



ILegal Certainty and Consumer Protection in Halal Certification of Children's Snacks Containing Pork: A Sharia Economic Law Perspective

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Abstract: *The incident in the case of children's snacks certified halal but containing pork elements raises serious issues related to the legal certainty of halal certification and consumer protection, especially Muslim consumers and children. In this condition, a more in-depth study is needed regarding the governance of halal certification and the implemented oversight mechanisms, especially regarding food products circulating in the market and consumed by the public or Muslim consumers. This study aims to analyze the legal certainty of halal certification and consumer protection in the case of children's snacks contaminated with pork in Indonesia from the perspective of Sharia Economic Law and the Consumer Protection Law. The research method used is qualitative with an empirical juridical approach and analytical descriptive method, through interviews with BPJPH and consumers as well as a literature study of related laws and regulations and fatwas. This study fills the gap in the study regarding the legal certainty of halal certification for products that have obtained halal certification but are later proven to contain pork elements. The research findings indicate that the weakness of the traceability system, post-halal certification supervision of products that have been certified but are proven to contain pork elements and internal halal audits of companies are the main factors that cause changes or non-conformities in raw materials not to be detected early. As a result, non-halal elements can enter the production process and are only revealed after laboratory testing is carried out on products circulating in the community. From the perspective of Sharia Economic Law, this condition reflects a violation of the principles of trust, honesty, and the prohibition of tadbis and gharar, while in the Consumer Protection Law, this incident is a violation of consumers' rights to correct information and a sense of security.*

Keywords: BPJPH; Children's Snacks; Consumer Protection; Halal Certificate; Sharia Economic Law

Abstrak: Peristiwa pada kasus jajanan anak yang tersertifikasi halal tetapi mengandung unsur babi menimbulkan persoalan serius terkait kepastian hukum sertifikasi halal serta perlindungan konsumen, khususnya konsumen Muslim dan anak-anak. Dalam kondisi tersebut, diperlukan kajian yang lebih mendalam mengenai tata kelola sertifikasi halal serta mekanisme pengawasan yang diterapkan, terutama terkait produk pangan yang beredar di pasaran dan dikonsumsi oleh masyarakat atau konsumen Muslim. Penelitian ini bertujuan untuk menganalisis kepastian hukum sertifikasi halal dan perlindungan konsumen terhadap kasus makanan ringan anak-anak yang terkontaminasi babi di Indonesia perspektif Hukum Ekonomi Syariah dan Undang-Undang Perlindungan Konsumen. Metode penelitian yang digunakan adalah kualitatif dengan pendekatan yuridis empiris dan metode deskriptif analitis, melalui wawancara dengan pihak BPJPH dan konsumen serta studi kepustakaan terhadap peraturan perundang-undangan dan fatwa terkait. Penelitian ini mengisi kekosongan kajian mengenai kepastian hukum sertifikasi halal pada produk yang telah memperoleh sertifikat halal tetapi kemudian terbukti mengandung unsur babi. Temuan penelitian menunjukkan

bahwa lemahnya sistem traceability, pengawasan pascasertifikasi halal terhadap produk yang telah tersertifikasi tetapi terbukti mengandung unsur babi serta audit halal internal perusahaan menjadi faktor utama yang menyebabkan perubahan atau ketidaksesuaian bahan baku tidak terdeteksi sejak dini. Akibatnya, unsur non-halal dapat masuk ke dalam proses produksi dan baru terungkap setelah dilakukan pengujian laboratorium terhadap produk yang beredar di Masyarakat, perspektif Hukum Ekonomi Syariah, kondisi tersebut mencerminkan pelanggaran prinsip amanah, kejujuran, serta larangan tadlis dan gharar sedangkan dalam Undang-Undang Perlindungan Konsumen, peristiwa ini merupakan pelanggaran terhadap hak konsumen atas informasi yang benar dan rasa aman.

Kata Kunci: BPJPH; Hukum Ekonomi Syariah; Perlindungan Konsumen; Sertifikat Halal; Jajanan Anak

▪ Introduction

Indonesia is known as the country with the largest Muslim population in the world today.¹ According to the latest data, the percentage of Muslims in Indonesia has reached 87.08% of the total population, a figure that has remained consistent over the past year. In 2022, the Indonesian Muslim population is estimated to be around 241 million, increasing to 245 million in 2023, and reaching approximately 245.7 million in the first half of 2024.² This data shows that the majority of Indonesian people are Muslim, so the need to fulfill Islamic law in various aspects of life, especially in the consumption of food and drink, is very important and cannot be ignored.

The role of the state is crucial for society in ensuring halal certification for products. The state has an obligation to ensure that

Muslims have access, particularly to food and beverages that are permissible in Islam (halal), and that their quality is guaranteed.³ This is implemented through regulations and policies, such as the enactment of Law Number 33 of 2014 concerning Halal Product Assurance (UU JPH). This law stipulates that every product distributed in Indonesia must have halal certification, particularly for food, beverages, medicines, cosmetics, and other products closely related to public consumption.⁴

The implementation of the halal certification obligation regulated in the JPH Law makes it a real manifestation of legal certainty.⁵ Since the enactment of Law Number 33 of 2014 concerning Halal Product Assurance (UU JPH) and the establishment of the Halal Product Assurance Organizing Agency (BPJPH)

¹ Oktoviana Banda Saputri, "Pemetaan Potensi Indonesia Sebagai Pusat Industri Halal Dunia," *Jurnal Masbarif Al-Syariah: Jurnal Ekonomi dan Perbankan Syariah* 5, no. 2 (2020), <https://doi.org/10.30651/jms.v5i2.5127>.

² Kementerian Agama, "Satu Data Kementerian Agama RI," Bootstrap Gallery, August 24, 2022, <https://www.bootstrap.gallery>.

³ Abdul Qodir and Ahmad Muhim, "Peran Produsen Dalam Melindungi Konsumen Melalui Sertifikasi Halal Produk," *International Journal Matbla'ul Anwar of Halal Issues* 4, no. 1 (2024): 67–75, <https://doi.org/10.30653/ijma.202441.107>.

⁴ Ade Khadijatul et al., "Peranan Perspektif Maqashid Al Syariah Dan Berlakunya Undang-Undang Nomor 33 Tahun 2014 Tentang Jaminan Produk Halal Terhadap Produk Kosmetik Halal Di Panyabungan Kabupaten Mandailing Natal," *Jurnal Syarikah: Jurnal Ekonomi Islam* 8, no. 2 (2022): 297–311, <https://doi.org/10.30997/jsei.v8i2.6224>.

⁵ Jawie Isti Atun Niza, "Penerapan Sistem Jaminan Produk Halal Sebagai Bentuk Kepastian Hukum Perlindungan Konsumen," *Jurnal Studi Islam Indonesia (JSII)* 1, no. 1 (2023): 141–56, <https://doi.org/10.61930/jsii.v1i1.194>.

in October 2017, there has been a significant surge in the number of halal-certified products in Indonesia.⁶ Halal certification services through BPJPH have only been effective since October 17, 2019. From 2019 to October 2022, 749,971 products have received halal certification through BPJPH. This averages around 250,000 products per year, significantly higher than the average annual rate of around 100,000 products before BPJPH's management.⁷ However, the success of increasing the number of certifications needs to be balanced with effective supervision to ensure the consistency of the halal status of products circulating in the community.

The phenomenon that occurred on April 21, 2025, the Indonesian public was shocked by the discovery of children's snack products that were labeled halal but contained pork elements. In the supervision carried out by BPJPH and

BPOM on products claiming to be halal certified, 11 batches of products from 9 processed food products were found to contain pork elements (porcine). The findings were obtained from laboratory testing results with DNA test parameters and porcine-specific peptides. Of the 9 findings obtained by BPJPH and BPOM from the laboratory testing results, 7 products had received halal certification and 2 products were not halal certified. The following shows one of the official documents in the form of an attachment to the announcement from BPJPH which contains a list of processed food products, especially children's snacks in this case, which based on the results of supervision and laboratory testing are suspected of containing pork elements (porcine).

Figure 1 Children's Snack Products Containing Pork

No.	Foto Produk	Rincian Produk
1.		<ul style="list-style-type: none"> Nama Produk: Corniche Fruity Jelly Marshmallow (Marshmallow Anaka Rasa Leci, Apel Hijau, Jeruk Buah Mulp) Diproduksi oleh: Suncore Food Corporation, Philippines Dimpor oleh: PT Dinamex Multi Sukses Nomor Izin Edar BPOM RI: 2245100429222 Sertifikat Halal BPJPH ID30110000212003221 Batch No. 02.122231.6.1
2.		<ul style="list-style-type: none"> Nama Produk: Corniche Marshmallows Rasa Tutty Fruity (Snop Ubeo Tutty Fruity Marshmallow) Diproduksi oleh: Suncore Foods Corporation, Philippines Dimpor oleh: PT Dinamex Multi Sukses Nomor Izin Edar BPOM RI: 2245100429222 Sertifikat Halal BPJPH ID30110000212003221 Batch No. 02.122231.6.1
3.		<ul style="list-style-type: none"> Nama Produk: Corniche Marshmallows Rasa Tutty Fruity (Marshmallow) Diproduksi oleh: Suncore Foods Corporation, Philippines Dimpor oleh: PT Dinamex Multi Sukses Nomor Izin Edar BPOM RI: 2245100429222 Sertifikat Halal BPJPH ID30110000212003221 Batch No. 02.122231.6.1
4.		<ul style="list-style-type: none"> Nama Produk: Corniche Marshmallows Rasa Tutty Fruity (Marshmallow) Diproduksi oleh: Suncore Foods Corporation, Philippines Dimpor oleh: PT Dinamex Multi Sukses Nomor Izin Edar BPOM RI: 2245100429222 Sertifikat Halal BPJPH ID30110000212003221 Batch No. 02.122231.6.1
5.		<ul style="list-style-type: none"> Nama Produk: Corniche Marshmallows Rasa Tutty Fruity (Marshmallow) Diproduksi oleh: Suncore Foods Corporation, Philippines Dimpor oleh: PT Dinamex Multi Sukses Nomor Izin Edar BPOM RI: 2245100429222 Sertifikat Halal BPJPH ID30110000212003221 Batch No. 02.122231.6.1
6.		<ul style="list-style-type: none"> Nama Produk: Corniche Marshmallows Rasa Tutty Fruity (Marshmallow) Diproduksi oleh: Suncore Foods Corporation, Philippines Dimpor oleh: PT Dinamex Multi Sukses Nomor Izin Edar BPOM RI: 2245100429222 Sertifikat Halal BPJPH ID30110000212003221 Batch No. 02.122231.6.1
7.		<ul style="list-style-type: none"> Nama Produk: Corniche Marshmallows Rasa Tutty Fruity (Marshmallow) Diproduksi oleh: Suncore Foods Corporation, Philippines Dimpor oleh: PT Dinamex Multi Sukses Nomor Izin Edar BPOM RI: 2245100429222 Sertifikat Halal BPJPH ID30110000212003221 Batch No. 02.122231.6.1
8.		<ul style="list-style-type: none"> Nama Produk: Corniche Marshmallows Rasa Tutty Fruity (Marshmallow) Diproduksi oleh: Suncore Foods Corporation, Philippines Dimpor oleh: PT Dinamex Multi Sukses Nomor Izin Edar BPOM RI: 2245100429222 Sertifikat Halal BPJPH ID30110000212003221 Batch No. 02.122231.6.1
9.		<ul style="list-style-type: none"> Nama Produk: Corniche Marshmallows Rasa Tutty Fruity (Marshmallow) Diproduksi oleh: Suncore Foods Corporation, Philippines Dimpor oleh: PT Dinamex Multi Sukses Nomor Izin Edar BPOM RI: 2245100429222 Sertifikat Halal BPJPH ID30110000212003221 Batch No. 02.122231.6.1

Figure 1: Attachment to Press Release Number 242/KB.HALAL/HM.1/04/2025 dated April 21, 2025

⁶ Herianti Herianti et al., "Industri Halal Dari Perspektif Potensi Dan Perkembangannya Di Indonesia," *Indonesia Journal of Halal* 6, no. 2 (2023): 56–64, <https://doi.org/10.14710/halal.v6i2.19249>.

⁷ BPJPH, "Lima Tahun BPJPH, Ini Capaian Jaminan Produk Halal Di Indonesia Hingga 2022," January 18, 2023, <https://bpjph.halal.go.id>

Several products certified halal but containing pork have raised serious questions about the integrity of the certification process, the responsibility of businesses, and the protection of Muslim consumers for products that do not comply with Islamic law. This demonstrates that halal product certification is not merely a formality on paper but must also be substantively maintained through a robust and transparent oversight system.⁸ As stipulated in Government Regulation (PP) Number 42 of 2024 concerning the Implementation of Halal Product Assurance, this regulation establishes Halal Product Assurance (JPH) as a legal guarantee of product halalness through halal certification.⁹

BPJPH's authority in halal certification is regulated in Law Number 33 of 2014 concerning Halal Product Guarantees for a number of products consumed by the public.¹⁰ Legal responsibility as a further consequence of the implementation of this role is a right and obligation or power.¹¹ From a normative perspective, provisions regarding consumer rights are regulated in Law No. 8 of 1999 concerning Consumer Protection. According to Abdul Halim Barkatullah, one of the consumer rights accommodated is the consumer's right to obtain information

about the product they are going to purchase and consume, including information on the composition of ingredients and other information.¹² Indirectly, this regulation states the right to protect consumers from materials that are not permitted according to religion or health.

The halal certification process comprises several procedures that must be adhered to. Each business owner must systematically follow a series of steps in accordance with the provisions established by the Halal Product Guarantee Agency (BPJPH). Once all steps have been completed and the requirements have been met, BPJPH then issues a halal certification, valid for a specified period. This process should ensure that all materials, production processes, equipment, and product distribution comply with sharia principles. However, if weaknesses are found in the process, such as the presence of illicit substances in a halal-certified product, this indicates a gap in the oversight system or a violation by the business owner.

Various previous studies have also discussed halal certification and halal labels from various perspectives, such as the study by Era Susanti, Nilam Sari, and Khairul Amri (2021) which examined the influence of halal labeling on consumer

⁸ Rahayu Japar et al., "Peran Lembaga Sertifikasi Halal Dalam Membangun Ekosistem Halal: Tantangan Dan Peluang," *International Journal Mathla'ul Anwar of Halal Issues* 4, no. 2 (2024): 34–44, <https://doi.org/10.30653/ijma.202442.111>.

⁹ Deni Hudaefi et al., "Kepastian Hukum Sertifikasi Halal Pada Obat-Obatan Dikaitkan Dengan Jaminan Produk Halal," *JURNAL ILMIAH LIVING LAW* 13, no. 2 (2021): 122–31.

¹⁰ Bintang Dzumirroh Ariny, "Dampak Positif Undang-Undang Nomor 33 Tahun 2004

Tentang Jaminan Produk Halal Dalam Menciptakan Sistem Jaminan Produk Halal Di Indonesia," *Syarie: Jurnal Pemikiran Ekonomi Islam* 3, no. 2 (2020): 198–218.

¹¹ Ida Hanifah, "Peran Dan Tanggung Jawab Negara Dalam Perlindungan Hukum Tenaga Kerja Indonesia Yang Bermasalah Di Luar Negeri," *DE LEGA LATA: Jurnal Ilmu Hukum* 5, no. 1 (2020): 10–23, <https://doi.org/10.30596/dll.v5i1.3303>.

¹² Abdul Halim Barkatullah Halim Barkatullah, *Hak-Hak Konsumen* (Nusamedia, 2019), hlm, 60–62.

purchasing decisions.¹³ Meanwhile, Siti Amylia Fikri's research (2023) analyzed the halal label on Toppoki products containing alcohol from an Islamic legal perspective.¹⁴ Other studies have also highlighted consumer protection, halal certification mechanisms, and the role of regulatory agencies in ensuring product halalness. However, these studies have not specifically examined the issue of legal certainty and consumer protection for products that have obtained halal certification but are later proven to contain porcine elements after the halal certificate is issued. Therefore, this study aims to fill this gap by analyzing the extent to which legal certainty in halal certification can be guaranteed when children's snack products that are halal certified but contain pork elements are found, with a focus on the BPJPH oversight mechanism and the accountability of business actors from the perspective of Sharia Economic Law and the Consumer Protection Law.

▪ Research Methods

This research uses a qualitative research type with an empirical juridical approach, namely an approach based on facts that occur in society.¹⁵ Through this approach, research focuses on the legal realities that occur in society, including the behavior of business actors, consumers, and the roles of relevant authorities and institutions.

This allows for the extent to which applicable laws are effective in addressing the issues being studied. The method used in this research is descriptive analytical. This method aims to describe and analyze legal phenomena systematically and factually.¹⁶ In this context, the researcher attempts to explain the phenomenon of halal certification for children's snacks containing non-halal elements from the perspective of Islamic economic law and the Consumer Protection Act.

This study uses primary, secondary, and tertiary data sources. Primary data were obtained through interviews with six informants, consisting of one informant from the Halal Product Guarantee Agency (BPJPH) and five Muslim consumers. The informant from BPJPH, Nurgina Arsyad, serves as a Young Expert Policy Analyst in the relevant Directorate, and was interviewed online via Zoom on November 27, 2025. Meanwhile, consumer informants were selected based on the criteria of being Muslim and having school-age children or early childhood as a group relevant to the research object. Consumer interviews were conducted between November and December 2025, both in person and online according to the conditions of each informant. The determination of informants was carried out using a purposive sampling technique, namely selecting informants who were considered to have knowledge and experience

¹³ Era Susanti et al., "Pengaruh Labelisasi Halal Terhadap Keputusan Pembelian Makanan Kemasan (Studi Kasus Pada Mahasiswa Fakultas Ekonomi Dan Bisnis Islam)," *EKOBIS SYARLAH* 2, no. 1 (2021): 1, <https://doi.org/10.22373/ekobis.v2i1.10006>.

¹⁴ Amylia Fikri Siti, "Analisis Hukum Islam Terhadap Label Halal Makanan Toppoki Yang Mengandung Alkohol (Studi Pada Lph Lppom-

Mui Provinsi Lampung)" (diploma, UIN RADEN INTAN LAMPUNG, 2023).

¹⁵ Nanda Dwi Rizkia and Hardi Fardiansyah, *Metode Penelitian Hukum (Normatif Dan Empiris)* (Widina Media Utama, 2023), hlm, 77.

¹⁶ Sudaryono, *Metodologi Penelitian: Kuantitatif, Kualitatif, dan Mix Method - Rajawali Pers* (PT. Raja Grafindo Persada, 2019), hlm, 87.

relevant to the problem being studied. Secondary data were obtained from laws and regulations related to Halal Product Guarantee and Consumer Protection, scientific literature, journals, books, DSN-MUI fatwas, and official documents from BPJPH and BPOM. Tertiary data was obtained from legal dictionaries, encyclopedias, and other supporting sources. Data collection techniques included interviews, documentation, and literature studies.

Teknik pengumpulan data menggunakan wawancara, dokumentasi dan studi. This study uses literature review by collecting data related to the phenomenon of halal certification for children's snacks containing non-halal elements from the perspective of Islamic economic law and the Consumer Protection Law. Data analysis in this study was carried out through the stages of collection, selection, presentation, and formulation of conclusions. The collected data were then filtered and grouped according to the research focus and then presented descriptively and analytically to examine the conformity between legal norms and their practices in society, before finally being systematically concluded based on the theoretical framework used.¹⁷

To ensure data validity, this study utilized source triangulation by comparing interview results with BPJPH informants and consumers, as well as data obtained from various relevant documents and literature. Data regarding the halal certification oversight mechanism obtained from BPJPH was verified with the provisions contained in

Law Number 33 of 2014 concerning Halal Product Assurance, Government Regulation Number 42 of 2024, and official BPJPH press releases regarding findings of products containing pork. Information regarding the impact of the case on public trust was obtained through consumer interviews and compared with previous research findings and official reports from related institutions. Through this process of comparison and verification between sources, the data obtained could be tested for consistency and credibility, thereby increasing the validity of the research results. The research was conducted from November to December 2025 with flexible research locations depending on the informants' residences. While interviews with BPJPH were conducted online via Zoom. Using this data, the study will construct an analytical narrative regarding the effectiveness of halal certification implementation, as well as its relationship to consumer protection and the principles of Islamic economic law.

▪ Discussion

1. The role of BPJPH in supervising products that have been halal certified

Supervision of halal-certified products is one of the most important aspects in supporting the Halal Product Assurance (JPH) system in Indonesia today.¹⁸ This supervision aims to ensure that products that have been certified halal consistently maintain the ingredients used as long as the product is circulated and consumed

¹⁷ Taufik Firmanto et al., *Metodologi Penelitian Hukum: Panduan Komprehensif Penulisan Ilmiah Bidang Hukum* (PT. Sonpedia Publishing Indonesia, 2024), hlm, 43-44.

¹⁸ Zulham, *Peran Negara Dalam Perlindungan Konsumen Muslim Terhadap Produk Halal* (Kencana, 2018) hlm, 105.

by the public. The Halal Product Guarantee Organizing Agency (BPJPH) as the implementing agency for the halal product guarantee system has a very important role, one of which is in supervising halal certified products¹⁹. As also regulated in Article 6 letter (h) of Law Number 33 of 2014 concerning Halal Product Assurance (JPH) and Government Regulation of the Republic of Indonesia Number 39 of 2021 concerning the Implementation of the Halal Product Assurance Sector which normatively states one of the duties of BPJPH in supervising Halal Product Assurance (JPH). In the halal certification process stage, after everything is fulfilled and the product has received a halal certificate or label, then in Article 103 of Government Regulation Number 39 of 2021 it is explained that supervision is carried out periodically once every 6 months and/or at any time as needed in the event of suspected violations of statutory provisions.

The Regulation of the Minister of Religious Affairs of the Republic of Indonesia Number 20 of 2021 concerning Halal Certification for Micro and Small Businesses, if examined carefully, places a heavy burden on the registration procedures and stages of halal certification without any detailed explanation regarding the implementation of supervision after the issuance or receipt of a halal certificate.

In this regard, although there are regulations requiring business actors to maintain the halal status of their products and also provisions regarding the period of post-certification supervision by the BPJPH (Indonesian Halal Product Supervisory Agency), which have been explained previously, these regulations are not yet equipped with an oversight mechanism that can ensure the continuous and consistent fulfillment of obligations by halal supervisory bodies such as BPJPH.²⁰ No further explanation was found in the form of regulations explaining the procedures, methods and evaluation parameters used in the periodic supervision.

The absence of regulations or rules that specifically govern the procedures for supervision after the issuance or receipt of a halal certificate shows that the system for supervising halal products in Indonesia is currently still in the development stage²¹. This situation presents a unique challenge for supervisory institutions like BPJPH, as its implementation often relies on internal policies, resource capacity, and cross-agency coordination. Consequently, the effectiveness of supervision of products that have received halal certification cannot yet be optimally measured, and it cannot be guaranteed that all halal-certified products are supervised to the same standards throughout Indonesia. Given this situation,

¹⁹ Regina Amelia Citraningrum and Diana Setiawati, "Peran Badan Penyelenggara Jaminan Produk Halal (Bpiph) Dalam Melakukan Pengawasan Terhadap Produk Yang Memiliki Label Halal Di Indonesia (Analisis Berdasarkan UU No 33 Tahun 2014 Tentang Jaminan Produk Halal)" (s1, Universitas Muhammadiyah Surakarta, 2023), <https://eprints.ums.ac.id/108832/>.

²⁰ Fidhi Sabila Riyanto, "Pengawasan Jaminan Produk-Produk Yang Telah Bersertifikat Halal (Studi

Di Kabupaten Pekalongan)" (undergraduate_thesis, UIN K. H. Abdurrahman Wahid Pekalongan, 2025), <http://perpustakaan.uingsdur.ac.id/>.

²¹ Difanti Ameliananda Zafitriani and Karimatul Khasanah, "Kepastian Hukum Dalam Pelaksanaan Pengawasan Produk Bersertifikat Halal Di Indonesia," *El Hisbah : Journal of Islamic Economic Law* 4, no. 1 (2024): 13–26, <https://doi.org/10.28918/elhisbah.v4i1.7551>.

it is important to understand how BPJPH, as the institution mandated to administer Halal Product Assurance, carries out one of its functions, namely supervision, in practice.

For a clearer picture regarding the implementation of supervision in the field directly, the author conducted a direct interview with one of the parties from BPJPH who was involved in the product supervision process after being certified halal. From the results of the interview, it was found that BPJPH has basically implemented a monitoring mechanism related to the provisions in Government Regulation Number 39 of 2021. BPJPH has two forms of supervision in implementing the Halal Product Guarantee system, namely the first is periodic supervision and the second is occasional supervision. In implementing its supervision, BPJPH has carried out both, where periodic supervision is carried out routinely on products that have been produced and are in circulation, but the implementation is thematic by focusing on certain types of products that are considered high risk. Meanwhile, monitoring at any time, namely the system, is carried out in response to reports of complaints. In the previous case, it turned out that there were complaints about the discovery of children's snack products that had been certified halal but contained pork, then BPJPH immediately followed up on this through supervision.

The findings of the interview results are in line with research conducted by Difanti Ameliananda Zafitriani and Karimatul

Khasanah (2024) which stated that the implementation of supervision of halal-certified products in Indonesia still faces various limitations, especially in the post-certification evaluation mechanism.²² The study found that although provisions regarding the supervision of halal products exist, detailed regulations regarding the procedures, methods, and evaluation parameters used in periodic supervision after a halal certificate is issued are not yet available. This condition means that the effectiveness of supervision cannot be optimally measured and in practice still depends on internal policies, resource capacity, and coordination between institutions. These findings support the results of the study's interviews, which showed that BPJPH supervision tends to be responsive, with supervision conducted at any time following reports or findings of alleged violations, as occurred in the case of children's snack products containing pork despite having obtained halal certification.

An analysis of the case of processed food products containing pork indicates that the failure of supervision in this case was caused by weaknesses in the traceability system specifically designed to monitor products to ensure their halal status is maintained. In its implementation, one of the main instruments supporting this traceability system is an internal halal audit conducted by the company and reported periodically to BPJPH as a form of post-certification supervision. Based on interviews and statements from the Head of BPJPH,

²² Difanti Ameliananda Zafitriani, "Kepastian Hukum Dalam Pelaksanaan Pengawasan Produk Bersertifikat Halal Di Indonesia | El Hisbah : Journal of Islamic Economic Law," accessed June

7, 2026, https://e-journal.uingusdur.ac.id/el_hisbah/article/view/7551.

Ahmad Haikal Hasan, in a press release on the BPJPH website, it was revealed that one of the main causes of this case was the weakness of internal halal audits within the company.²³ Internal audits, which should function as a continuous control mechanism to ensure the consistency of halal products, are not running optimally, so that changes or non-conformities in raw materials cannot be detected early.

In processed food products, the use of additives and raw materials sourced from abroad requires a strict traceability system to ensure all ingredients continue to meet halal standards. However, the complexity of the uncontrolled import supply chain can potentially create oversight gaps if there are changes in suppliers, changes in ingredient composition, or discrepancies in supporting documentation for halal raw materials. As a result, non-halal elements can enter the production process undetected by the company's internal oversight mechanisms. This ultimately leads to external oversight by the BPJPH only detecting violations after laboratory testing has been conducted on products already in circulation.

The initial step taken in this supervision related to the alleged case was to conduct a review of the business actor's documents recorded in the BPJPH information system. This stage serves as one of the bases before BPJPH requests clarification and further information from various related parties, including business actors, importers, and related institutions. After conducting an initial review of the business actor's

documents through the internal information system, BPJPH then continues the supervision process by coordinating with various related parties. BPJPH coordinates with the Food and Drug Monitoring Agency (BPOM) in conducting the supervision of these products. This collaboration involves monitoring the distribution of drugs and food related to product halal claims. The results of the supervision revealed that 11 batches of 9 food products were proven to contain porcine elements, as evidenced by laboratory testing of DNA parameters and/or porcine-specific peptides. Of these 9 products, 7 have been certified halal, the products being marshmallow-type children's snacks.

BPJPH has imposed sanctions on business actors in the form of product withdrawals from circulation as regulated in Government Regulation (PP) Number 42 of 2024 concerning the Implementation of Halal Product Assurance and Government Regulation Number 69 of 1999 concerning Food Labels and Advertisements, also in accordance with the provisions of Law Number 18 of 2012 concerning Food. The withdrawal of products from circulation is one form of supervision carried out by BPJPH on products that have been halal certified. Responding to this case, the head of BPJPH, Ahmad Haikal Hasan, emphasized that halal certification is not merely seen as fulfilling administrative requirements, but rather a form of binding legal commitment and must be implemented consistently and responsibly.

²³ Siaran Pers BPJPH, "Produk Pangan Olahan Yang Terdeteksi Mengandung Unsur Babi (Porcine) | Badan Penyelenggara Jaminan Produk Halal,"

accessed June 7, 2026, <https://bpjph.halal.go.id/detail/siaran-pers>.

2. Legal Certainty in Halal Certification for Snacks Containing "Pork" According to Sharia Economic Law

Legal certainty is essentially an important principle and states that the law must be clear to every legal subject, so that they are able to adjust their behavior to the applicable rules and prevent arbitrary actions by any party in implementing them. According to Gustav Radbruch, legal certainty (*rechtssicherheit*) is one of the three basic values of law, along with justice (*gerechtigkeit*) and utility (*zweckmässigkeit*).²⁴ Legal certainty requires that laws be clearly formulated, consistently applied, and able to guarantee the public their rights and obligations. With legal certainty, the public can trust the rules and decisions issued by the state because there is a consistency between applicable legal provisions and their implementation in practice.

Legal certainty in halal certification is a form of one of the fundamental aspects to guarantee the fulfillment of consumer rights, especially Muslims, regarding the

availability of products that are in line with the fulfillment of sharia principles.²⁵ From a consumer protection perspective, consumers are entitled to guarantees of security, comfort, safety, and accurate information regarding the goods and/or services they consume. According to Law Number 8 of 1999 concerning Consumer Protection, one of the basic consumer rights is to receive accurate, clear, and honest information regarding the condition of the goods they use. For Muslim consumers, information regarding a product's halal status is an integral part of this right because it relates to the implementation of religious beliefs.²⁶

The discovery of children's snacks labeled halal but found to contain pork in April 2025 represents a crucial opportunity to reassess the legal certainty of Indonesia's halal certification system. The official BPJPH website also clearly lists the halal certificate number for one of the seven products certified but containing pork in this case, as shown in the image below:

Figure 2: Halal Certificate Number for the Original Gelatin Gelling Agent Product.²⁷



NAMA PRODUK	PRODUSEN	NOMOR SERTIFIKAT	TANGGAL TERBIT
Hakiki Gelatin Gelling Agent	PT. HAKIKI DONARTA	ID00410001345360922	02 March 2023
Hakiki Gelatin Gelling Agent	PT. HAKIKI DONARTA	ID00410001345360922	02 March 2023

²⁴ Bakhrul Amal, "Pembaharuan Hukum Tanah Nasional Dalam Rangka Memberikan Perlindungan Dan Kepastian Hukum Pemegang Sertifikat Hak Milik," *CREPIDO* 6, no. 2 (2024): 1–16, <https://doi.org/10.14710/crepido.6.2.1-16>.

²⁵ Joy Catherine Carina Tambunan and Suherman Suherman, "Perlindungan Hukum Bagi Konsumen Atas Produk Bersertifikat Halal Yang Mengandung Unsur Tidak Halal," *JURNAL USMLAW REVIEW*

8, no. 3 (2025): 2332–50, <https://doi.org/10.26623/julr.v8i3.12994>.

²⁶ UU Perlindungan Konsumen, "UU No. 8 Tahun 1999 Tentang Perlindungan Konsumen," Database Peraturan Perundang-Undangan Indonesia - [PERATURAN.GO.ID], accessed June 7, 2026, <https://www.peraturan.go.id/id/uu-no-8-tahun-1999>.

²⁷ <https://bpjph.halal.go.id/>

The display shows product data along with a halal certificate number indicating that the product in question had previously received halal certification before it was later found to contain pork. This incident not only caused anxiety among the Muslim community, particularly among parents of school-age children, but also raised fundamental questions about the extent to which halal certification can substantively guarantee a product's halal status. In this context, legal certainty is not simply defined as the mere existence of regulations; it must also be reflected in the effectiveness of implementation and oversight in the field.

Interviews with the Halal Product Guarantee Agency (BPJPH) revealed that products that have received halal certification are required to implement the Halal Product Guarantee System (SJPH). Businesses are responsible for maintaining consistent halal product certification through internal halal audits, management evaluation reporting, and the obligation to periodically report any changes in ingredient composition, including the application of the principle of traceability of raw materials throughout the production process. This provision is essentially designed to prevent the introduction of non-halal elements into products after a halal certificate is issued.

Empirical findings from the case that occurred on April 21, 2025, indicate that the mechanism has not been fully capable

of preventing substantial violations of the product's halal principles. The Halal Product Assurance Agency (BPJPH) explained that when a halal-certified product is found to contain pork DNA, the initial step is to trace administrative documents through the internal system, followed by coordination with business actors, importers, the BPOM (National Agency of Drug and Food Control), and other relevant institutions. This handling pattern indicates that supervision is more reactive, namely only optimally implemented after complaints and findings are received, so that legal certainty for consumers is not fully guaranteed in a preventative manner.

The perspective of Sharia Economic Law shows that this situation reflects a serious problem in fulfilling the principles of trust and honesty in business activities. Halal certification, from a sharia perspective, is not merely an administrative instrument, but rather a moral and religious guarantee that binds business actors to ensure that the products they distribute comply with halal standards in terms of substance, process, and distribution.²⁸ When a product that has been declared halal turns out to contain haram elements, then there has been a violation of the principle of prohibition of *Tadlis* (fraud) and *Gharar* (unclearness), which normatively is very contrary to the basic values of Sharia Economic Law.²⁹ As explained in the Al-Qur'an surah An-Nisa verse 29 explains:

²⁸ Mega Novita Syafitri et al., "Urgensi Sertifikasi Halal Food Dalam Tinjauan Etika Bisnis Islam," *Al Iqtishod: Jurnal Pemikiran Dan Penelitian Ekonomi Islam* 10, no. 1 (2022): 16–42, <https://doi.org/10.37812/aliqtishod.v10i1.305>.

²⁹ Ruth Shelomita Lumban Tobing et al., "Perbuatan Melawan Hukum Dalam Transaksi

Syariah: Analisis Komparatif Antara Perspektif Fiqih, Regulasi Modern, Dan Implikasinya Dalam Sistem Ekonomi Islam," *Jejak Digital: Jurnal Ilmiah Multidisiplin* 1, no. 4 (2025): 871–78, <https://doi.org/10.63822/3hn8cz52>.

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ
بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ
مِنْكُمْ وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ
بِكُمْ رَحِيمًا ﴿١٦٨﴾

"O you who believe, do not consume each other's wealth in a false way, except by means of commerce which is carried out like and like between you. And do not kill yourselves, indeed Allah is Most Merciful to you."

DSN-MUI Fatwa Number 44 of 2020 also emphasizes that every transaction, production, and distribution of consumer products must be free from haram elements, both in terms of the substance and the method of obtaining it.³⁰ If there are still halal-certified products that contain pork, this clearly violates established sharia provisions. Similarly, in the principles of muamalah maliyah, the case of halal-certified products that actually contain pork can be analyzed through the concept of gharar (uncertainty). Gharar occurs when a contract or transaction contains ambiguity and deception that can harm one of the parties. In this case, consumers purchase a product believing it is halal based on the existing certification, but in reality it contains haram elements. This indicates the presence of gharar (uncertainty) because consumers are deceived by information that does not correspond to reality.

Interviews with several Muslim consumers also revealed the significant impact of the case on public trust, particularly among

Muslims. Most consumers view the halal label as a form of legal certainty and absolute assurance of a product's halal status, leading them to neglect thorough ingredient checks, particularly for children's snacks that have long been on the market. However, when it emerged that halal-certified products contained pork, consumers responded with shock, disappointment, and doubts about the credibility of the halal certification system as a whole. This situation created factual legal uncertainty, as the guarantees that should protect consumers did not fully provide a sense of security.

The *maqasid al-syariah* framework, specifically the principles of *hifz ad-din* (protection of religion) and *hifz an-nafs* (protection of life), emphasizes that the state and institutions that organize Halal Product Guarantee (JPH) must ensure that the halal certification system runs effectively, accountably, and is oriented towards the benefit. Furthermore, the principle of *hifz al-mal* (protection of property) requires that consumers not suffer losses due to product information that does not correspond to the actual conditions, while *hifz al-'aql* (protection of reason) requires the availability of correct and reliable information as a basis for making consumption decisions.³¹

The case of children's snacks containing pork demonstrates that certainty in Sharia law has not yet been fully realized, as there remains a gap between applicable legal norms and the reality of their implementation in society. Therefore, the results of this study

³⁰ FATWA DSN-MUI, "Fatwa DSN MUI Tentang Pedoman Penyelenggaraan Pariwisata Berdasarkan Prinsip Syariah," Tafsir AlQuran Online, accessed October 13, 2024, <https://tafsirq.com>

³¹ Retna Gumanti, "Maqasid Al-Syariah Menurut Jasser Auda (Pendekatan Sistem Dalam Hukum Islam)," *Jurnal Al Himayah* 2, no. 1 (2018): 97–118.

can be confirmed that legal certainty regarding halal certification for children's snacks after the case that occurred in April 2025 still faces serious challenges. Although regulations and oversight mechanisms are in place, weak preventive oversight and the complexity of the supply chain have implications for suboptimal product halal assurance. From the perspective of Sharia Economic Law, this situation urgently requires a stricter and more sustainable strengthening of the oversight system to realize the values of justice, trustworthiness, and protection for Muslim consumers.

3. Analysis of the Consumer Protection Law on Children's Snacks that Contain "pork" but are certified halal

Law Number 8 of 1999 concerning Consumer Protection (UUPK) is a legal instrument aimed at providing legal certainty for consumers in obtaining goods and services that are safe, convenient, and in accordance with the information provided by business actors. In the context of processed food products, consumer protection is highly urgent because it is directly related to consumers' health, safety, and moral and religious beliefs.³² This becomes even more crucial when the object of protection is children's snacks, considering that children are a vulnerable

consumer group and do not yet have the ability to critically assess the safety and halalness of a product.³³

The case of the discovery of children's snacks containing pork elements despite being halal certified as revealed on April 21, 2025, shows a serious problem in the implementation of consumer protection principles. In this case, it is clearly a violation of Law Number 8 of 1999 concerning Consumer Protection, specifically Article 8 paragraph (1) letters a and f which states that business actors are prohibited from producing or trading goods that do not comply with the halal label, ethics, information or advertising listed on the product itself. Consumers, especially Muslims, have the right to correct, clear and honest information regarding the condition and guarantee of the product they consume.³⁴ Furthermore, Government Regulation Number 42 of 2024 concerning the Implementation of the Halal Product Assurance Sector emphasizes that Halal Product Assurance (JPH) must provide legal certainty regarding the halal status of a product, and this can only be achieved if the certification process is accompanied by a strict, professional, and transparent monitoring system.

Article 7 of Law Number 8 of 1999 concerning Consumer Protection also regulates the obligation of business actors to act in good faith in carrying out their

³² Dede Al Mustaqim, "Sertifikasi Halal Sebagai Bentuk Perlindungan Konsumen Muslim: Analisis Maqashid Syariah Dan Hukum Positif," *AB-JOIEC: Al-Bahjah Journal of Islamic Economics* 1, no. 2 (2023): 54–67, <https://doi.org/10.61553/abjoiec.v1i2.26>.

³³ Mohd Amjad Razin, "Perlindungan Hukum Konsumen Terhadap Jajanan Anak Sekolah Dasar Yang Menggunakan Zat Aditif Berbahaya Yang Dijual Dipinggir Jalan Berdasarkan Undang-Undang

Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen" (other, Universitas Islam Riau, 2020), <https://repository.uir.ac.id/15074/>.

³⁴ Zilla Rizky Amalia, "Perlindungan Hukum Konsumen Muslim Terhadap Pemenuhan Hak Atas Informasi Produk Makanan Cepat Saji Yang Tidak Berlabel Halal Di Kabupaten Ponorogo" (Thesis, Universitas Islam Indonesia, 2024), <https://dspace.uui.ac.id/handle/123456789/50511>.

business activities and to provide correct, clear and honest information regarding the condition of the goods or products.³⁵ In the case of children's snack products containing pork despite being halal certified, the business actor was deemed negligent in ensuring the accuracy of the information conveyed through the halal label on the product packaging. This negligence could be due to weak internal oversight, inaccuracy in the raw material supply chain, or failure to maintain consistency in the production process in accordance with the standards applied in halal certification. According to Article 7 of the Consumer Protection Law, this places the business actor in a position of responsibility for losses suffered by consumers, both material and immaterial. One form of responsibility taken by the business actor in this case is resulting in a written warning, administrative fines, and product withdrawal from circulation.

Not only that, this regulation also regulates the obligations of business actors as stated in Article 19. In paragraph (1) it is stated that business actors are obliged to provide compensation for damage, pollution, or losses experienced by consumers due to the use of goods and/or services sold. Furthermore, paragraph (2) states that the form of compensation can be in the form of a refund, exchange of goods and/or services of similar or equivalent value, as well as the provision of health services or compensation in accordance with applicable regulations. In addition, paragraph (3) stipulates that the process of providing compensation must be carried out no later than 7 (seven) days from the date of

the transaction. Meanwhile, paragraph (4) emphasizes that providing compensation does not eliminate the possibility of legal action if it is proven that there is an element of error from the business actor. And finally, paragraph (5) regarding the provisions as referred to in paragraphs (1) and (2) does not apply if the business actor can prove that the error is the fault of the consumer.

Seeing the events that occurred in this case, referring to the law regarding consumer protection, specifically in Article 8 paragraph (1) letter h, it is explained that business actors are prohibited from producing or selling goods and/or services that do not comply with halal production requirements as regulated in the halal label marking on the product packaging. If they violate this regulation, they can be subject to a maximum prison sentence of 5 years or a maximum fine of IDR 2 billion. The application of this criminal sanction is intended as a form of law enforcement, especially to protect consumers and at the same time provide a deterrent effect for business actors to be more careful and responsible in ensuring the accuracy of product information circulated among the public.

The provisions regarding food labeling are also as regulated in the Decree of the Minister of Agriculture which was then accommodated in Law Number 18 of 2012 concerning food, which more specifically Article 57 emphasizes that the obligation for every business actor, namely every individual or business entity that carries out food production domestically for trade

³⁵“UU No. 8 Tahun 1999,” Database Peraturan | JDIH BPK, accessed December 22, 2025,

<http://peraturan.bpk.go.id/Details/45288/uu-no-8-tahun-1999>.

purposes is required to include a halal label on the packaging of food products.³⁶ The same obligation applies to any party importing food or products for trade in Indonesia. Furthermore, labeling on food product packaging must be written or printed in Indonesian and must contain at least essential information, including the product name, a list of ingredients used, net weight, the name and address of the producer or importer, the expiration date, the distribution permit number for processed food products, and information regarding the origin of certain food ingredients. This provision is intended to provide clear and accurate information to consumers regarding food products circulating in the market.

Based on these provisions, it can be emphasized that business actors have a legal obligation to include halal information on the packaging of food products traded in Indonesia if the product is required to be halal. The inclusion of this label aims to protect consumer rights, especially Muslim consumers, and provide legal certainty regarding the halal status of the product, so that consumers can feel safe and protected in consuming products that comply with Islamic law. Therefore, an analysis of the Consumer Protection Law shows that the case of children's snacks containing pork despite being halal certified is a violation of the basic principles of consumer protection, particularly the right to correct information and the right to feel safe. This condition emphasizes the need to strengthen the role of the state

in supervision, increase the responsibility of business actors, and enforce the law firmly so that consumer protection, especially for Muslim consumers and children, can be optimally implemented.

■ Conclusion

Based on the research results, it can be concluded that the supervision of halal-certified products conducted by BPJPH has an adequate legal basis, but its implementation still faces obstacles in the post-certification stage. The case of children's snacks containing pork despite being halal certified shows that the existing monitoring mechanism tends to be reactive and is not fully capable of detecting changes or discrepancies in raw materials early. The research findings indicate that weaknesses in the traceability system and internal halal audits are contributing factors to the introduction of non-halal elements into products that have obtained halal certification.

This research shows that the legal certainty of halal certification does not only depend on the existence of regulations and the issuance of halal certificates, but is also determined by the effectiveness of post-certification supervision which is carried out on an ongoing basis. Thus, this research provides a theoretical contribution to the development of the concept of legal certainty in the Halal Product Guarantee system, namely that legal certainty must be understood as an integration between legal norms, monitoring mechanisms and their implementation in practice. From the perspective of Sharia Economic Law,

³⁶“UU No. 18 Tahun 2012,” Database Peraturan | JDIH BPK, accessed December 22, 2025, <http://peraturan.bpk.go.id/Details/39100>.

effective supervision is also a form of embodiment of the principles of trust, honesty and protection of the rights of Muslim consumers.

Supervision of halal-certified products needs to be strengthened to ensure their halal status is maintained after the certificate is issued. One effort that can be done is through periodic internal halal audits to evaluate the consistency of the Halal Product Assurance System implementation by business actors. Furthermore, coordination and data exchange between BPJPH and BPOM need to be improved to support more effective supervision of products circulating in the community. Developing a digital system to support traceability of raw materials and production processes is also crucial, particularly for products using imported materials with complex supply chains. A risk-based supervisory approach can also be implemented by focusing supervision on products, raw materials, or business actors with a greater potential for non-compliance with halal standards. With these steps, the effectiveness of halal supervision is expected to increase, thereby optimally ensuring legal certainty and protecting Muslim consumers.

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