

Implementation of Halal Certification on Imported Agricultural Food Products and Their Relation to International Trade

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Abstract

Introduction to the Problem: Import activities are strongly related to international trade that one of the objectives is to meet the needs of a country. Indonesia carries out import activities on processed food products and agricultural products in order to fulfill food needs. To protect Indonesian consumers who are predominantly Muslim, Indonesia has passed legislation regarding halal certification and labeling through Law Number 33 of the year 2014 concerning Halal Product Assurance.

Purpose/Study Objectives: The problems studied in this study include: (1) How is the implementation of Law Number 33 of 2014 concerning Halal Product Assurance in Halal certification and labeling of imported processed food products and imported agricultural products in Indonesia and (2) How is harmonized Law Number 33 of 2014 concerning Halal Product Assurance, especially on halal certification and labeling of imported processed food products and imported agricultural products in Indonesia related to the Technical Barriers to Trade agreement?.

Design/Methodology/Approach: The research method used is juridical-normative with the data sources obtained in the form of primary legal materials in the form of laws and regulations, GATT 1994, and the TBT Agreement, secondary legal materials including legal books and journals, and tertiary legal materials, such as legal dictionaries.

Findings: The implementation of Law Number 33 of 2014 has changed the provisions regarding halal certification and labeling of products circulating and traded in Indonesia, including imported processed food products and imported agricultural products, to become mandatory. The conformity of the Law Number 33 of 2014 which is included in technical regulations with the TBT Agreement is an urgency to ensure that national regulations and/or policies do not become obstacles in international trade.

Paper Type: Research Article.

Keywords: *Halal Certification; Halal Labeling; Processed Food; International Trade; TBT Agreement.*



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Introduction

International trade, which is closely related to export and import activities, plays an important role in a country's economy. International trade is a trade activity between countries that refers to a mutual agreement (Feriyanto, 2022). In addition to providing benefits in a country's economy, trade between countries also aims to meet the needs of a country where each country has its own comparative advantage. A country will carry out export and import activities based on its comparative advantage. A country that has a higher comparative advantage will export the commodity and vice versa, if it has a low comparative advantage, it will import the commodity into the country's territory. Then, a country will do product specialization according to its comparative advantage with the aim of obtaining greater profits through international trade (Yusdja, 2016). It is undeniable that the support of other countries can affect the progress and development of a country's economic conditions through international trade. Therefore, Indonesia as a developing country agrees with international trade liberalization by joining an organization called the *World Trade Organization* or better known as the *WTO*.

To meet food needs, Indonesia still needs processed food products and imported agricultural products. Based on data from the Central Bureau of Statistics in 2020 and 2021, there was an increase in imports of main and processed food and beverage products, namely an increase of 185.6 thousand tons for main food and beverage products and an increase of 253.6 thousand tons in processed food and beverage products (Badan Pusat Statistik, 2021). Indonesia as a country with the majority of its people are Muslim, which is 87.18% of the total population (Badan Pusat Statistik, 2010). This has an impact on the demand for processed food products and agricultural products with halal labels. Muslim consumers adhere to Islamic law by paying attention to the halal aspect of the product in accordance with the halal criteria of Islamic law (Hidayatullah, 2020). Whether or not a processed food and agricultural product is halal can affect concerns for Muslim consumers. Especially, if the commodity comes from a country that does not prioritize halalness in a product. As a state of law, Indonesia has a legal umbrella in order to protect consumers on imported processed food and agricultural products through Law Number 8 of 1999 concerning Consumer Protection, hereinafter referred to as the GCPL. The description of Article 4 of the GCPL states that one of the consumer rights is the right to comfort, security and safety in consuming goods and/or services. On this basis, the Indonesian government has made legal certainty for halal certification

and labeling through Law Number 33 of 2014 concerning Halal Product Guarantee, hereinafter referred to as the JPH Law in order to protect consumers of the majority Muslim Indonesian people.

The ratification of the JPH Law becomes interesting when looking at the fact that Indonesia has ratified the agreement to establish the WTO through Law Number 7 of 1994 concerning Ratification of the Agreement on the Establishment of the World Trade Organization. Therefore, Indonesia is obliged to comply with the principles of the WTO agreement that have been mutually agreed upon when making regulations and/or policies. The legal instrument formed and approved by WTO member countries is known as the *General Agreement on Tariff and Trade* 1994, hereinafter abbreviated as GATT 1994 with the aim of facilitating international trade activities by reducing trade barriers. In one of the articles of GATT 1994, precisely in Article XI of GATT 1994, emphasizes the prohibition or restriction of imports and exports except with taxes, excise or other levies. Although Article XI of GATT 1994 prohibits restrictions except with taxes, excises, and other levies, a further article, Article XX of GATT 1994, allows deviations from the provisions in GATT 1994 based on certain reasons. One of the reasons outlined in Article XX of the GATT 1994 is the interest in protecting humans, animals, plants, and health.

One of the agreements that is a concrete form of implementation of Article XX of GATT 1994 is the *Technical Barrier to Trade* agreement, which is then referred to as the TBT agreement. The reason for the creation of the TBT agreement is because there are no clear regulations regarding product quality assurance, protection related to biological resources and the environment, as well as human health, to the prevention of hidden non-tariff measures in conducting trade activities between WTO member countries (Kariodimedjo, 2011). The TBT Agreement is included in the scope of technical barriers agreements governing technical regulations, standards and conformity assessment procedures, including provisions related to packaging, marking and labeling in international trade (Badan Standardisasi Nasional, 2022). Halal certification and labeling of imported products regulated in the JPH Law are included in the technical provisions that are closely related to the TBT agreement. In order to emphasize non-tariff barriers, harmonization of regulations and/or policies made by Indonesia with WTO agreements is the main thing so that these regulations and/or policies do not become barriers to trade. One of the cases related to the TBT agreement on standardization and halal labeling of imported processed food and agricultural products in Indonesia is the case of imported chicken meat and chicken products between Brazil and Indonesia. Brazil as the plaintiff country filed the *dispute* case to the *WTO Dispute Settlement Body* on October 16, 2014 stating its objection to Indonesia's policy which is considered to prohibit and restrict imports of chicken meat and chicken products from Brazil, one of which is related to *halal labeling requirements* since 2009 (World Trade Organization, 2020).

The obligation of halal certification and labeling in imported products, especially in processed food products and agricultural products, needs to be seen and analyzed in accordance with the provisions in the TBT agreement. It is intended that the understanding regarding the principles contained in the provisions of the TBT agreement not be misused as an act of discrimination both in processed food products and imported agricultural products with processed food products and domestic agricultural products or known as the *National Treatment* violation in which member countries may not impose domestic market players more preferentially than market players from abroad and unfair treatment with one country and other countries or known as the *Most Favored Nations* (MFN) principle.

Methodology

The method used in this research is to use a normative juridical approach. In this case, studying or analyzing a legal problem with the data collection tool used is a literature study. Data sources are obtained from primary legal materials in the form of laws and regulations, secondary legal materials that provide explanations of primary legal materials, including: laws and regulations, GATT 1994, and the TBT Agreement, and secondary legal materials including books and legal journals as well as tertiary legal materials or supporting legal materials, such as: dictionaries and encyclopedias. Data analysis in normative juridical research is basically an activity to classify written legal materials to facilitate analysis and construction.

Results and Discussion

Implementation of Law Number 33 of 2014 concerning Halal Product Guarantee related to Halal Certification and Labeling of Processed Food Products and Imported Agricultural Products in Indonesia

Halal product guarantee is a form of fulfillment of consumer rights related to security, safety, and comfort in consuming a product, including processed food products and agricultural products. The definition of halal products based on Article 1 number 2 of the JPH Law is a product that has been declared halal in accordance with Islamic law. Products that meet the requirements according to Islamic law include (Sari, 2018):

1. No pork and pork-derived ingredients;
2. No haram ingredients such as ingredients derived from human organs, blood, and feces;
3. All ingredients that come from animals slaughtered according to Islamic law;
4. All storage areas, points of sale, processing areas, processing and transportation areas must not be used for pork and/or other non-halal items. If it is used for pigs and / or other non-halal objects, before use it must be sterilized first with the method of Islamic law;
5. All foods and drinks that do not contain alcohol or liquor.

Furthermore, Article 18 paragraph (1) of the JPH Law has also explained the ingredients derived from animals that are prohibited, including:

- a. Carcass;
- b. Blood;
- c. Swine; and/or
- d. Animals that are slaughtered are not in accordance with Sharia law.

The scope of types of products required to carry out halal certification is very broad, including food products, beverages, biological products, cosmetics, medicines, and goods consumed or utilized by the public. Processed food products are a category of products that are sensitive to halal product guarantees because processed food products are one of the basic needs of the community and are consumed directly by the community where the ingredients of food products are prone to misuse. According to the *Food and Agriculture Organization* (FAO), the definition of halal food means food that is permitted by Islamic law and must meet several conditions. Some of the requirements that must be met include food does not contain or not consist of ingredients that according to Islamic law are haram; when the food is prepared, processed, transported or stored using tools or facilities that are free from things that violate the law according to Islamic law; and in the process of preparation, processing, transportation or storage does not come into direct contact with any food that does not meet Islamic law (Organization, Food and Agriculture, 2024). Not only food products have the potential to not fulfill halal in accordance with Islamic law, but the ingredients of these food products in the form of agricultural products must also meet halal provisions. Agricultural products are very broad, including animals and plants as well as the natural resources contained therein.

Indonesia, as a country where the majority of people follow Islam, positions halal food products as an urgency and needs special attention from the state. Based on the GCPL Law, the principles of consumer protection include the principles of benefit, justice, balance, consumer security and safety, and legal certainty. Certainty of halal product guarantees in Indonesia is evidenced by the existence of certificates and the inclusion of halal labels as a form of fulfillment of rights in consumer protection in the field of food and agricultural products in Indonesia so that no worries arise over consuming food and / or beverage products. In addition to fulfilling the rights of the Indonesian people to guarantee halal products, processed food products and agricultural products that have certified and included halal labels on product packaging will also foster a sense of trust in the purchasing decisions of Muslim consumers on these halal products. The guarantee of halal products will create peace for the Muslim population in Indonesia in their worship and in carrying out their religious teachings (Sarwat, 2013).

Indonesia established a special institution that handles the halalness of a product in 1989 called the Indonesian Ulema Council's Food, Drug and Cosmetic Assessment

Institute (LPPOM MUI) with the aim of examining and certifying halal. In essence, Indonesia has regulated the rules relating to halal certification and labeling since 1976. At that time, the regulation of the halalness of a product was still scattered in various laws and regulations and was still considered inconsistent. Departing from this issue, the Government of Indonesia presents Law Number 33 of 2014 concerning Halal Product Guarantee or abbreviated as the JPH Law which specifically discusses guarantee arrangements on halal products including in the field of food and agricultural products. The birth of the JPH Law emphasizes the regulation of halal certification and labeling of products in Indonesia with the aim of implementing the JPH Law as stated in Article 3 of the JPH Law, namely to provide comfort, safety, and certainty of the availability of halal products for the community in consuming and using products and to increase added value for Business Actors to produce and sell halal products. Legal certainty of the halalness of a product has a positive impact on both business actors and Muslim consumers, where products with halal certification and labeling increase the selling value of the product because it is considered of high quality and from the health side of the human body is more healthy (Amin, 2010).

After the enactment of the JPH Law, there are changes to the system for implementing Halal Product Guarantee in Indonesia which can be seen in Table 1. One of the changes is that halal certification which was originally voluntary becomes mandatory for all products circulating and traded in Indonesia, including imported products as stated in Article 4 of the JPH Law. The implementation of the JPH Law also provides changes to the institutions involved in halal certification and labeling. Prior to the regulation of the JPH Law, the main institution implementing halal certification came from a non-governmental institution, namely the Indonesian Ulema Council, abbreviated as MUI, which is a collection of organizations of Indonesian Ulema through LPPOM MUI. However, based on the JPH Law Article 5 paragraph 3 that the Government of Indonesia has established the Halal Product Guarantee Agency or hereinafter referred to as BPJPH which is domiciled under the Ministry of Religion and has authority in halal certification. Although MUI is not the main institution in organizing halal certification, it still plays an important and strategic role in halal certification in Indonesia. Determination of a product through a halal fatwa hearing, both related to standards and halalness of the product and submitting it to BPJPH as the basis for issuing a halal certificate is the authority of MUI (Sari, 2018). Likewise, halal labeling has also changed, which was originally carried out by BPOM, but now it has been transferred and is fully implemented by BPJPH. The flow and process of halal certification and labeling after the enactment of the JPH Law will be longer because it involves many institutions.

Table 1. Changes in the Halal Product Guarantee Implementation System in Indonesia

Before JPH Law	After Implementation of the JPH Law
Halal certification is voluntary	Halal certification on all products that

	enter, circulate, and are traded in at Indonesia is mandatory
The authorized institution in halal certification is a non-governmental institution, the Indonesian Ulema Council (MUI) through LPPOM MUI	The main agency authorized for halal certification is the Halal Product Guarantee Agency (BPJPH) under the Ministry of Religious Affairs
Certificate valid for 2 years and not yet owned strong legal legitimacy	The certificate is valid for 4 years and has strong legal certainty
Short halal certification flow	Longer certification flow
Halal labeling is carried out by BPOM	Halal labeling is carried out by BPJPH

Processed food products and imported agricultural products in Indonesia are no exception and must comply with regulations on the certainty of the halalness of a product as described in Article 4 of the JPH Law that products that enter, circulate, and are traded in the territory of Indonesia must be halal certified. Referring to this article emphasizes that imported products that will be circulated and marketed in Indonesian territory must show a halal certificate. Import activities are characterized by the entry of goods originating from abroad into the customs territory of Indonesia and are subject to existing laws and regulations (Amir, 2020). There are two types of processed food products and imported agricultural products that enter Indonesian territory, namely processed food products and imported agricultural products that already have a halal certificate from a halal institution outside Indonesia and processed food products and imported agricultural products that do not have a halal certificate at all. For processed food products and imported agricultural products that do not have a halal certificate must carry out halal certification in accordance with the provisions stipulated in the JPH Law. For processed food products and imported agricultural products that already have halal certification from the Foreign Halal Institute (LHLN) can apply for recognition of Foreign Halal certification through the registration process by BPJPH if they already have a cooperation agreement that discusses the recognition of halal certification between the two parties. Foreign Halal Institutions or abbreviated as LHLN which have collaborated with BPJPH include Malaysia through the Malaysian Government's JAKIM Halal Institute, Thailand, Saudi Arabia through the *Saudi Food and Drug Authority* Halal Institute, South Korea which has reached the assessment stage through the *Korea Muslim Federation* Halal Institute, United States which has reached the assessment stage through the *Islamic Food and Nutrition Council of America* Halal Institute, and so on (Kementerian Agama Republik Indonesia, 2022).

Regarding the procedures for registering recognition of halal certification abroad for imported food products and agricultural products, it is regulated in Article 65 of Government Regulation Number 31 of 2019 concerning Implementing Regulations

of the JPH Law. Business actors submit their applications in writing either by electronic system or manually to BPJPH by including:

- a. A copy of the overseas halal certificate of the product concerned that has been authorized by the Indonesian representative abroad;
- b. The list of goods to be imported into Indonesia has been completed with a harmonized system code number; and
- c. A statement letter in the form of a statement that the documents submitted are true and valid.

Processed food products and agricultural products that have been halal certified but there is no cooperation with halal certification bodies in Indonesia will be subject to the same halal certification application as the application for halal certification of imported products that do not yet have a halal certificate. This is in accordance with the provisions described in the articles of the JPH Law. The halal certification process for imported products that are halal certified from their country of origin but do not have cooperation with BPJPH or imported food and agricultural products that do not yet have a halal certificate is regulated in Article 29 to Article 45 of the JPH Law.

The halal certification process begins with submitting a written application for halal certification to BPJPH by the business actor as the applicant accompanied by documents including business actor data, name and type of product, list of products and materials used, and product processing. The next step, BPJPH establishes a Halal Examining Agency (LPH) which aims to inspect and test the halalness of the product, the results of which are then submitted back to BPJPH. Examination and testing of product halalness is carried out by halal auditors who must come from the appropriate scientific background. Then, the documents on the results of the examination and / or testing that have been carried out by LPH are delegated to BPJPH. BPJPH will follow up on part of the process of determining the halalness of a product. Finally, BPJPH asks MUI to determine the halalness of the product based on the document results obtained from LPH at the MUI fatwa session by including experts, elements of ministries, and related institutions. The fatwa session aims to decide the halalness of the product which is carried out within 30 days of MUI receiving the results of examination and testing from BPJPH. MUI will then issue a Decree on Product Halal Determination based on the results of the fatwa hearing, and then BPJPH will issue a halal certificate and halal label on the product if it has been declared halal by MUI within seven working days from the decision received.

Although certification and labeling are different processes, there is a common thread between the two. Halal certification is a series of examination stages by an authorized institution with the final result in the form of formal legal recognition in the form of a halal certificate if the product has met the requirements as a halal product. Meanwhile, halal labeling is a written statement or inclusion regarding the halalness of a product to provide information to consumers that the product has the

status of a halal product (Hasan, 2014). After obtaining a halal certificate through a predetermined flow and process, business actors are required to include a halal label on the packaging of food products and agricultural products. Halal labels can be placed on parts that are easy to read or see, difficult to remove / remove, or damaged. Regarding halal labels in processed food products and agricultural products, it is important to know, especially for Muslim communities in Indonesia, as a medium for real information between business actors and consumers regarding the substance of these products. Labels as a manifestation of consumer rights to information in accordance with Article 4 letter c of the GCPL Law where the information must be true, honest and clear.

Harmonization of Law Number 33 of 2014 concerning Halal Product Guarantee Specifically on Halal Certification and Labeling of Processed Food Products and Imported Agricultural Products with the Agreement on Technical Barriers to trade

International trade agreements that have been approved by WTO member countries will be binding in accordance with the principle of *pacta sunt servanda* which states that countries must honor agreements made between them. The purpose of the World Trade Organization is to make trade between countries more open by reducing or even eliminating tariff and non-tariff barriers (Kementerian Perdagangan, 2019). Barriers to trade are the most important issue in trade liberalization. Despite the reduction of tariff barriers in FTAs, countries tend to take the form of non-tariff barriers to protect local products. Over time, the understanding of non-tariff instruments has changed. *Non-tariff* barriers that initially emphasized their protectionist scope such as export quotas and restrictions have been replaced by *Non-Tariff Measures* to emphasize their potential role in impeding or facilitating trade (Grant & Arita, 2017). *Non-Tariff Measures* or NTMs for short are policy measures, other than general customs tariffs, that have an economic impact on trade in international goods, changing the quantities and/or prices traded (United Nations Conference on Trade and Development, 2010). Non-tariff measures are often technically complex, less transparent, and more difficult to measure than tariffs, which can have a significant impact on market access.

In the practice of international trade law, non-tariff measures are applied by countries with a protective motive to protect domestic products from imported products instead of protecting human health or the environment. Almost all countries apply technical regulations in trade. It is inevitable that such measures will potentially cause barriers to trade and violate the MFN principle. To avoid this, the WTO made agreements that specifically discuss rules relating to non-tariff barriers, namely the *Agreement on Technical Barriers to Trade*, hereinafter referred to as the TBT agreement and *the Agreement on the Application of Sanitary and Phytosanitary Measures* or commonly called the SPS Agreement. So far, most of the

NTM measures concern *Sanitary and Phytosanitary (SPS)* and *Technical Barriers to Trade (TBT)*.

The TBT Agreement consists of 15 articles and 3 annexes. Pursuant to Article 15.5 of the TBT Agreement, the three annexes are an integral part of the TBT Agreement, thus binding on WTO member countries. The purpose of the TBT Agreement is contained in the preamble of Paragraph 3 of the TBT Agreement, which is to ensure that technical regulations and standards, including packaging, marking, and labeling requirements and procedures for assessing conformity with technical standards regulations do not pose unnecessary obstacles to international trade. The TBT Agreement basically has three regulatory concepts that are not contained in the SPS Agreement, namely technical regulations, standards, and assessment procedures. Technical regulations are set out in Article 2 and Article 3 of the TBT Agreement, which are defined as a document that specifies product characteristics or relates to production processes and methods, including applicable administrative provisions that must be complied with. Meanwhile, Article 4 and Annex 3 of the TBT Agreement discuss standard guidelines. A standard is a document recognized by the competent authority that establishes voluntary guidelines or characteristics, usually including terminology, symbols, packaging or labeling requirements relating to a product, process, or production method. The application of technical regulations, standards and assessment procedures to the TBT Agreement covers all trade in goods including food and agricultural products and production methods and processes.

International trade activities, especially in processed food products and agricultural products, require rules regarding technical regulations and standards because they are closely related to safety and health issues. Indonesia has regulated consumer protection rights where consumers are entitled to comfort, security and safety in consuming goods and/or services in the GCPL Law. Furthermore, to protect Indonesian consumers, the majority of whom are Muslims, Indonesia has implemented UUJPH as a technical regulation governing halal certification and labeling of products circulating in Indonesia, including processed food products and agricultural products. Until now, Indonesia is the only country that implements halal product guarantees in the form of laws. As a member country of the WTO, Indonesia has the authority to make policies as long as they respect the principles has been agreed in the WTO agreement. Article 2.2 of the TBT Agreement states that member states shall ensure that regulations relating to technical matters are formulated, adopted, or applied with the intention or not with the effect of creating unnecessary barriers to international trade. Therefore, technical regulations in order to protect the health and safety of humans, animals, and plants, as well as national security are allowed as long as they comply with the WTO and TBT agreements. The aim is not to create barriers to trade and prevent fraudulent practices in trade between countries.

The existence of the JPH Law regarding halal certification of products both products that enter, circulate, and are marketed in Indonesia has changed the provisions that

were originally voluntary and have not been specifically regulated in certain laws and regulations to become mandatory. In this regard, changes in the provisions of halal certification in Indonesia which were previously in the form of standards into technical provisions refer to the TBT Agreement. In Article 67 paragraph (1) of the JPH Law, it is stated that the implementation of the halal certification obligation is effective after five years of the JPH Law being passed, precisely in 2019. However, for the type of food and beverage products, the Indonesian government provides a transition period or mandatory halal preparation period until 2024 considering that there are still many things that must be prepared (LPPOM MUI, 2021).

The implementation of halal certification and labeling in Indonesia does not only apply to processed food products and local agricultural products but applies to all products, both local and imported products. This has been regulated in Article 4 of the JPH Law which states that products that enter, circulate, and are traded in the territory of Indonesia must be halal certified. Through Article 4 of the JPH Law, halal certification and labeling are not indicated as discriminatory treatment which is one of the substantive provisions of the TBT agreement. However, looking at the JPH Law article further in article 47, it is said that imported products that have been halal certified but there is no cooperation with halal certification bodies in Indonesia, the same halal certification application applies as the submission of halal determination on imported products that do not have a halal certificate referring to statutory regulations. The regulation in article 47 raises the potential for discriminatory treatment in processed food products and imported agricultural products.

The opportunity for discrimination in Article 47 of the JPH Law is not in line with the main principles of both the GATT 1994 and the TBT agreement. In essence, the TBT agreement is an inseparable part of the GATT 1994 so that the TBT agreement must still be subject to the basic principles of the GATT 1994. The main principle underlying the GATT 1994 is the principle of non-discrimination. The principle of non-discrimination in GATT means that one country should not be treated better or worse than another country. Thus, all countries must share in the opportunities achieved in international trade liberalization and assume the same obligations (Kartadjoemena, 2022). In the TBT Agreement, the principle of non-discrimination is emphasized in Article 2.1, Article 5.1, Article 5.2, and Paragraph D of Annex 3. Article 2.1 of the TBT Agreement outlines that member countries that apply technical rules and/or policies to imported products shall be given the following equal treatment without discriminating between one country and another on similar products.

The step to minimize the issue of discriminatory actions in imported products, including processed food products and imported agricultural products by BPJPH as the authority for organizing halal product guarantees in Indonesia is to carry out various collaborations with Overseas Halal Institutions (LHLN). Of the 40 countries,

there are 140 LHLNs for which the process of applying for cooperation with BPJPH Indonesia is being carried out (Kementerian Agama Republik Indonesia, 2022). In addition, Indonesia has registered and actively participated in the Organization of the Islamic Conference (OIC). As a member of the OIC, Indonesia and other Muslim countries have a body in the field of standards and metrology called the *Standard and Metrology Institute for Islamic Countries* (SMIIC). One of the work targets at the SMIIC forum is the preparation of halal standards that are used and become guidelines for member countries and eliminate technical barriers to trade. The equalization of halal standards is an effort for Indonesian halal standards to be accepted internationally (Kementerian Agama Republik Indonesia, 2022).

The obligation of halal certification in Indonesia was initially organized by a Non-Governmental Organization, namely the Indonesian Islamic Ulema Council or MUI which is an independent institution that accommodates Islamic scholars, zuama, and scholars. In addition to organizing halal certification, MUI through LPPOM MUI also acts as a Halal Examining Agency or called LPH. However, after the passing of the JPH Law, the implementation of Halal Product Guarantee in Indonesia is carried out by government agencies through BPJPH under the auspices of the Ministry of Religion. In the halal certification process after the JPH Law, MUI is still involved as a third party authorized to determine the halalness of the product through a halal fatwa hearing. The Halal Examining Agency which was originally carried out only by LPPOM MUI, after the JPH Law, LPH is not limited to LPPOM MUI but is open to any institution that is interested in becoming an LPH. According to the JPH Law states that LPH can be established by the government and the community. Islamic organizations and universities, both public and private, that have scientific abilities in the field of food can establish LPH by fulfilling the requirements as stipulated in Article 13 of the JPH Law (Koeswinarno, 2020). Implementation of LPH as a form of halal product guarantee conformity assessment procedure that may be carried out by non-governmental institutions in accordance with Article 8.1 of the TBT agreement. The Halal Examining Agency which has been given the mandate by BPJPH to conduct examinations of processed food products and imported agricultural products must also comply with the conformity assessment provisions in Article 5 and Article 6 of the TBT Agreement.

In order to facilitate the implementation of the JPH Law, especially in certification and halal labeling of processed food products and imported agricultural products related to international trade, principles are needed that need to be implemented by the Government of Indonesia. There are 6 principles in the implementation of technical regulations of the JPH Law in international trade, namely openness, transparency, impartiality, development dimensions, effective and relevant, consensus, and coherence (Badan Standardisasi Nasional, 2020). The principle of transparency is one of the principles that need to be applied in relation to technical regulations, standards, and conformity assessment so as not to create unnecessary

barriers. Transparency referred to in the TBT agreement is the obligation of notification by countries that apply regulations and / or technical policies, standards, and conformity assessments to the TBT Secretariat including information about the products reached, as well as the objectives and rationale in accordance with Articles 2.9.1 and 2.9.2 of the TBT Agreement. In connection with the UUJPH, the Government of Indonesia through BPJPH has notified the TBT Secretariat.

Conclusion

The implementation of the JPH Law changes the main task of MUI to determine the halalness of a product through a halal fatwa hearing. In addition to institutional changes, the implementation of the JPH Law requires all products circulating and marketed in Indonesia to carry out halal certification and labeling, including processed food products and imported agricultural products. There are two types of processed food products and imported agricultural products in Indonesia, namely processed food products and imported agricultural products that already have a halal certificate from the Foreign Halal Institute (LHLN) and processed food products and imported agricultural products that do not yet have a halal certificate at all. For processed food products and imported agricultural products that do not have a halal certificate are required to carry out halal certification in accordance with the provisions stipulated in the JPH Law. Meanwhile, for processed food products and imported agricultural products, you can carry out the registration process provided that the LHLN concerned has collaborated with BPJPH.

Importing goods is closely related to international trade, which in international trade has technical regulations that have been agreed upon by WTO member countries. One of the agreements that discusses technical regulations, standards, and assessment procedures is the *Technical Barriers to Trade Agreement*. Halal determination and inclusion of halal labels on processed food products and agricultural products are included in the field of technical regulation. Indonesia as a member of the WTO, the suitability of national regulations and / or policies in the field of technical, standards, and assessment procedures in accordance with the TBT Agreement is an urgency with the aim of ensuring that national regulations and / or policies do not become unnecessary obstacles in trade between countries. The JPH Law has sought to prevent acts of discrimination in international trade in one way by requiring halal certification and labeling on all products circulating and marketed in Indonesia, both imported and local products in accordance with Article 4 of the JPH Law. In addition, the BPJPH has carried out a lot of cooperation with LHLN to make it easier to determine halalness in imported products, including processed food products and agricultural products. The principle of transparency through notification to the TBT Secretariat in the technical regulations of the JPH Law is one of the main principles with the aim of preventing barriers to international trade.

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