

Article

The Implementation Gap in Halal Slaughterhouse Certification in Indonesia: A Case Study of Batu City

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Abstract

BPJPH Decree No. 77 of 2023 serves as a technical regulation to accelerate halal certification for ruminant and poultry slaughterhouses under Law No. 33 of 2014 in Indonesia. In practice, however, a significant implementation gap remains at the local level. This study aims to analyze the implementation gap of BPJPH Decree No. 77 of 2023 through the lens of Soerjono Soekanto's theory of legal effectiveness and the perspective of *maslahah mursalah*, using Batu City, East Java as an empirical case study. Employing a qualitative empirical legal research method, data were gathered through semi-structured interviews with slaughterhouse operators and documentation studies. The findings indicate that while the decree possesses strong normative legal substance oriented toward public welfare (*maslahah*), its empirical execution remains suboptimal. Most poultry slaughterhouses (RPU) remain uncertified due to structural barriers, including operators' limited technical understanding, restricted access to information, facility limitations, and high certified Halal Slaughterer (Juleha) training costs. Framed by Soerjono Soekanto's framework, this gap highlights a friction between rigid legal mandates and the socio-economic capacity of small-scale operators. From a *maslahah mursalah* perspective, although the policy aims to protect halal integrity and consumer trust, these benefits are undermined when compliance burdens disproportionately affect small-scale businesses. This study concludes that bridging the implementation gap requires moving beyond administrative

mandates toward adaptive governance, affordable competency training, and differentiated support mechanisms for local slaughterhouse operators.

Keywords

Halal certification, implementation gap, *masalah mursalah*, slaughterhouses, Soerjono Soekanto

Abstrak

Keputusan BPJPH Nomor 77 Tahun 2023 berfungsi sebagai regulasi teknis untuk mempercepat sertifikasi halal bagi rumah potong hewan (RPH) dan rumah potong unggas (RPU) di bawah Undang-Undang Nomor 33 Tahun 2014 di Indonesia. Namun dalam praktiknya, kesenjangan implementasi (implementation gap) yang signifikan masih terjadi di tingkat lokal. Penelitian ini bertujuan untuk menganalisis kesenjangan implementasi Keputusan BPJPH Nomor 77 Tahun 2023 melalui teori efektivitas hukum Soerjono Soekanto dan perspektif *masalah mursalah*, dengan menggunakan Kota Batu, Jawa Timur sebagai studi kasus empiris. Dengan menerapkan metode penelitian hukum empiris kualitatif, data dikumpulkan melalui wawancara terstruktur dengan pelaku usaha RPH/RPU dan studi dokumentasi. Hasil penelitian menunjukkan bahwa meskipun regulasi tersebut memiliki substansi hukum normatif yang kuat dan berorientasi pada kesejahteraan masyarakat (*masalah*), pelaksanaan empirisnya di lapangan masih belum optimal. Sebagian besar RPU masih belum bersertifikat akibat hambatan struktural, termasuk terbatasnya pemahaman teknis pelaku usaha, akses informasi yang terbatas, kendala fasilitas, serta tingginya biaya pelatihan Juru Sembelih Halal (Juleha) bersertifikat. Berdasarkan kerangka Teori Soerjono Soekanto, kesenjangan ini menunjukkan adanya ketidaksesuaian antara tuntutan regulasi yang kaku dengan kapasitas sosio-ekonomi pelaku usaha skala kecil. Dari perspektif *masalah mursalah*, meskipun kebijakan ini bertujuan untuk melindungi integritas halal dan kepercayaan konsumen, manfaat tersebut menjadi kurang optimal ketika beban kepatuhan sangat memberatkan bisnis skala kecil. Penelitian ini menyimpulkan bahwa untuk memperkecil kesenjangan implementasi, pemerintah perlu beralih dari sekadar mandat administratif menuju tata kelola yang adaptif, pelatihan kompetensi yang terjangkau, serta mekanisme dukungan berdiferensiasi bagi pelaku usaha RPH/RPU lokal.

Kata Kunci

Efektivitas hukum, *masalah mursalah*, rumah potong hewan, sertifikasi halal, Soerjono Soekanto

INTRODUCTION

Law No. 33 of 2014 regulates Halal Product Assurance and has been amended by Law No. 11 of 2020 on Job Creation. The amended provisions require micro and small business operators to obtain halal certification for their processed products (Ariny and Nurhasanah, 2020). This obligation extends beyond food products to slaughterers and ruminant and poultry slaughterhouses, which were initially required to obtain halal certification by October 2024, a deadline later extended to October 2026. This mandate was further reinforced through BPJPH Decree No. 77 of 2023, issued as an

effort to accelerate the halal certification process for ruminant and poultry slaughterhouses (Andreyan, 2024). More detailed provisions are set out in Government Regulation No. 39 of 2021 on the Administration of Halal Product Assurance, which affirms that all products entering, circulating, and traded within Indonesian territory must be halal-certified. A study by IPB University and KNEKS (2021) found that 85% of livestock and poultry slaughterhouses in Indonesia had not yet obtained halal certification (Moh Khoerun, 2023), representing a major challenge in the implementation of Law No. 33 of 2014 that requires an urgent solution (Farhan and Fajar, 2021).

This national challenge is clearly reflected at the local level in Batu City. Based on an interview with a member of the Halal Task Force and data obtained from the Batu City Ministry of Religious Affairs, Batu City has one ruminant slaughterhouse and approximately twenty poultry slaughterhouses—though data on the latter remain unclear, as many operate informally on a small scale, such as in residential yards. Of the officially recorded slaughterhouses, the single ruminant slaughterhouse has obtained halal certification, while only eight of the twenty poultry slaughterhouses are certified. This means 40% of poultry slaughterhouses in Batu City remain uncertified, raising questions about the actual progress of a regulation specifically designed to accelerate halal certification for this sector (AD, personal communication, 30 September 2024).

BPJPH Decree No. 77 of 2023, concerning Guidelines for the Implementation of the Halal Product Assurance System in the Slaughtering of Ruminants and Poultry, regulates matters such as location, facilities and infrastructure, and the slaughtering process both pre- and post-slaughter as well as distribution transportation. One of its key requirements is the presence of two certified halal slaughterers at each slaughterhouse. According to the Batu City Halal Task Force, obtaining this certification requires slaughterers to complete training in Islamic-law-compliant slaughtering practices, at a cost of IDR 2,500,000 per participant a significant burden for emerging businesses, particularly small-scale poultry slaughterhouses. Although free government-sponsored training exists, limited dissemination and quotas leave many operators unable to access it. Beyond training costs, the facilities and infrastructure required to meet certification standards are also burdensome for small-scale operators. This persists despite Government Regulation No. 39 of 2021, Article 79, which mandates that regulators account for business operators' capacity, and Article 133, which provides for halal certification facilitation for micro and small enterprises (MSEs) (Sarah, 2022) relief that, to date, has applied only to food and beverage products, not to slaughtering services.

Given this gap between regulatory intent and field implementation, this article examines the effectiveness of BPJPH Decree No. 77/2023 in regulating the slaughtering of ruminants and poultry, focusing on Batu City a tourist city with substantial demand for both beef and poultry driven by high visitor numbers. This decree is examined specifically because it is the

official regulatory product of BPJPH, the competent authority under Law No. 33 of 2014, and is directly binding on ruminant and poultry slaughterhouses as its intended addressees. Yet in practice, many slaughterhouses in Batu City remain uncertified, warranting closer investigation into the underlying causes.

Previous studies have examined related but distinct contexts: Moh Ramdhan Kamil and Moh Karim discussed the urgency of halal certification for livestock slaughterhouses in Manding Subdistrict, Sumenep Regency (Karim, 2023), while Gita Putri and Norma Fitria examined the implementation of MUI Fatwa No. 12 of 2009 on halal slaughtering standards at poultry slaughterhouses in Trenggalek Regency (Rachmadin and Norma Fitria, 2024). Both studies affirm the importance of halal certification for slaughterhouses—an importance that prompted BPJPH to issue Decree No. 77 of 2023 to accelerate the certification process. However, to date, no prior study has specifically examined the effectiveness of this decree, which constitutes the novelty of this article.

To analyze this issue, the article draws on two complementary frameworks: Soerjono Soekanto's theory of legal effectiveness and the concept of *maslahah mursalah*. Soekanto argues that legal effectiveness is shaped by five interrelated factors: the legal substance, law enforcement, facilities and infrastructure, societal, and cultural factors providing a systematic basis for identifying what supports or hinders the decree's implementation. The *maslahah mursalah* perspective, meanwhile, allows the study to assess whether the regulation genuinely produces its intended benefits or instead creates new problems for the businesses it governs. Together, these frameworks are expected to yield concrete recommendations for improving the policy going forward.

METHOD

This study employs an empirical legal research method with a qualitative approach. This method was selected because the research problem concerns the implementation of a legal regulation in social practice, specifically, the effectiveness of BPJPH Decree No. 77 of 2023 among livestock and poultry slaughterhouse operators in Batu City, rather than merely examining the regulation as a normative text. The empirical approach enables the researcher to observe directly how the regulation operates in the field, identify the gap between the law as written (*das Sollen*) and the law as practiced (*das Sein*), and capture the lived experiences of business operators and the surrounding community in responding to the halal certification requirement.

Data in this study consist of both primary and secondary data. Primary data were obtained directly from research subjects through semi-structured interviews and field observations. The primary informants comprise livestock and poultry slaughterhouse operators in Batu City, members of the Halal Task Force (Satgas Halal), and members of the surrounding community, selected using a purposive sampling technique to ensure that informants possess direct knowledge and experience relevant to the research focus. The selection

of livestock and poultry slaughterhouses as research subjects was further based on the consideration that some slaughterhouses in Batu City have already obtained halal certification, while others remain in the certification process; this variation allows for a more comprehensive comparative analysis of how the regulation is implemented across different stages of compliance. Secondary data were derived from statutory documents, scholarly books, and journal articles relevant to halal product assurance, legal effectiveness theory, and *masalah mursalah*, which serve as theoretical references to sharpen and contextualize the research focus.

Data collection was conducted through interviews and documentation study. Interviews were carried out directly with slaughterhouse operators and relevant community members to explore their perceptions, experiences, and the challenges they face in obtaining halal certification, while documentation study involved the collection and review of official regulations, certification records, and other supporting documents obtained from the Halal Task Force and the Batu City Ministry of Religious Affairs. The data obtained were subsequently analyzed qualitatively using Soerjono Soekanto's theory of legal effectiveness encompassing the legal substance factor, the law enforcement factor, the facilities and infrastructure factor, the societal factor, and the cultural factor combined with the concept of *masalah mursalah*, in order to assess both the extent to which the regulation has been effectively implemented and the extent to which it has produced genuine benefit for the community.

To ensure the validity and credibility of the data, this study employed source triangulation, in which information obtained from slaughterhouse operators was cross-checked against the perspective of the Halal Task Force on the implementation process, and further compared with community members' perceptions of the regulation's social impact. This triangulation process allowed the researcher to identify convergence and divergence across informants' accounts, thereby strengthening the credibility of the findings and reducing the risk of bias arising from reliance on a single source of information.

RESULT AND DISCUSSION

Halal Certification Administration in Batu City

Law No. 33 of 2014 on Halal Product Assurance, as amended by Law No. 11 of 2020 on Job Creation, requires that all products circulating in Indonesia—including food, beverages, and slaughtering services—be halal-certified. This obligation is intended to protect consumers, guarantee product halal integrity, and enhance product competitiveness, particularly in Indonesia, where the majority of the population is Muslim; halal certification thus functions as an instrument of legal protection for Muslim consumers, addressing not only certification and infrastructure but also actors' understanding of maqasid syariah principles, such as the protection of life that underlie the halal product assurance framework (Nasrudin & Nursari, 2025). Halal certification in Indonesia is administered by the Halal Product Assurance Organizing Agency (BPJPH), a Non-Ministerial Government Institution (LPNK) directly

accountable to the President. Oversight of halal certification compliance across regions is carried out by the Halal Task Force (*Satgas Halal*), established by the Ministry of Religious Affairs. The Batu City Office of the Ministry of Religious Affairs oversees a working area comprising three subdistricts and twenty-four villages.

Batu City has a substantial number of business operators in both the food-and-beverage and slaughtering sectors. In the food-and-beverage sector, the number of operators reached approximately 8,000 outlets, a figure that rose sharply during the Covid-19 pandemic due to free assistance for obtaining a Business Identification Number (NIB). However, following door-to-door verification by the Halal Task Force, it was found that not all of these businesses remained operational, reducing the figure to approximately 4,000 active operators, of which 3,274 have obtained halal certification. This pattern is consistent with broader findings on micro and small enterprises (MSEs) elsewhere in Indonesia, where certification uptake is often hindered by limited financial capacity, procedural complexity, and low technical understanding among operators (Ningrum, 2022).

In the slaughtering sector, Batu City has one livestock slaughterhouse and approximately twenty poultry slaughterhouses. Given this considerable number of business operators, the Batu City Government—through the Halal Task Force, which holds full authority over halal certification compliance oversight—has undertaken several initiatives to raise operators’ awareness of the importance of halal certification. Such comparative regional efforts to strengthen slaughterhouse compliance with BPJPH Decree No. 77 of 2023 have similarly been documented in other localities, where socialization and technical guidance programs were carried out following the issuance of BPJPH Decree No. 77 of 2023 on guidelines for the halal product assurance system in the slaughtering of ruminants and poultry (Fahrani & Faraby, 2024). In Batu City specifically, these efforts include: (1) socialization sessions with Business Operator Associations, village governments, and the Family Welfare Movement (PKK); (2) collaboration with the Agriculture Office to facilitate slaughtering training; and (3) the continuous dissemination of information on halal certification obligations through social media.

These initiatives have produced measurable results, particularly in the food-and-beverage sector. According to the Halal Task Force, awareness of the halal certification obligation has increased, evidenced by growing interest among food-and-beverage operators in registering for certification. This contrasts sharply with the poultry slaughterhouse sector, where a substantial number of operators in Batu City remain uncertified. The Halal Task Force identified the registration fee as a key deterrent for poultry slaughterhouse operators—a finding consistent with national studies showing that registration costs, even when tiered according to business scale, continue to burden micro and small operators more heavily than larger enterprises (Listiasari et al., 2024). This differs from the food-and-beverage sector, where registration under the Self Declare scheme is provided free of charge.

The halal certification registration mechanism in Batu City follows the procedure established by BPJPH, in which applications are submitted through a single, centralized online portal, with guidance provided by the Halal Task Force for both the Self Declare and Regular certification pathways. Regarding the validity period of halal certificates, a notable regulatory shift has occurred: under an earlier MUI fatwa, halal certification was valid for four to five years, whereas under current provisions certification remains valid indefinitely, provided no changes are made to ingredients or production processes (Satgas Halal Kota Batu, personal communication, March 5, 2025). The consistent socialization efforts carried out by the Batu City Halal Task Force demonstrate that the institution has fulfilled its mandated role effectively.

Inhibiting Factors of Halal Certification for Poultry and Animal Slaughterhouses in Batu City

According to data compiled by the Halal Task Force (Satgas Halal) of Batu City, of the approximately 20 identified Poultry Slaughterhouses (Rumah Potong Unggas, RPU), only 8 units had obtained halal certification (Observation, 2024). This gap indicates that the majority of RPUs in Batu City have not yet fulfilled the halal certification requirement, a condition consistent with findings from various studies in other regions of Indonesia showing that the disparity between the number of business actors and the achievement of halal certification remains a structural problem rather than a merely administrative one (Khairawati et al., 2025). This gap underscores the need for field-based research to identify, in specific terms, the factors hindering RPUs from obtaining halal certification, so that the resulting policy recommendations can address the root causes rather than merely the surface symptoms. Based on direct observation of RPUs in Batu City, three main categories of inhibiting factors were identified: limited understanding of regulations, restricted access to procedural information, and business actors' reluctance regarding the fulfillment of facility and infrastructure requirements.

The first factor, business actors' limited understanding of BPJPH Decree No. 77 of 2023, is evident from the fact that most RPU owners are unaware of the technical requirements that must be met for a poultry slaughterhouse to be classified as halal-compliant. Field observations indicate that during site visits, several RPU operators were unable to explain the specific technical standards required under the decree, such as the Juleha requirement or facility-separation principles, despite expressing general awareness that halal certification was mandatory. This condition is not unique to Batu City. Wahid's (2024) study of food industry actors in Indonesia found that the gap in legal awareness among business actors regarding halal certification regulations remains substantial even though the Halal Product Assurance Law has been in effect since 2014, because producers generally understand the normative importance of halal products but lack a thorough understanding of the technical procedures and protocols required for certification (Wahid, 2024). This pattern indicates that the obstacles faced by RPUs in Batu City are not merely a matter of business actors' interest or religious awareness regarding

product halalness, but rather a gap between normative knowledge about halal and the technical-administrative knowledge required to meet halal standards, such that the appropriate intervention is targeted technical education rather than general halal-awareness campaigns.

The second factor, limited access to information regarding the updated mechanism for processing halal certification, has further slowed the certification process for RPU in Batu City. Based on interactions with several RPU operators during field observation, a recurring concern was the perceived complexity of the current registration process compared to previous periods, with operators reporting uncertainty about how to navigate the Sihalal digital system without direct guidance. This perception is consistent with findings from Kecamatan Burneh, Bangkalan Regency, which show that even though the regulatory framework for halal certification is already in place and the majority of both producers and consumers in that area are Muslim, insufficient outreach from the responsible authorities remains the primary obstacle to the implementation of certification programs at the small-business level (Diyah et al., 2022). A similar condition is evident among RPUs in Batu City, where the absence of intensive assistance from halal officers or extension workers makes it difficult for business actors to navigate the Sihalal digital system and to understand the verification stages specific to the category of slaughter products and slaughtering services. This information asymmetry between regulators and micro and small business actors indicates that the underlying problem lies not in the absence of regulation, but in the weakness of the information-dissemination channels reaching grassroots-level business actors, particularly household-scale RPUs that generally lack dedicated administrative staff to manage licensing documents.

The third factor, and the one most frequently reported by business actors, is reluctance regarding the fulfillment of facility and infrastructure requirements in accordance with the standards set out in BPJPH Decree No. 77 of 2023. This standard requires the availability of a Certified Halal Slaughterer (*Juru Sembelih Halal*, Juleha) who holds both halal certification and competency certification from the National Professional Certification Agency (BNSP), compliance of the slaughtering site with facility-separation and hygiene principles, and payment of the registration fee borne by the business actor. According to the Batu City Halal Task Force, the requirement to employ certified Juleha remains one of the most difficult standards for RPU operators to fulfill, given the limited number of certified slaughterers available and the cost burden associated with training (Satgas Halal, personal communication, 30 September 2024). A study on the challenges of developing an integrated halal industry in Indonesia found that, of the four dimensions of problems in implementing halal product assurance, namely infrastructure, technical, regulatory, and inter-institutional relations, the infrastructure dimension constitutes the most dominant obstacle (Irfany & Rusydiana, 2022), a pattern consistent with that found among RPUs in Batu City, where the limited capital to recruit certified halal slaughterers and to renovate slaughtering sites to meet the required standards constitutes the

most concrete obstacle. The burden of certification costs is also a recurring complaint; Arifin (2023) notes that the self-declare scheme, originally designed to ease the burden on small business actors, still imposes a minimum revenue threshold in order to qualify for the cost-free facility, meaning that business actors with small-scale production but revenue above that threshold must still bear the registration fee independently (Arifin, 2023). These findings indicate that the infrastructure-related obstacles faced by RPUs are not solely a matter of willingness to comply with regulations, but rather a matter of compliance-cost calculations perceived as disproportionate to the scale of the business, such that a tiered subsidy or fee-reduction policy based on RPU business scale is likely to be more effective than an outreach-only approach.

Under Law No. 33 of 2014 on Halal Product Assurance and its implementing regulations, there are three categories of products required to obtain halal certification: food and beverage products, raw materials and product ingredients, and slaughter products together with slaughtering services. The certification obligation for the first category became effective as of 17 October 2024, while the second phase, covering the products and services of animal slaughter, has been in effect since 17 October 2021, with a final deadline of 17 October 2026 (Fitriyani et al., 2024). This deadline extension was established by the government in view of the large number of business actors, including RPUs and animal slaughterhouses, that had not yet completed the certification process, thereby granting additional time for business actors to fulfill the requirements gradually according to their respective capacities. This study aims to specifically map these inhibiting factors so that RPU business actors in Batu City can develop a realistic strategy for meeting the requirements, rather than waiting until the deadline expires without adequate preparation.

Holding halal certification fundamentally provides several strategic benefits for the sustainability of RPU businesses. These benefits include increased business actors' confidence in competing in the market, expansion of market share, and strengthened public trust in the slaughter products and slaughtering services offered. Rusydiana et al. (2023) affirm that strengthening halal product assurance governance, particularly in terms of infrastructure and inter-institutional coordination, directly contributes to increased market trust and competitiveness for certified business actors compared to their non-certified counterparts. On the other hand, non-compliance with the halal certification obligation carries firm legal consequences. Government Regulation No. 39 of 2021 on the Implementation of Halal Product Assurance stipulates tiered administrative sanctions, ranging from written warnings and administrative fines to the withdrawal of products from circulation, for business actors who fail to meet the halal certification obligation (Fitriyani et al., 2024). In light of this framework of incentives and sanctions, RPU business actors in Batu City, particularly those engaged in poultry slaughtering services, need to promptly complete the halal certification requirements before the 17 October 2026 deadline, given the legal and economic consequences that will be incurred should this obligation remain unfulfilled.

The Effectiveness of BPJPH Decree No. 77 of 2023 in Animal and Poultry Slaughterhouses in Batu City: A Soerjono Soekanto Perspective

According to Soerjono Soekanto, legal effectiveness refers to the extent to which a legal norm succeeds in achieving the objectives prescribed by the law within society. A legal regulation is considered effective when it generates positive legal consequences by directing or transforming people's behavior into legally compliant conduct. Accordingly, examining the effectiveness of a legal norm essentially means assessing the extent to which the regulation is capable of governing social behavior while simultaneously ensuring compliance with its own provisions. A legal instrument can therefore be regarded as effective only when the determinants influencing its implementation function optimally, thereby encouraging members of society to behave in accordance with the objectives envisioned by the lawmaker (Soekanto, 1988).

The effectiveness of legislation is ultimately reflected in the actual behavior of the community. A legal norm can only be regarded as functioning effectively when individuals comply with its provisions and the objectives underlying the regulation are successfully achieved. To assess legal effectiveness, Soekanto (2008) identifies five interrelated determinants: (1) the legal factor itself; (2) the law enforcement factor; (3) facilities and infrastructure; (4) the community factor; and (5) the cultural factor. These five determinants provide the analytical framework for evaluating the implementation of BPJPH Decree No. 77 of 2023 in animal slaughterhouses (Rumah Potong Hewan—RPH) and poultry slaughterhouses (Rumah Potong Unggas—RPU) in Batu City.

Soekanto evaluates the legal factor from three complementary dimensions: the juridical, sociological, and philosophical aspects. From a juridical perspective, a legal norm should derive its authority from a higher legal hierarchy. From a sociological perspective, it should be accepted and recognized by the community to which it applies. From a philosophical perspective, its implementation should reflect the fundamental values and objectives underlying its enactment.

From the juridical standpoint, BPJPH Decree No. 77 of 2023 satisfies these requirements because it constitutes a valid implementing regulation derived from Law No. 33 of 2014 on Halal Product Assurance. Consequently, its legal position as a technical guideline governing halal certification for animal and poultry slaughterhouses is firmly established. Sociologically, the decree has also received broad acceptance because the majority of Indonesian consumers—including consumers in Batu City, as discussed in the previous section—expect meat products to be certified as halal.

Nevertheless, from a philosophical perspective, the decree has not yet fully realized its intended objectives. The primary purpose of its enactment was to accelerate halal certification for slaughterhouses. However, empirical findings reveal a different reality: as previously demonstrated, most poultry slaughterhouses in Batu City have not yet obtained halal certification. This discrepancy between the normative aspirations of the regulation and its

practical outcomes constitutes the first indication that the decree has not yet achieved full legal effectiveness.

The second determinant of legal effectiveness concerns the institutions and actors responsible for implementing and enforcing the law. According to Soekanto, the concept of “law enforcement” extends beyond the conventional understanding of judicial or criminal law enforcement. Instead, it encompasses all institutions and individuals who participate, either directly or indirectly, in ensuring that legal norms operate effectively within society (Sinamo, Zulyadi, & Ramadhan, 2022). Sociologically, Soekanto further explains that every law enforcement actor possesses both a legal status and a corresponding social role. Status embodies a set of rights and obligations, while those rights and obligations give rise to particular roles performed by individuals occupying specific legal positions (Sinamo et al., 2022).

Within the context of this study, the government—represented by the Halal Product Assurance Agency (Badan Penyelenggara Jaminan Produk Halal or BPJPH) and the Regional Halal Task Force (Satgas Halal)—functions as the institutional actor responsible for formulating and promoting the implementation of the regulation, whereas operators of animal and poultry slaughterhouses serve as the primary actors responsible for complying with and implementing its provisions.

On the government side, public outreach and dissemination regarding the importance of halal certification have indeed been conducted through a series of educational programs organized by the Batu City Halal Task Force in collaboration with business associations, village governments, and community organizations such as the Family Welfare Movement (PKK). Nevertheless, the fact that many business operators still possess only limited understanding of the substantive requirements of the decree indicates that these educational and assistance programs have not yet been implemented optimally. This shortcoming is particularly evident among small-scale poultry slaughterhouses, which have generally received less comprehensive institutional support.

From the perspective of business operators, most respondents acknowledged only a general awareness that halal certification has become mandatory for slaughtering activities, while lacking a comprehensive understanding of the technical standards and administrative procedures required to obtain certification. This gap in legal understanding reflects Soekanto’s proposition that the effectiveness of legal norms largely depends on the degree of legal compliance demonstrated by both implementing institutions and members of society. The higher the level of compliance, the more effectively the law fulfills its fundamental function of maintaining social order and protecting public interests (Orlando, 2022).

According to Soekanto, facilities and infrastructure constitute one of the essential determinants of legal effectiveness. These encompass the availability of competent human resources, supportive institutional environments, adequate equipment, and sufficient financial resources to facilitate legal

implementation. Findings from interviews with business operators in Batu City indicate that these requirements are perceived less as enabling mechanisms than as additional burdens that complicate compliance with halal certification requirements.

The costs associated with halal certification registration, mandatory training for *Juru Sembelih Halal* (JULEHA, Halal Slaughterers), amounting to approximately IDR 2,500,000 per participant, and the obligation to provide slaughtering facilities that comply with hygiene and sanitation standards collectively represent substantial financial challenges, particularly for newly established and small-scale poultry slaughterhouses. Although the government occasionally provides free JULEHA training, the number of participants is limited and information regarding these programs is not disseminated evenly across business communities. Consequently, many operators have been unable to benefit from these initiatives. Even when free training is accessible, business operators must still bear the costs of halal certification registration and facility improvements required to satisfy the technical standards stipulated by BPJPH Decree No. 77 of 2023. As a result, these financial and administrative obligations discourage many small-scale slaughterhouse operators from pursuing halal certification.

The community constitutes another important determinant of legal effectiveness because the law is created by and for society with the primary objective of maintaining social order. Public legal awareness—which includes knowledge of legal norms, appreciation of their functions, and willingness to comply with them—plays a decisive role in determining whether legal regulations operate effectively. Regardless of how well legislation is formulated or how prepared implementing institutions may be, law enforcement will remain ineffective if public legal awareness remains low (Suryanto, 2023).

In the case of Batu City, however, empirical findings suggest a positive trend in community legal awareness. Consumers increasingly inquire about the halal status of meat products before making purchasing decisions. This growing demand for halal assurance demonstrates that consumer awareness has begun to generate market pressure encouraging slaughterhouse operators to obtain halal certification. Nevertheless, this consumer-driven demand has not been matched by adequate institutional support in the form of accessible certification procedures and financial assistance for producers. Consequently, although demand-side awareness continues to strengthen, supply-side compliance remains constrained by economic and administrative barriers.

Although closely related to the community factor, Soekanto distinguishes culture as the system of values, beliefs, and norms that forms the spiritual and non-material foundation of society. Within this framework, law is understood as comprising not only legal structures and substantive rules but also legal culture. Accordingly, legislation should reflect the values that already exist within society, including customary norms and local traditions, so that it is perceived not as an external imposition but as a legitimate expression of the community's own normative values (Patricia, Gunawan, & Selly, 2025).

From this perspective, BPJPH Decree No. 77 of 2023 possesses strong cultural legitimacy because it embodies values that are deeply rooted in Indonesian society, where the majority of the population is Muslim and considers halal assurance an essential aspect of food consumption. The decree therefore corresponds closely with prevailing cultural and religious expectations regarding the production of halal meat. The principal challenge does not lie in societal acceptance of the underlying values but rather in the gap between broad cultural acceptance of halal principles and the technical, administrative, and financial capacity of slaughterhouse operators to satisfy the regulatory requirements established by the decree.

Based on field observations, the implementation of BPJPH Decree No. 77 of 2023 concerning the Implementation of the Halal Product Assurance System in Ruminant and Poultry Slaughtering, when assessed using Soerjono Soekanto's five determinants of legal effectiveness, may be considered moderately effective but not yet fully optimal.

The decree serves an important regulatory function by strengthening consumer confidence, particularly among Muslim consumers, while establishing standardized procedures for halal slaughtering practices in both animal and poultry slaughterhouses. In general, business operators are aware of the existence of the regulation and recognize its significance. However, many operators perceive the certification process as excessively burdensome, primarily because they lack a comprehensive understanding of the technical standards governing halal-compliant slaughterhouses. Although more detailed regulatory requirements have the potential to improve both halal assurance and legal compliance, the increasing complexity of these standards must be accompanied by effective dissemination, technical guidance, and continuous institutional assistance to ensure successful implementation.

Furthermore, several substantive requirements stipulated in BPJPH Decree No. 77 of 2023—particularly the obligation to employ at least two certified Juru Sembelih Halal (JULEHA) and to comply with standardized slaughterhouse infrastructure requirements—have proven difficult for many slaughterhouse operators in Batu City, especially small-scale poultry slaughterhouses. The regulation applies uniform technical standards regardless of the scale and operational capacity of individual businesses, thereby creating disproportionate compliance burdens for micro- and small-scale enterprises. Consequently, while the decree has established a comprehensive legal framework for halal slaughtering, its practical effectiveness remains constrained by the limited institutional capacity and economic resources of the businesses expected to comply with its provisions.

BPJPH Decree No. 77 of 2023 on Animal and Poultry Slaughtering in Animal and Poultry Slaughterhouses in Batu City: A Maslaḥah Mursalah Perspective

Within the tradition of *uṣūl al-fiqh*, *maslaḥah mursalah* constitutes one of the principal methods of *ijtihād* that provides a legal basis for addressing emerging issues that are not explicitly regulated in either the Qur'an or the Sunnah, provided that the resulting policy is consistent with the overarching

objectives of Islamic law (*maqāṣid al-sharī'ah*) and does not contradict definitive textual evidence (*qat'ī*). This approach has evolved as a juridical instrument that enables Islamic law to remain responsive to social transformation, technological advancement, and the changing dynamics of public governance while preserving its fundamental orientation of promoting public welfare (*jalb al-maṣāliḥ*) and preventing harm (*dar' al-mafāsid*) (Lahuri et.al., 2025). In the contemporary governance of halal certification, recent scholarship likewise recognizes *maslaḥah mursalah* as an appropriate normative framework for evaluating public policies intended to strengthen consumer protection, legal certainty, and the effectiveness of the halal product assurance system (Hasan and Latif, 2024).

Conceptually, classical *uṣūl al-fiqh* scholars classify *maṣlaḥah* into three categories according to the extent of its recognition by the Sharī'ah. The first is *al-maṣlaḥah al-gharībah*, referring to a purported benefit that lacks both explicit and implicit recognition within Islamic law and therefore cannot serve as a basis for legal reasoning. The second is *al-maṣlaḥah al-mu'tabarah*, namely a benefit that is explicitly supported by the Qur'an or the Sunnah and consequently enjoys unquestionable normative legitimacy. The third is *al-maṣlaḥah al-mursalah*, which refers to a benefit that is neither expressly affirmed nor rejected by the primary sources of Islamic law, but whose legal validity is determined through *ijtihād* by considering the broader objectives of the Sharī'ah (Syarifuddin, 2011). Among these categories, *maslaḥah mursalah* is the most relevant analytical framework for examining modern administrative regulations, including halal certification policies, because such regulatory mechanisms are absent from the primary sources of Islamic law yet are developed to realize the objectives of the Sharī'ah within the context of the modern state (Rahmat and Oktavia, 2024).

This understanding is consistent with al-Ghazālī's conception of *maslaḥah mursalah* as any public benefit that receives neither explicit endorsement nor explicit rejection from the revealed texts while remaining fully compatible with the objectives of Islamic law. Accordingly, the validity of *maslaḥah mursalah* is not determined by the existence of a specific textual injunction but by its capacity to promote public welfare and prevent social harm. From this perspective, legislation formulated on the basis of *maslaḥah mursalah* does more than merely legitimize regulatory innovation; it ensures that public policies continue to safeguard the five essential objectives of the Sharī'ah (*al-kulliyāt al-khams*): the protection of religion, life, intellect, lineage, and property. Recent studies on halal governance further demonstrate that the *maslaḥah* approach effectively bridges the regulatory demands of modern governance with the normative principles of Islamic law, thereby producing a halal certification system that enjoys legitimacy not only under state law but also within the framework of the Sharī'ah (Suhartini et al., 2024).

Against this theoretical background, BPJPH Decree No. 77 of 2023, which mandates halal certification for Rumah Potong Hewan (RPH; Animal Slaughterhouses) and Rumah Potong Unggas (RPU; Poultry Slaughterhouses),

is more appropriately understood as a manifestation of *maslaḥah mursalah* rather than *maslaḥah mu'tabarah*. This distinction is significant because the obligation to obtain halal certification does not rest upon an explicit textual foundation (*dalīl tafṣīlī*) found in either the Qur'an or the Sunnah. The revealed texts regulate only the fundamental principles of lawful slaughter, including invoking the name of Allah (*tasmiyah*), ensuring that animals are slaughtered according to the prescribed method, allowing blood to drain completely, and avoiding practices that cause an animal to die prior to slaughter. By contrast, administrative requirements such as halal certification, periodic compliance audits, standardized slaughterhouse facilities, competency certification for "Juru Sembelih Halal" (JULEHA; Halal Slaughterers), and institutional verification procedures are legal constructions that have emerged from the needs of modern food governance and have no direct equivalent in classical Islamic legal formulations (Atieqoh et al., 2023).

The absence of explicit textual evidence, however, does not diminish the Sharī'ah legitimacy of this regulatory framework. Rather, it is precisely under such circumstances that *maslaḥah mursalah* assumes its relevance as a method of *ijtihād*. Al-Ghazālī maintains that a public interest may legitimately serve as the basis of legal determination provided that it does not contradict the revealed texts and remains oriented toward protecting the higher objectives of the Sharī'ah (*maqāṣid al-sharī'ah*) (Jahangir, 2025). This reasoning was subsequently developed by al-Shāṭibī, who argued that the Sharī'ah was fundamentally revealed to secure comprehensive human welfare. Consequently, any policy that demonstrably protects religion, life, intellect, lineage, and property may attain legal legitimacy even in the absence of explicit textual authorization. The validity of *maslaḥah mursalah*, therefore, depends not upon the existence of a specific scriptural command but upon its consistency with the overarching objectives of the Sharī'ah and its effectiveness in preventing social harm.

Within this context, halal certification should be understood as a form of institutional *ijtihād* undertaken by the state to translate the normative principles of Islamic law into a regulatory framework capable of functioning effectively within the contemporary food production system. The increasing complexity of food supply chains, the industrialization of livestock production, and the expansion of interregional food distribution mean that halal compliance can no longer be guaranteed solely by assuming that the slaughterer is Muslim or by relying on personal trust between producers and consumers. Modern food systems instead require objective, documented, transparent, and verifiable mechanisms capable of ensuring consistent compliance with halal standards. Accordingly, regulatory instruments such as halal certification, compliance audits, standardized slaughterhouse facilities, and competency certification for JULEHA should not be regarded as additions to the Sharī'ah (*ziyādah fī al-sharī'ah*), but rather as administrative means (*wasā'il*) through which the objectives of the Sharī'ah can be implemented consistently within contemporary institutional settings (Beloushi, 2015).

This perspective also demonstrates that state regulations cannot automatically be categorized as manifestations of *maslaḥah mursalah*. A public policy acquires legitimacy under this doctrine only when it satisfies at least three essential conditions. First, it must not conflict with any definitive (*qaṭʿī*) textual evidence. Second, it must genuinely promote the public interest (*maṣlaḥah ʿāmmah*) rather than merely serving the administrative interests of the state. Third, the benefits generated by the policy must outweigh the burdens (*mafsadah*) that it imposes. Viewed through this framework, BPJPH Decree No. 77 of 2023 clearly satisfies the first two conditions because its substantive provisions are consistent with the principles governing halal slaughter and are designed to protect the broader public interest through enhanced legal certainty, consumer protection, and assurance of halal integrity. Nevertheless, the findings of this study conducted in Batu City indicate that the third condition has not yet been fully realized. Administrative requirements, certification fees, the obligation to employ at least two certified JULEHA personnel, and the requirement to provide facilities that comply with prescribed standards continue to impose substantial burdens, particularly on micro- and small-scale poultry slaughterhouses. It is at this point that the practical effectiveness of *maslaḥah mursalah* requires critical evaluation (Verawati and Utamie, 2025). Although the substantive objectives of the regulation clearly reflect public welfare, its implementation has not yet generated proportionate benefits for all categories of business operators.

Accordingly, an analysis of BPJPH Decree No. 77 of 2023 through the lens of *maslaḥah mursalah* extends beyond merely affirming that mandatory halal certification is legitimate under Islamic law. Rather, it demonstrates that the normative legitimacy of a regulatory framework must be accompanied by its practical capacity to realize genuine public welfare. A policy may possess a compelling Shariʿah rationale, yet if its implementation continues to impose disproportionate burdens upon particular groups of business operators, both its governance framework and its implementing instruments require further refinement. Only through such continuous institutional improvement can the objectives of the *maqāṣid al-shariʿah* be realized not merely at the normative level but also in empirical practice.

CONCLUSION

This study reveals a significant implementation gap between the normative objectives of BPJPH Decree No. 77 of 2023 and the empirical capacity of slaughterhouse operators to comply with halal certification requirements in Batu City, Indonesia. Although the regulation establishes clear halal slaughtering standards and competency requirements, most poultry slaughterhouses (RPU) remain uncertified due to limited technical capacity, restricted access to information, facility constraints, and the cost of certified Halal Slaughterer (*Juleha*) training. Through Soerjono Soekanto's theory of legal effectiveness, this gap reflects a mismatch between regulatory requirements and the socio-economic and technical capacities of local operators. From the

perspective of *maslahah mursalah*, halal certification serves important public interests by protecting halal product integrity and consumer confidence; however, these benefits are not fully realized when compliance burdens are disproportionately difficult for small-scale operators to bear. The effectiveness of halal policy therefore requires not only regulatory mandates but also adaptive implementation and institutional support. To narrow this gap, BPJPH and local authorities should strengthen technical assistance and information dissemination, expand access to affordable *Juleha* training, and develop differentiated support mechanisms for small-scale RPH and RPU operators. Such measures would enable halal certification to function not merely as a formal obligation, but as an effective instrument of consumer protection, public welfare, and sustainable halal industry development.

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