for man naturally No without goals, but for the sake of welfare and welfare man That myself. The embodiment God's command can seen through the Qur'an and its explanation can depicted from hadith of the Prophet Muhammad SAW, an extraordinary human being normal own right special For to explain return God's intention in the Qur'an. In Islam, food and drink consumed requires two things, namely "halal" and " *thayyib* ", as mentioned in the word of Allah SWT., In the word of Allah in the an'am surah verses 118-119

فَ كُلُوْا مِمَّا ذُكِرَ اسْمُ اللَّهِ عَلَيْهِ إِنْ كُنْتُمْ willing God willing God

Meaning: So eat (halal animals) that Allah names when slaughtering them, if you believe in the verses.

وَمَا لَكُمْ اَلَ ِ God willing مَا God bless you بِأَهْوَ آبِهِمْ بِغَيْرَ اَعْلَمُ بِالْمُعْتَدِيْنَ

Meaning: Why don't you want to eat (halal animals) which are mentioned by the name of Allah when slaughtering them, even though Allah has explained to you what is forbidden



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to you? According to Sheikh H. Abdul Halim Hasan in his book entitled "Tafsir Ahkam", this verse has interpretations, various explanations of scholars regarding the reasons for the revelation of this verse as narrated by Abu Dawud, Tirmizi, Bazar, and others from Ibn Abbas, he said, "some Jews came to the Prophet Muhammad SAW. and they said, "Indeed, we eat the animals we slaughter and do not eat those that are slaughtered by mentioning the name of Allah over them." So this verse came down.

According to a stronger explanation, this Surah Al-An'am was completely revealed in Mecca, while the Jews were living in Medina. Thus there is doubt in this statement. However, if this narration is true, then it is not wrong if we use the principle that what is considered is not the specific context, but the general meaning of the phrase.

Whether or not a food and drink is "halal" is seen from a religious perspective. The general principle is that all food and drink are halal for consumption, unless there is a religious argument that forbids it. While "thayyib" is based on the standards of suitability and health. There may be food and drink that is forbidden by religion, but does not meet health standards. Therefore, by consuming food and drink that is halal and thayyib (good), Muslims become healthy both physically and mentally. The government has done various ways to meet the needs and guarantee halal products. Halal products are approved by the government together with the Indonesian Ulema Council (MUI) by establishing a Food, Drug, and Cosmetics Assessment Institute of the Indonesian Ulema Council (LPPOM-MUI) on January 6, 1989 which has the obligation to examine and provide halal certificates. In 2014, the Indonesian Government issued a Halal Product Guarantee (JPH) regulation through Law Number 33 of 2014. The Law explains that all products or services related to food, beverages, medicines, cosmetics, chemical products, biological products, genetically engineered products, and goods used, utilized or utilized by the public must be halal certified. On October 17, 2019, the Halal Product Guarantee Law was enacted, binding the entire community, especially those involved in the halal industry in Indonesia.

Based on the Decree of the MUI No. Kep-018/MUI/I/1989 stating that a product is halal, issued in the form of a "Halal Certificate" by the MUI signed by the Head of the Technical Institution (Director of LPPOM MUI), Fatwa Commission and DPP MUI is the chairman and General Chairperson of MUI. LPPOM MUI has issued Halal Certificates for companies with various types of products, both domestically and abroad. With this, LPPOM must review and examine related to the halalness of a product. With this, it is very necessary for companies to obtain a Halal Certificate for the products they produce, a Halal Certificate is a written MUI Fatwa stating the halalness of a product in accordance with Islamic law, this Halal Certificate is one of the requirements for including a halal label, while halal products are products that meet the halal requirements in accordance with Islamic law.

RESEARCH METHODS

In this study, the author uses library research, research with data collection techniques by understanding and studying theories from various literature related to the research. Study library *research* is a research whose object of study uses library data in the form of books, journals, and research that has been conducted as data sources. This research is conducted



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by reading, reviewing, and analyzing various existing literature . in the form of the Qur'an , Hadith and the Book.

In this study, the author applies the library research method because there are at least several underlying reasons. First, that data sources cannot always be obtained from the field. Sometimes data sources can only be obtained from libraries or other documents in written form, either from journals, books or other literature. Second, library *studies* are needed as a way to understand new symptoms that occur that cannot be understood, then with this library *study*, these symptoms can be understood. So that in overcoming a symptom that occurs, the author can formulate a concept to solve a problem that arises. Third, library data remains reliable to answer research questions. However, empirical information or data that has been collected by others, whether in the form of books, reports, scientific or research reports can still be used by library researchers.

RESULTS AND DISCUSSION

Definition of Fatwa and the Fatwa Determination Process

Fatwa comes from Arabic, al-fatwa, which means advice, advice, answers to questions relating to law, in the plural . Internal fatwa giver term jurisprudence called mufti, while the one who asks for a fatwa is called *mustafti* . The person requesting the fatwa can be an individual, institution, or community group. In ushul al-fiqh, fatwa means, an opinion that is put forward a mufti, good mujtahid or faqih, as answer to a case submitted by a mustafti, which is not binding. The fatwa submitted by the mufti does not have to be followed by the mustafti, because the fatwa does not have binding power (ghairu mulzimin but depends on the calmness and conviction of the mustafti regarding the problem he submitted. The definition of a fatwa according to sharia is explaining the sharia law in a problem becomes an answer to a question, whether the questioner's identity is clear or not, and is in the form of an individual or collective. Meanwhile, in the Indonesian dictionary, fatwa is defined as an answer (decision, opinion) given by a mufti regarding a problem. . Fatwa also means advice from a scholar, a good student, advice. So it can be concluded that a fatwa is the result of a mufti 's ijtihad on a legal event submitted to him. The fatwa itself is more specific than fiqh or ijtihad in general. Because the fatwa issued has been formulated in figh, it is just not understood by the person requesting the fatwa.

In the process of determining the fatwa, the MUI Fatwa Commission bases it on the Qur'an, hadith, *ijma* ', and *qiyas* which are sources of law agreed upon by the majority of scholars. Operationally, the MUI fatwa guidelines contain four basic provisions. First, every fatwa decision must have a basis in the Qur'an and hadith *mu'tabar* and not contradictory with *common good* people . Second, fatwas that have no basis in the Qur'an and hadith, should not conflict with *ijma'*, *qiyas mu'tabar*, and other legal arguments, such as *istihsan*, *maslahah mursalah*, *and saddz-adz-dzari'ah* . In this case, *ra'yu* (reasoning) becomes its portion. Third, before deciding on a fatwa, the opinions of the previous imams of the madzhab must be traced, both those related to the legal arguments or the arguments of the parties with different opinions. In this case, if the legal material is different, then the method is to analogize the material law decided by the scholars of the madzhab by looking at the



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similarities of 'illat'. If this cannot be done, then the methodology of the imams of the madzhab is adopted as an analytical tool to solve the problem. Fourth, the MUI fatwa always considers the views of experts in the problem being studied. Contemporary problems, such as the law of cloning, abortion, female circumcision, organ transplantation, and halal legal products are important problems that must bring in experts. The forum used by the MUI to determine fatwas is the Fatwa Commission. The National Sharia Council (DSN) which is related to Islamic financial institutions, the National Conference (Munas), and the ijtima' of the Indonesian Fatwa Commission Ulama. The themes of the MUI fatwas revolve around religious issues, halal products, and Islamic economics.

DSN Fatwa Issuance Process Regarding Halal Product Guarantee

Handling of halal certification in Indonesia has been carried out by the Food, Drug and Cosmetics Assessment Institute of the Indonesian Ulema Council (LPPOMMUI), a Non-Governmental Organization which is a forum for Indonesian clerics from various Islamic elements in Indonesia. However, with the issuance of Law Number 33 of 2014 concerning Halal Product Assurance (JPH), halal certification becomes the authority of the Halal Product Assurance Organizing Agency (BPJPH) which is a state institution. With this in Indonesia there are two halal certificate issuers, namely LPPOM MUI and the Halal Product Assurance Organizing Agency, but the one who decides the halalness of a product is the Indonesian Ulema Council. The institution that has the authority to review, analyze and provide halal certification for products circulating in Indonesia is the Food, Drug and Cosmetics Assessment Institute of the Indonesian Ulema Council (LPPOM-MUI). LPPOM-MUI was inaugurated on January 6, 1989 to conduct halal inspections and certification.

The MUI halal certificate is a written fatwa issued by the Indonesian Ulema Council stating *that* a product is halal according to Islamic law. This MUI halal certificate is a requirement to obtain permission to include a halal label on product packaging from an authorized government agency. MUI halal certification on food products, medicines, cosmetics and other products is carried out to provide certainty of halal status, so that it can reassure consumers in consuming them. The continuity of the halal production process is guaranteed by the producer by implementing a halal guarantee system. For companies that wish to obtain an MUI halal certificate, both the processing industry (food, medicine, and cosmetics), Slaughterhouses (RPH), and restaurants/catering/kitchens, must register for halal certification and meet the halal certification requirements that have been determined by LPPOM-MUI. The following are the stages that must be passed by companies that will register for the halal certification process:

- a. Understand the halal certification requirements and follow the Halal Assurance System training. Companies must understand the halal certification requirements listed in HAS 23000. In addition, companies must also follow the Halal Assurance System training held by LPPOM-MUI, either in the form of regular training or online training (e-learning).
- b. Implementing the Halal Assurance System (HAS). Companies must implement the HAS before registering for halal certification, including: establishing halal policies, establishing a Halal Management Team, creating the HAS Manual, implementing



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training, preparing procedures related to HAS, implementing internal audits and management reviews. To assist companies in implementing HAS, LPPOM-MUI has created a guideline document.

- c. Prepare halal certification documents. The company must prepare the documents required for halal certification, including: product list, list of materials and material documents, list of slaughterers (specifically for Slaughterhouses), product matrix, SJH Manual, process flow diagram, list of production facility addresses, evidence of halal policy socialization, evidence of internal training and evidence of internal audit.
- d. Perform halal certification registration (upload data). Halal certification registration is done online in the Cerol system via the website www.e-lppommui.org . Companies must read the Cerol user manual first to understand the halal certification procedure. Companies must upload certification data until complete, then it can be processed by LPPOM-MUI.
- e. Audit implementation. Audit can be implemented if the company has passed the preaudit and the contract has been approved. Audit is implemented in all facilities related to the certified product.
- f. Conduct post-audit monitoring. After uploading certification data, the company must conduct post-audit monitoring. Post-audit monitoring is recommended to be carried out every day to find out any discrepancies in the audit results, and if there are any discrepancies, improvements should be made.
- g. Obtaining a halal certificate. Companies can download a halal certificate in *softcopy form* at *Cerol*. The original halal certificate can be picked up at the LPPOM-MUI Jakarta office and can also be sent to the company address. The halal certificate is valid for 2 (two) years.

Meanwhile, the mechanism for issuing road certificates by the Halal Product Guarantee Organizing Agency is:

- a. Submission of Application.
 - Business actors submit a written application for a Halal Certificate to BPJPH and complete it with several other documents, namely: business actor data, name and type of product, list of products and materials used and product processing process.
- b. Halal Inspection Institution.
 - BPJPH determines LPH to conduct inspection and testing of halal products since the application documents are declared complete. Inspection and testing of halal products are carried out by Halal Auditors and inspections are carried out at the business location during the production process and business actors are required to provide information to the Halal Auditor. In the inspection if there are any doubtful materials its halal, can done testing laboratory. After the Halal Auditor has finished inspection The Halal Inspection Agency submits the results of the inspection or testing to BPJPH, then BPJPH submits the inspection results to MUI to obtain a determination of the halal status of the product.
- c. Determination of Halal Products.



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Determination of the halalness of a product is carried out by the MUI in a Halal fatwa session attended by experts, elements of ministries/institutions or agencies. Deciding on the halalness of a product after the MUI receives the results of the product inspection or testing from BPJPH and after it has been determined that the product is halal by the MUI. The MUI submits it to BPJPH to be the basis for issuing a Halal Certificate. If the Halal Fatwa Session states that the product is not halal, then the BPJPH returns the Halal Certificate application to the business actor accompanied by the reasons.

The Role of Halal Certification in the Growth of Sharia Economy in Indonesia

The Head of the Center for Macroeconomic and Financial Research (PR EMK) said that the halal industry and halal certification for the development of the welfare of the Indonesian people. Because many people still do not know that the halal industry is actually multidimensional. "First, the dimension of state borders is penetrated by the concept of natural industry. Second, the dimension of the problem of quality certification," So, in accordance with the mandate of the change in the regulation of the implementation of halal certification, namely Law Number 33 of 2014, Law Number 11 of 2020, and Perpu Number 2 of 2022, it can provide acceleration for entrepreneurs in immediately registering halal certificates. This shows that the halal industry and halal certification have a role in increasing the quantity of economic growth in Indonesia because they are able to provide development support in the real industrial sector which is an attraction for entrepreneurs. And this directly provides evidence that the sharia economy in Indonesia also experiences an increase every year with the implementation of the halal industry in various industrial sectors. The development of the halal industry is a process of processing goods based on sharia guarantees. So that the products produced are good, healthy, safe, and not dangerous. Because, it is halal to consume, enjoy, or use.

The development of Halal tourism in Indonesia 2019 which won achievements in the realm of world halal tourism destinations. Indonesia is ranked first as the best halal tourism in the world according to Global Muslim Travel Index (GMTI). It outperformed 130 other participating countries. The statement provides an illustration that the role of halal certification driven by the Indonesian government is able to add and improve achievements at the world level. And that means that the sharia economic masterplan initiated by Indonesia shows significant results with halal certification instruments for existing products to meet the needs of the community, not only the Indonesian population but also the world. There are three tourism sectors, namely participating in the economy. First, the tourism sector is related, both directly and indirectly, to around 185 economic activities on the supply side. Then the labor absorption sector. The tourism sector is able to become one of the pillars of economic growth, because of its significant role in absorbing millions of workers worldwide. This includes vulnerable groups such as the disabled, women and children, as well as sustainable environmental contributions. The tourism sector is also related to environmental issues. This is because it can indirectly contribute to conservation efforts and maintain the sustainability of nature. Based on the data from the Organisation for Economic Co-operation and Development (OECD), it is confirmed that the potential for sharia economic growth in



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Indonesia is increasing day by day, especially in the tourism sector which is able to increase the supply side, absorb labor and become a mainstay of the economy.

The study of Sharia Economy into a halal value chain is a major strategy that includes several halal industry sectors. For example, the halal food and agriculture industry, Muslim *fashion*, pharmaceuticals and cosmetics, tourism, and media and recreation. The development of this industry has an important role in supporting the implementation of national development. As an illustration, a well-developed halal industry can contribute to the added value of the economy by fulfilling the demand for the domestic halal market which is currently dominated by global players. Domestic production of halal products can also contribute to strengthening the balance of payments, especially if it is able to meet the global demand for halal products.

Indirectly, the sharia economy plays a very important role in connecting the halal value chain in the halal industry sector in Indonesia. Indonesia is ranked 5th out of 15 countries regarding the use of halal products Source from the State of The Global Islamic Economy Report . This is Indonesia's commitment according to the direction of the President of the Republic of Indonesia and the Vice President. The target is that Indonesia as the center of the world's halal industry as well as the mecca of the world's fashion industry can be achieved in 2024. Also, including the target of Halal Assurance of MSME Products which is one of the requirements to penetrate the global market.

Halal Product Assurance Regulation for legal certainty of the halalness of a product is proven by a halal certificate. The goal is to provide comfort and certainty of the availability of halal products for the community in consuming and using products, as well as increasing added value for business actors to produce halal products. This indicates that the sharia economy is one of the economic systems based on Islamic values. "Sharia, etymologically, comes from the word syara'a which means the path to the spring. In terms of terminology, sharia is the path, rules, and laws created by Allah SWT which must be upheld by humans and/or the main path for a good life, namely religious values that can provide guidance for every human being, ".

Based on the above explanation, it can be seen that the 5th rank for Indonesia is proof that the role of halal certification carried out by Indonesia is able to encourage the development of marketing and use of products that are not only felt by the people of Indonesia but also the world. This is inseparable from the implementation of the existing sharia economic system to accelerate the nation's economic growth.

Position of DSN Fatwa on Halal Product Guarantee in Indonesia

Law Number 33 of 2014 concerning Halal Product Assurance (UU JPH) was passed by the DPR on September 25, 2014. This law aims to protect consumers and provide legal certainty for various halal products, including food, beverages, medicines, cosmetics, biological products, chemical products and genetically engineered products. The government through the Ministry of Religion and various community institutions supports the implementation of UUJPH comprehensively. With the implementation of UUJPH, it is hoped that Indonesian products can compete with foreign products in terms of quality and quality



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and can be in demand by consumers, especially Muslim consumers, both local and foreign consumers.

The position of halal certification in the National legal system in Indonesia plays an important role, as regulated in Law Number 33 of 2014 concerning Halal Product Assurance, which in the legal system is part of the legal substance that has legal force and legal certainty and is imperative. This is an effort to protect consumers in Islamic law. The halal fatwa of the Indonesian Ulema Council (MUI) has the same position as the fatwa of other ulama, namely as a religious decision issued by MUI ulama through the Fatwa Commission. In Islam, the position of ulama is related to the privileges they have, including as heirs of the prophets (warâtsah al-anbiyâ).

Based on the description above, the MUI Fatwa is the main guideline for the government and Muslims. The government complies with it as reflected in existing laws and regulations. According to Wahiduddin Adams, several MUI Fatwas are integrated into national law through several methods. The government shows its obedience to the MUI halal fatwa through regulations and policies related to food halalness. This is reflected in Law Number 36 of 2009 concerning Health, Law Number 18 of 2012 concerning Food, Law Number 8 of 1999 concerning Consumer Protection and finally Law Number 33 of 2014 concerning Halal Product Assurance.

Furthermore, in Articles 11 and 12 it is emphasized that halal labeling can only be done based on "Halal Certification" issued by the MUI. This can be seen from the two articles. Article 11 explains that approval for the inclusion of the word "Halal" is given based on a Fatwa from the Indonesian Ulema Council Commission. Then in Article 12 paragraph (1) it is stated that based on the "Fatwa from the Indonesian Ulema Council, the Director General gives approval for those who obtain a "HALAL" certificate and rejection for those who do not obtain a "HALAL" certificate.

The MUI Halal Fatwa is also complied with by food producers. Producers generally respond positively to the existence of the halal certification. According to Darwies Ibramim, the business development director of PT Indofood Sukses Makmur, the Halal Certificate is very important because for his company the certificate has a strategic meaning because the majority of consumers of its products are Muslims. Therefore, his party has proposed the Halal Certificate to the Ministry of Religion and the Ministry of Health after the pork fat issue that occurred in 1988. The Halal Certificate is also complied with by consumers who are predominantly Muslim. This is clearly seen in the case of pork fat in 1988 and Ajinomoto tofu in 2000. In both cases, the role of clerics in calming the people through the fatwas they issued is clearly visible. Thus, it is not an exaggeration to say that the Indonesian Ulema Council (MUI) has played its role as a fatwa issuer to Muslims and the government, both requested and unsolicited as stated in the Indonesian Ulema Council's Insight and the MUI Basic Guidelines (Article 4) even though in essence the ulama's fatwas are not binding as are decisions of the Religious Courts and the Law.

Halal fatwas issued by the MUI are obeyed and complied with by the government and Muslims. The government complies with them as reflected in existing laws and regulations. The government's compliance with the MUI halal fatwas is seen in the applicable laws and



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regulations and policies made by the government related to the issue of halal food. This is reflected in Law Number 36 of 2009 concerning Health, Law Number 18 of 2012 concerning Food, Law Number 8 of 1999 concerning Consumer Protection and most recently Law Number 33 of 2014 concerning Halal Product Assurance.

The Position of DSN Fatwa in the Regulatory System in Indonesia

Religious issues. in a way general, especially problem law (*fiqh*) and problems aqidah concerning the truth and purity of the faith of Indonesian Muslims. Fatwas issued by the DSN-MUI are not positive laws, just like fatwas issued by the MUI in other fields. In order for fatwas issued by the DSN-MUI to be valid and binding as positive laws in force in Indonesia, Law Number 21 of 2008 concerning Islamic Banking states that fatwas issued by the DSN-MUI can be followed up as Bank Indonesia Regulations (PBI). Provisions regarding the legal force of DSN- MUI fatwas that can be valid and binding can be understood from Article 26 of Law Number 21 of 2008:

- a. Business activities as referred to in Article 19, Article 20 and Article 21 and/or Sharia products and services must comply with sharia principles.
- b. The sharia principles as referred to in paragraph (1) are promulgated by the Indonesian Ulema Council.
- c. The fatwa as referred to in paragraph (2) is stated in Bank Indonesia regulations.
- d. In the context of preparing Bank Indonesia regulations as referred to in paragraph (3), Bank Indonesia will form a sharia banking committee.
- e. Further provisions regarding the procedures for the formation, membership and duties of the Islamic banking committee as referred to in paragraph (4) are regulated by Bank Indonesia Regulations.

Article 26 of Law Number 21 of 2008 can be concluded that there is a legal force that connects the fatwa issued by the DSN MUI with positive law in the form of PBI issued by Bank Indonesia. This relationship shows that several roles of fatwa institutions in Indonesia are very significant and strategic in building and advancing Islamic financial institutions while still paying attention to the Sharia laws that must be obeyed by LKS. DSN-MUI has an important role in maintaining the compliance of Islamic Financial Institutions (LKS) with Sharia principles. Law Number 21 of 2008 explains that every business activity must not be contrary to sharia, which is referred to the DSN MUI fatwa that has been determined and integrated into the PBI. Thus, the fatwa that has been referred to and made into a Bank Indonesia Regulation or PBI that binds every LKS or binds the public, while the Fatwa that has not been stated in the PBI cannot be said to be binding. According to Bank Indonesia Regulation No. 11/15/PBI/2009, the sharia principle refers to Islamic law in banking activities based on the DSN-MUI fatwa. Therefore, the sharia principle by law has been applied as positive law even though it has not been or is not stated in the Bank Indonesia Regulation.

CONCLUSION

Fatwa comes from Arabic, which means legal opinion, advice or answer to a legal question, with the plural being *al-fatawa*. The MUI halal certificate is a written fatwa issued by the Indonesian Ulema Council stating the halalness of a product in accordance with Islamic law.



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This MUI halal certificate is one of the requirements to obtain permission to include a halal label on product packaging from authorized government agencies. The role of halal certification in the growth of the sharia economy in Indonesia A well-developed halal industry can contribute to the added value of the economy by meeting the demand for the domestic halal market which is currently dominated by global players. Domestic production of halal products can increase payments by taking advantage of global demand. Halal certification in the national legal system in Indonesia has a central role, because halal certification includes in Constitution Number 33 of 2014 concerning Halal Product Guarantee which is part of the legal system, namely legal substance that has legal force and legal certainty and is *imperative*. This as effort consumer protection in Islamic law. In Article 26 of Law Number 21 of 2008, it can be concluded that there is a legal force that connects the fatwa issued by the DSN MUI with positive law in the form of PBI issued by Bank Indonesia. This relationship shows how important the role of the fatwa institution in Indonesia is very significant and strategic in building and advancing Islamic financial institutions while still paying attention to the Sharia laws that must be complied with by LKS.

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