

The Dynamics of Conservatism in Halal Certification, Sharia Regional Regulations, and Moral Regulation: A Study of Islamic Legal Policy in Indonesia

Abstract

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Background. Holistic and interconnected studies on halal certification, sharia regulations, and moral regulations as real manifestations of the conservative movement in Indonesian Islamic legal policy are still limited.

Aim. This article examines the dynamics of conservatism in Islamic legal policy in Indonesia, focusing on halal certification, sharia-based local regulations (sharia regional regulations), and moral regulation. The central issue addressed is how conservative movements influence the formulation and implementation of Islamic legal policies at both national and local levels.

Method. This study employs a library research method with a descriptive qualitative approach, analyzing academic literature, legal documents, and relevant empirical data.

Result. The findings reveal that halal certification, sharia regulations, and moral policies serve not only as instruments of religious and consumer protection, but also as tools for social control, economic selection, and consolidation of majority identity politics. However, these policies present challenges such as unequal access, potential discrimination against minorities, and the narrowing of civil liberties. The study underscores the importance of developing fair, inclusive, and dialogical Islamic legal policies to promote social cohesion and justice within a multicultural society.

Keywords: Conservatism, Halal certification, Sharia regulations, Social control

INTRODUCTION

Since the enactment of Law Number 33 of 2014 concerning Halal Product Assurance, the implementation of halal certification in Indonesia has undergone a fundamental transformation. This regulation marks a shift in the status of halal certification from being voluntary to a legal obligation for all businesses marketing food, beverages, cosmetics, and pharmaceutical products.¹ Data from the Halal Product Guarantee Agency shows that by mid-2024, more than four million products had

¹ Arskal Salim, *Contemporary Islamic Law in Indonesia: Sharia and Legal Pluralism*, Exploring Muslim Contexts (Edinburgh, Scotland: Edinburgh University Press, in association with the Aga Khan University, (International) in the United Kingdom, Institute for the Study of Muslim Civilisations, 2015), 65., Lihat juga, Anan Permana Putra and Novie Andriani, "Faktor-Faktor yang Mempengaruhi Konsumen dalam Memilih Produk Halal," *JIESP: Journal of Islamic Economics Studies and Practices* 2, No. 1 (June 30, 2023): 62–74. Lihat juga, Ridhati Mardiyah et al., "Conceptual Framework on Halal Meat Traceability to Support Indonesian Halal Assurance System (HAS 23000) Using Blockchain Technology," in *2021 9th International Conference on Cyber and IT Service Management (CITSM)*, 2021, 1–4, <https://doi.org/10.1109/CITSM52892.2021.9588953>.



obtained halal certification.² However, behind this success, micro and small business actors (MSMEs) often face obstacles in the form of high certification costs, complex administrative processes, and limited access to supporting facilities.³ This situation shows the state's tendency to use sharia standards conservatively as a tool of legitimacy and social control, which in turn can burden the small and medium business sector.⁴

Sharia regional regulations are legal instruments that are increasingly appearing in a number of regions as a response to demands from community groups to integrate religious norms into public regulations.⁵ Ministry of Home Affairs data shows that as of 2022, more than 400 religiously-tinged regional regulations had been passed in various provinces and regencies/cities in Indonesia. The most prominent examples are the *Qanun Jinayat* in Aceh Province, as well as several regional regulations mandating the wearing of the hijab and prohibiting alcohol consumption in West Sumatra and West Java.⁶ This legislation generally arises from local political dynamics, where political elites build coalitions with conservative Islamist groups to gain electoral legitimacy.⁷ However, the existence of sharia regulations often gives rise to polemics, especially regarding the potential for discrimination against women, religious minorities, and restrictions on civil rights and religious freedom.⁸

However, the existence of sharia regulations often gives rise to polemics, especially regarding the potential for discrimination against women, religious minorities, and restrictions on civil rights and religious freedom.⁹ According to the National Commission on Violence Against Women report, there are at least 62 morally charged regional regulations that are considered potentially discriminatory, particularly against women's groups and vulnerable communities.¹⁰ In many cases, moral regulation is seen as an attempt by the state to expand control over individuals' private spaces under the guise of maintaining social order and religious morality. This practice has drawn criticism as it is considered contrary to human rights principles and threatens socio-cultural diversity in Indonesia.

² Pratomo Wahyu Widodo and Rohmat Rohmat, "Embracing the Halal Market: CV. Legacy's Strategy in Providing Halal Certified Food and Beverage Products for Patients," *International Journal of Social Science and Human Research* 08, No. 05 (May 12, 2025), <https://doi.org/10.47191/ijsshr/v8-i5-29>.

³ Devid Frastiawan Amir Sup et al., "Dinamika Regulasi Sertifikasi Halal di Indonesia," *JESI (Jurnal Ekonomi Syariah Indonesia)* 10, No. 1 (August 31, 2020): 36–44, [https://doi.org/10.21927/jesi.2020.10\(1\).36-44](https://doi.org/10.21927/jesi.2020.10(1).36-44).

⁴ Ashabul Kahfi, "Aspek Hukum Perlindungan Konsumen Muslim di Indonesia," *Jurisprudentie : Jurusan Ilmu Hukum Fakultas Syariah dan Hukum* 5, No. 1 (June 8, 2018): 47–63, <https://doi.org/10.24252/jurisprudentie.v5i2.5399>. lihat juga, Murtadho Ridwan, "Nilai Filosofi Halal dalam Ekonomi Syariah," *Profit : Jurnal Kajian Ekonomi Dan Perbankan Syariah* 3, No. 1 (June 25, 2019): 14–29, <https://doi.org/10.33650/profit.v3i1.537>.

⁵ Zaini Dahlan, *Ensiklopedi Hukum Islam* (Jakarta: Ikhtiar van Hove, 2007), 32. Lihat juga, Masruroh, "Pandangan ulama tentang pariwisata halal di yogyakarta" (doctoralThesis, Sekolah Pascasarjana UIN Syarif Hidayatullah Jakarta, 2024), <https://repository.uinjkt.ac.id/dspace/handle/123456789/83205>.

⁶ Lely Afiati, Liesta Verawati, and Muhamad Anwar, "Assisting of Nuansa Gembira Coffee Products Towards Halal Certifications With The Si-Halal Application In Deles Village, Batang District, Central Java," *Jurnal Layanan Masyarakat (Journal of Public Services)* 8, No. 2 (June 13, 2024): 181–91, <https://doi.org/10.20473/jlm.v8i2.2024.181-191>. Lihat juga, Sun Lilya and Rina Djunita Pasaribu, "The Influence of Digital Literacy and Relative Advantage on E-Commerce Adoption through Digital Training and Mentoring among MSMEs in Jakarta," *International Journal of Science, Technology & Management* 4, no. 5 (September 30, 2024): 1266–76, <https://doi.org/10.46729/ijstm.v4i5.1186>.

⁷ Sup et al., "Dinamika Regulasi Sertifikasi Halal di Indonesia." Lihat juga, "Komnasperempuan.Go.Id/Download-File/949#:~:text=Temuan Dalam Catatan Tahunan 2023,Dari Total Formulir Yang Dikirimkan.," accessed June 23, 2025, <https://komnasperempuan.go.id/download-file/949>.

⁸ Widodo and Rohmat, "Embracing the Halal Market." Lihat juga, Endi Aulia Garadian, "Between Identity and Interest: Revisiting Sharia Bylaw in Current Indonesia," *Studia Islamika* 23, No. 2 (August 31, 2016): 391–97, <https://doi.org/10.15408/sdi.v23i2.3672>.

⁹ Muchtar Ali, "Konsep Makanan Halal Dalam Tinjauan Syariah Dan Tanggung Jawab Produk Atas Produsen Industri Halal," *AHKAM: Jurnal Ilmu Syariah* 16, no. 2 (December 11, 2016): 291–306.

¹⁰ "Kabar Perempuan," Komnas Perempuan | Komisi Nasional Anti Kekerasan Terhadap Perempuan, accessed June 23, 2025, <https://komnasperempuan.go.id/kabar-perempuan-detail/pertemuan-komnas-perempuan-dengan-menteri-luar-negeri>.

Halal certification, sharia regulations, and moral regulations are three main instruments that show how conservatism plays a role in the formation of Islamic legal policy in Indonesia.¹¹ Policies based on religious norms not only shape the national legal system but also influence social and economic dynamics and relations between citizens. The main consequences are increased potential for discrimination, reduced space for diversity, and restrictions on civil rights, particularly for minority groups. Therefore, efforts to strike a balance between fulfilling the aspirations of the majority and protecting the human rights of all citizens in the formulation of public policy in Indonesia are necessary.¹²

The novelty of this research lies in its critical and comprehensive perspective, which maps the relationship between the conservative movement and the Islamic legal legislative process in Indonesia. Previously, academic studies tended to examine topics such as halal certification, sharia regulations, and moral regulations separately, as if they were independent entities without influencing each other.¹³ In fact, these three instruments are actually rooted in the same source of political and ideological pressure, namely the push for conservatism in society and the active role of religious groups in influencing the direction of public policy.

This research offers a novel approach that simultaneously explores how halal certification, sharia regulations, and moral regulations are interconnected and form a series of phenomena that reveal the patterns, strategies, and impacts of conservative movements within the realm of Islamic legal legislation. By utilizing empirical data, policy documents, and political and sociological analysis, this study not only presents isolated facts but also constructs a map of the relationships between actors, ideologies, and regulations that has previously been understudied in the literature.¹⁴ Furthermore, this research highlights the shift in the direction of Islamic legal legislation from merely responding to the needs of Muslim communities to becoming a tool for shaping social and moral norms that emphasize a more conservative agenda. Thus, this research contributes not only to broadening the scope of studies on Islamic law in Indonesia but also to offering a more comprehensive understanding of the dynamics of power contestations, changes in social structures, and the challenges of diversity amidst strengthening conservatism.¹⁵

The research gap highlighted in this study is the limited number of studies that holistically and inter-connectively link halal certification, sharia regulations, and moral regulations as concrete manifestations of the conservative movement in Indonesian Islamic legal policy. To date, most research positions these three phenomena as separate entities. However, in practice, all these regulations are interconnected and rooted in the same socio-political force: the influence of conservative groups on the national legal system.¹⁶ There has not been much analysis that has thoroughly examined how halal certification, sharia regulations, and moral regulations move side by side, strengthen each other, and form a new character in Indonesian legislation.¹⁷ Moreover, studies on

¹¹ Putra and Andriani, "Faktor-Faktor yang Mempengaruhi Konsumen dalam Memilih Produk Halal.", lihat juga, Garadian, "Between Identity and Interest.", Widodo and Rohmat, "Embracing the Halal Market."

¹² Afiati, Verawati, and Anwar, "Assisting Of Nuansa Gembira Coffee Products Towards Halal Certifications With The Si-Halal Application In Deles Village, Batang District, Central Java." Lihat juga, Kahfi, "Aspek Hukum Perlindungan Konsumen Muslim Di Indonesia.", Murjani Murjani, "Sistem Jaminan Produk Halal dan Thayib di Indonesia: Tinjauan Yuridis Dan Politis," *FENOMENA* 7, No. 2 (December 30, 2015): 207, <https://doi.org/10.21093/fj.v7i2.298>.

¹³ Putra and Andriani, "Faktor-Faktor yang Mempengaruhi Konsumen dalam Memilih Produk Halal." Lihat juga, Murjani, "Sistem Jaminan Produk Halal Dan Thayib Di Indonesia."

¹⁴ Afiati, Verawati, and Anwar, "Assisting Of Nuansa Gembira Coffee Products Towards Halal Certifications With The Si-Halal Application In Deles Village, Batang District, Central Java.", lihat juga, Widodo and Rohmat, "Embracing the Halal Market."

¹⁵ Kahfi, "Aspek Hukum Perlindungan Konsumen Muslim di Indonesia." Lihat juga, "Kabar Perempuan."

¹⁶ Sup et al., "Dinamika Regulasi Sertifikasi Halal di Indonesia." Lihat juga, Putra and Andriani, "Faktor-Faktor yang Mempengaruhi Konsumen dalam Memilih Produk Halal." Garadian, "Between Identity and Interest."

¹⁷ Widodo and Rohmat, "Embracing the Halal Market."

its impact on pluralistic societies, particularly in terms of increasing challenges to diversity, minority rights, and civil liberties, are still minimal.

The key aspects of this research lie in three main focuses. First, it critically analyzes the impact of moral regulations and Sharia bylaws on minority groups and civil liberties, an area often overlooked due to the dominance of majority narratives.¹⁸ Second, examining halal certification not only as an instrument for protecting Muslim consumers, but also as a tool of social and economic control used by the state to strengthen religious identity and regulate space.¹⁹ Third, it highlights the socio-political dynamics that occur between the government, religious groups, and civil society in the legislative process, thus understanding the ideological struggles and compromises that give rise to Islamic legal policies in Indonesia. By combining the analysis of these three instruments simultaneously, this research is expected to provide a more comprehensive understanding of the dynamics of conservatism and encourage more open discussion regarding the future of Islamic law and pluralism in Indonesia.

METHOD

This research employed a qualitative approach with a case study method. Data were collected through a review of legal documents, scientific literature, official agency reports, and journal articles indexed by Sinta and Scopus. Findings were analysed using three approaches: vertical, horizontal, and diagonal. The analysis employed a thematic technique, identifying patterns, relationships, and dynamics among conservatism, halal certification, sharia regulations, and moral regulations in Indonesian Islamic legal policy. Validity was maintained through data triangulation from various sources to ensure the accuracy of the results.

RESULT

Halal certification and regulation in Indonesia

Halal certification policy in Indonesia has become a meeting point between religious demands, state interests, and the dynamics of the community's economy. Since the enactment of Law Number 33 of 2014 concerning Halal Product Assurance, the change in the status of halal certification from voluntary to mandatory has had a significant impact on various aspects of public life. From a consumer protection perspective, halal certification aims to ensure that all products circulating in the market meet the halal standards believed by the majority of Indonesian Muslims. With halal certification, Muslim consumers have certainty and a sense of security in consuming everyday products, from food and beverages, medicines, cosmetics, and other consumer goods.²⁰ However, beyond its stated purpose of consumer protection, halal certification also serves as an instrument of social and economic control. The state is present not merely as a guarantor, but as a regulator, determining who is entitled to receive the halal label. This gives the state the power to set moral standards while influencing public production and consumption patterns. The presence of institutions such as the Halal Product Guarantee Agency and the Indonesian Ulema Council demonstrates the interconnectedness of religious and state authorities in the halal certification process, thus merging the religious dimension with the state's administrative mechanisms.²¹

In practice, the implementation of halal certification poses major challenges, especially for MSMEs.²² Many MSMEs complain about the high cost of certification compared to their business

¹⁸ Garadian, "Between Identity and Interest."

¹⁹ Kahfi, "Aspek Hukum Perlindungan Konsumen Muslim di Indonesia."

²⁰ Putra and Andriani, "Faktor-Faktor yang Mempengaruhi Konsumen dalam Memilih Produk Halal."

²¹ Muh Nashirudin and Millatus Sa'adah, "Reviewing Shariah Certificates of DSN MUI (a Study on Shariah Certificate of DSN MUI on Paytren)," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 19, No. 2 (2019): 169–83, <https://doi.org/10.18326/ijtihad.v19i2.169-183>.

²² Atmo Prawiro and Fathudin Fathudin, "Challenges in the Halal Industry Ecosystem: Analyzing the Halal Certification Process for Micro, Small, and Medium Enterprises in Lombok, West Nusa Tenggara," *Mazahib* 22, No. 2 (December 17, 2023): 431–84, <https://doi.org/10.21093/mj.v22i2.7010>.

capacity. The halal certification process often takes a long time due to the multi-layered bureaucratic process, from document submission and audits to laboratory testing, which is often only available in large cities. Businesses in remote areas often have to bear additional transportation costs or even fail to obtain certification due to a lack of technical assistance and information.²³

These cost and bureaucratic constraints create an imbalance in access between large businesses with more resources and MSMEs, which are generally managed simply. Halal Product Guarantee Agency data from 2024 shows that the number of halal-certified products continues to increase, but this growth is more rapid in the medium and large business sectors.²⁴ Meanwhile, MSMEs, the backbone of the Indonesian economy, are lagging behind in the certification process. As a result, the potential for MSMEs to be marginalized increases, as they could lose markets that require halal products or be forced to limit production to local non-Muslim market segments.

Halal certification also has the potential to be used as an instrument of public moral oversight. The state, along with religious institutions, can expand control over public consumption patterns by establishing halal standards based on specific interpretations of sharia. In a social context, concerns have arisen that halal standards could be used to restrict or even stigmatize non-Muslim products and businesses.²⁵ There are also concerns about the emergence of economic and social exclusivity, which could ultimately widen the gap between groups in society. On the other hand, the government has begun to implement several programs to accelerate halal certification for MSMEs, such as the *Sehati* program, which waives certification fees for certain micro-enterprises. However, field results still indicate obstacles, both in terms of MSMEs' preparedness, minimal mentoring, and issues of information imbalance.

Thus, the implementation of halal certification in Indonesia reflects how religious-based regulations can function dually—as consumer protection and a socio-economic control tool that creates new challenges, especially for small business owners and non-Muslim communities.²⁶ Inequality of access, potential discrimination, and the tug-of-war of interests between the state, religious institutions, and economic actors are important notes in assessing the sustainability of halal certification policies in the future.²⁷ If we focus on halal certification in the context of the development of sharia regulations in Indonesia, it is important to understand that the emergence of various religious-based regulations at the regional level not only regulates morality and social governance, but also strengthens the broader Islamic legal ecosystem—including halal standards in the public and economic spheres.

Halal certification as a domino effect of local legislation

Sharia law (*qanun*) and regional regulations, such as those found in Aceh, West Sumatra, and West Java, have created a new legal culture that demands Islamic standards not only in dress, behavior, and social spaces, but also in consumer products. In Aceh, the full implementation of Islamic law has had a direct impact on the mandatory halal certification of food and beverage products sold in public. Nearly all restaurants, supermarkets, and even street vendors are encouraged (or culturally forced) to obtain halal certification to comply with local social requirements and legal norms. In “Sharia and Social Engineering: The Implementation of Islamic Law in Contemporary Aceh, Indonesia,” it is explained that the emergence of sharia law in Aceh not only regulates morality but

²³ Sup et al., “Dinamika Regulasi Sertifikasi Halal di Indonesia.”

²⁴ Yulies Tiena Masriani, Maruf Maruf, and Afif Noor, “Regulation of Halal Labeling on Indonesian MSME Food Products Based on Positive Law,” *LAW REFORM* 21, No. 2 (June 2, 2025): 203–18, <https://doi.org/10.14710/lr.v21i2.66716>.

²⁵ Sup et al., “Dinamika Regulasi Sertifikasi Halal di Indonesia.”

²⁶ Dedah Jubaedah et al., “Halal Certification in Indonesia: Study of Law Number 6 of 2023 on Job Creation,” *Jurisdictie: Jurnal Hukum Dan Syariah* 14, No. 1 (July 22, 2023): 154–84, <https://doi.org/10.18860/j.v14i1.19948>.

²⁷ Endang Irawan Supriyadi and Dianing Banyu Asih, “Regulasi Kebijakan Produk Makanan Halal di Indonesia,” *Jurnal RASI* 2, No. 1 (2020): 18–28, <https://doi.org/10.52496/rasi.v2i1.52>.

also strengthens halal regulations as a political identity and symbol.²⁸ Halal policy in Aceh serves as a tool for strengthening social control—every product for public consumption is required to be halal certified, and this automatically puts pressure on businesses to adapt or exit the market.

Faridah outlined how provisions in regional sharia regulations and qanuns (Islamic laws) promote halal certification as a mandatory requirement. She reviewed practices in West Sumatra, where sharia regulations support the local halal ecosystem, despite often resulting in unequal access for MSMEs.²⁹ A concrete example is Aceh Qanun Number 8 of 2016 concerning the Halal Product Assurance System, which stipulates that every product entering, circulating, and traded in Aceh must be halal certified. This regulation is not merely administrative but also a symbol of legitimacy, confirming that the product being sold is “fit for consumption” according to sharia law and legally valid. This practice was later adopted (in a softer manner) by several other regions, such as West Sumatra and cities/regencies in West Java, which, despite not yet having specific halal regulations, still consider halal certification the “gold standard” for products consumed by their Muslim-majority communities.

Local halal standards: Obligations, identities, and economic pressures

With these regional regulations, halal certification is no longer an option but a necessity for survival in the local market, obtaining business permits, and accessing government facilities. Padang City Regional Regulation Number 11/2005, while regulating Muslim attire, also creates a social climate that encourages MSMEs and micro-businesses to adapt to halal standards to be considered “part of the community.”³⁰ The Public Order and Community Tranquillity Regional Regulation in Pariaman and the Moral Regulations in Garut and Tasikmalaya reinforce a climate where halal identity is a prerequisite for business existence and public activity. Butt & Lindsey examine the risk of marginalizing minority groups amid strong halal policies and Sharia regional regulations. In their study, MSMEs and non-Muslim businesses are often “excluded” from the market due to expensive and bureaucratic halal certification constraints.³¹

Consequently, businesses in this region face dual pressures: they must comply with national halal regulations (Law Number 33 of 2014) while also adapting to sometimes stricter local norms. MSMEs often complain about high certification costs, difficult access to information, and burdensome administrative burdens, resulting in economic and social inequality. Many non-Muslim businesses are forced to leave or simply remain on the fringes, due to perceived discrimination, both formally (legally) and culturally (social pressure).

Impact on civil liberties and economic pluralism

The domino effect of strengthening regional sharia regulations and the local halal ecosystem is being felt in civil liberties and economic pluralism. The “halal” symbol, originally intended to protect Muslim consumers, has slowly transformed into a social filter that limits access for vulnerable groups (religious minorities, small businesses, or immigrants). In several regions, such as Aceh and several cities in West Sumatra, reports from the National Commission on Violence Against Women and human rights organizations have noted a trend toward tightening business space, restrictions on non-halal products, and stigmatizing businesses deemed “non-sharia compliant.”

In the context of pluralism, such regulations have sparked a long debate: to what extent should regional laws restrict the economic rights and freedom of enterprise for minority groups? How should

²⁸ R. Michael Feener, *Shari'a and Social Engineering: The Implementation of Islamic Law in Contemporary Aceh, Indonesia*, Oxford Islamic Legal Studies (Oxford: Oxford University Press, Incorporated, 2014), 218.

²⁹ Hayyun Durrotul Faridah, “Halal Certification in Indonesia; History, Development, and Implementation,” *Journal of Halal Product and Research (JHPR)* 2, No. 2 (December 21, 2019): 68–78, <https://doi.org/10.20473/jhpr.vol.2-issue.2.68-78>.

³⁰ Deviana Yuanitasari, Agus Sardjono, and Heru Susetyo, “Legal Perspective: Msmes As A Support System for Halal Industry in Fulfilling Sustainable Development Goals in Indonesia,” *Sosiohumaniora* 26, No. 2 (July 18, 2024): 213–24, <https://doi.org/10.24198/sosiohumaniora.v26i2.50597>.

³¹ Simon Butt and Timothy Lindsey, *Indonesian Law* (Oxford: Oxford university press, 2018), 50.

the state balance sharia protections with national constitutional guarantees of non-discrimination and equal rights?

Strengthening sharia legislation at the regional level contributes to expanding the scope and significance of halal certification. However, without increased access, affirmative action for MSMEs, and oversight mechanisms to prevent it from becoming a tool of exclusion or discrimination, halal certification risks becoming a symbol of domination—rather than a benefit. A middle ground that is inclusive, transparent, and fair is absolutely necessary so that national and local halal regulations are not merely instruments of the majority but truly benefit all citizens.

Table 1
Impact of Local Sharia Legislation on Halal Certification

Areas	Regional regulations/Qanun	Main Rules	Impact on Halal Certification
Aceh	Qanun Number 8/2016	Halal Product Assurance System	Mandatory halal certification for all consumer products
Aceh	Qanun Number 6/2014	Jinayat Law	Tightening halal standards in the public sphere
Padang	Local Regulation Number 11/2005	Obligatory Muslim Clothing	Social pressure on MSMEs for halal products
Tanah Datar	Local Regulation Number 4/2001	Enforcement of Islamic Sharia	Supervision and mentoring of halal-based businesses
Pariaman	Local Regulation Number 13/2012	Public Order and Community Peace	Halal standards as a requirement for businesses in the public sphere
Garut	Local Regulation Number 2/2008	Prohibition of Sinful Acts	Stigmatization of businesses without halal certification
Tasikmalaya	Local Regulation Number 12/2009	Religious Values	Halal norms are increasingly stringent; market access is increasingly selective

Compliance with religious norms and national legal hierarchy

The focus on halal certification brings vertical discussions to two main areas: first, adherence to sharia principles and values regarding product *halal*; second, its compatibility with the national legal structure, which underpins all faith-based policies in Indonesia. Religiously, halal certification is a direct manifestation of the core teachings of sharia. The Qur'an and Hadith emphasize the importance of consuming only what is halal and *thayyib*, and avoiding what is forbidden, as explicitly stipulated in Surah al-Baqarah: 168 - "O mankind! Eat of what is on earth that is lawful and good..." and Surah al-Ma'idah: 3, which prohibits the consumption of haram foods. In the realm of Islamic jurisprudence, this regulation falls under the chapter on *thaharah* and food and drink, forming part of the *maqasid* of sharia to protect religion, life, and property. Countries with a Muslim majority population are required to provide protection and guarantee that all products in circulation comply with these principles.³² Thus, Law Number 33 of 2014 concerning Halal Product Guarantee was born, which is not only a response to religious demands, but also a form of state responsibility to protect the rights of Muslim consumers from the risks of consuming non-halal products.³³

In its implementation, the state, through the Halal Product Guarantee Agency—in collaboration with the Indonesian Council of Ulama—regulates standards, procedures and monitoring systems to guarantee the halal status of products.³⁴ Halal certification is no longer merely a bureaucratic

³² Florence Bergeaud-Blackler, Johan Fischer, and John Lever, eds., *Halal Matters: Islam, Politics and Markets in Global Perspective*, First edition (New York: Routledge, 2016), 7, <https://doi.org/10.4324/9781315746128>.

³³ Putra and Andriani, "Faktor-Faktor yang Mempengaruhi Konsumen dalam Memilih Produk Halal."

³⁴ Nashirudin and Sa'adah, "Reviewing Shariah Certificates of DSN MUI (a Study on Shariah Certificate of DSN MUI on Paytren)."

formality, but has become a key instrument in the governance system for food, pharmaceuticals, cosmetics, and consumer goods in Indonesia. The existence of an official institution strengthens the vertical structure between religious teachings (derived from revelation and tradition) and positive legal instruments that bind all citizens, both Muslim and non-Muslim business actors. However, numerous issues have emerged in this harmonization process. One of these is the administrative and bureaucratic challenges for MSMEs. Many small business owners are hampered by costs, laboratory access, and technical understanding of the halal certification process.³⁵ On the other hand, large businesses are more adaptable, resulting in unequal access and the potential for economic discrimination. Policies initially intended to protect religion and consumers sometimes—unwittingly—shift into tools of exclusivity or even economic “filtering gates.” The debate over how the state should balance sharia ideals with the principles of justice and accessibility for all business actors continues in the public and academic spheres.

Within the framework of the national legal hierarchy, all regional regulations and derivative regulations of the Halal Product Guarantee Law must comply with constitutional principles and higher laws. The 1945 Constitution affirms the guarantee of human rights protection, religious freedom, and equality before the law.³⁶ Therefore, halal certification must be implemented without discriminating against non-Muslim groups or small businesses that face access difficulties. This issue is quite relevant in various judicial review forums and policy advocacy, as any exclusionary religious policy risks violating the principles of non-discrimination, equality before the law, and the economic rights of all citizens. The existence of religious norms, which are then formalized through state legislation, always invites dialogue—and even tension—between religious legitimacy and universal human rights standards. In Indonesia, there is ample room for compromise between the two. Although halal certification is widely accepted as a need for the majority, it must be balanced with oversight mechanisms to prevent violations of minority rights, monopolization of interpretation, or discriminatory practices in the field.³⁷

Theoretically, the success of vertical harmonization in the field of halal certification requires active dialogue between the state, religious scholars, business actors, and civil society. The government is required to act not only as a regulator, but also as a facilitator—ensuring access to information, simplifying processes, and providing comprehensive education about the importance of halal certification. Failure to establish this dialogue will only widen the gap between religious norms and the principles of justice in state law, making it difficult to achieve the goal of maqasid sharia, namely the common good. Therefore, halal certification in Indonesia is indeed vertically aligned with religious teachings and the values of maqasid sharia.³⁸ However, this harmony must be continuously maintained and refined through inclusive, proportional, and fair policies within the national legal structure. The experiences of other countries, such as Malaysia and Brunei Darussalam, can serve as a benchmark in building a halal system that is not merely formal, but also substantive and humane.³⁹

The emphasis on halal certification highlights how a regulation enacted in the name of protecting Muslim consumers can intertwine with various aspects of Indonesian life—whether in solidarity, conflict, or socio-economic inequality. For the majority of Muslims, halal certification represents a significant step forward for the state in meeting spiritual needs while ensuring food

³⁵ Sup et al., “Dinamika Regulasi Sertifikasi Halal di Indonesia.”

³⁶ Bambang Iswanto and Miftah Faried Hadinatha, “Sharia Constitutionalism: Negotiating State Interests and Islamic Aspirations in Legislating Sharia Economic Law,” *AHKAM: Jurnal Ilmu Syariah* 23, No. 1 (June 28, 2023), <https://journal.uinjkt.ac.id/index.php/ahkam/article/view/32899>.

³⁷ A. Fageh, “Building A Synergy Between the Halal Industry and The Green Industry in The Maqasid Syari’ah Review as The Basis of Islamic Economics,” *Journal of Islamic Economic Laws*, 2023, <http://journals.ums.ac.id>.

³⁸ Dewi Ayu Widyaningsih, “Sertifikasi Halal Perspektif Maqashid Syariah,” *Falah: Jurnal Hukum Ekonomi Syariah* 4, No. 1 (July 25, 2023): 61–72, <https://doi.org/10.55510/fjhes.v4i1.224>.

³⁹ Maisyarah Rahmi Hasan and Mohd Syahiran Abd Latif, “Towards a Holistic Halal Certification Self-Declare System: An Analysis of Maqasid al-Shari’ah-Based Approaches in Indonesia and Malaysia,” *Mazahib* 23, No. 1 (June 4, 2024): 41–78, <https://doi.org/10.21093/mj.v23i1.6529>.

safety.⁴⁰ The presence of the halal logo on food, beverage, medicine, and cosmetic products is not only an administrative symbol, but also a source of security, identity, and collective solidarity among the Muslim community. In many regions, businesses are competing to obtain halal certification to meet the demand of the large and loyal Muslim market. In this context, halal certification has successfully built trust among producers, consumers, and regulators. Not only in the domestic market, but also in export markets—particularly to the Middle East, Malaysia, and other Muslim-majority countries—the halal label has become a mandatory standard that boosts the competitiveness of Indonesian products.⁴¹ However, the horizontal impact of halal certification is not uniform across all levels of society. When certification became mandatory, many MSMEs faced financial barriers, limited legal literacy, and limited access to supporting institutions or halal testing laboratories. While large corporations with abundant resources easily processed certification and complied with all bureaucratic procedures, MSMEs, the backbone of the national economy, often lagged behind. On the ground, lengthy bureaucracy, uneven information distribution, and uneven digitalization exacerbated these conditions.

The impact is economic inequality: MSMEs unable to meet halal requirements lose access to Muslim markets, both locally, nationally, and for export. This inequality is even more pronounced in rural or outlying areas, where support from the Halal Product Guarantee Agency or the Indonesian Ulema Council's Food, Drug, and Cosmetics Research Institute is suboptimal.⁴² In some cases, MSMEs have been forced to close their businesses, reduce their product lines, or market their goods exclusively to non-Muslim segments. This reality widens social and economic gaps, strengthens the dominance of large businesses, and reduces MSMEs' contribution to inclusive growth. Horizontally, this policy reinforces religious identity in the public sphere, both in the realm of consumption and lifestyle.⁴³ Products without a halal label are starting to be viewed as inferior, unsafe, or even “suspicious” by most consumers. As a result, non-Muslim businesses are under pressure to obtain certification simply to survive in the market. This dynamic, if not balanced by education and cross-group dialogue, risks creating identity boundaries—who is “halal” and who is “other.” Some non-Muslims are starting to feel marginalized economically and socially, especially when efforts to obtain certification face challenges such as cost or biased religious interpretations from certification bodies.

The presence of halal certification in the social fabric has also given rise to a new culture of social control. Consumers become “supervisory agents” verifying every product, businesses engage in peer oversight, and the state increasingly intrudes into the private sphere through consumption regulation. On social media, for example, debates and even boycotts often arise against products deemed to be of unclear halal status. This collective suspicion gradually limits freedom of choice, suppresses innovation in local culinary traditions or minority traditions, and complicates the adaptation of global products entering the Indonesian market. On the one hand, halal certification encourages the growth of the sharia economy nationally. Indonesia aspires to become a global halal hub, boosting halal-based industrial, tourism, and creative economic sectors.⁴⁴ However, the impact remains two-sided: behind the significant opportunities, there are risks of exclusivity and market fragmentation. If not balanced with inclusive policies, halal certification could transform from a “guardian of the public interest” into an economic and social barrier that reinforces segregation between majority and minority groups.

In this context, halal certification demonstrates that policies born from religious norms have the potential to foster new solidarity, strengthen trust, and encourage the growth of the sharia

⁴⁰ Sukardi Sukardi et al., “Efektivitas Sertifikasi Halal dalam Meningkatkan Kepercayaan Konsumen,” *YUME: Journal of Management* 7, No. 2 (November 29, 2024): 1560–65, <https://doi.org/10.37531/yum.v7i2.7729>.

⁴¹ Sharifah Zannierah Syed Marzuki, Colin Michael Hall, and Paul William Ballantine, “Measurement of Restaurant Manager Expectations toward *Halal* Certification Using Factor and Cluster Analysis,” *Procedia - Social and Behavioral Sciences*, International Halal Conference InHAC 2012, 121 (March 19, 2014): 291–303, <https://doi.org/10.1016/j.sbspro.2014.01.1130>.

⁴² LPPOM MUI, “Laporan Tahunan Sertifikasi Halal dan Praktik Keberlanjutan” (Majelis Ulama Indonesia, 2023).

⁴³ Yuanitasari, Sardjono, and Susetyo, “Legal Perspective.”

⁴⁴ Prawiro and Fathudin, “Challenges in the Halal Industry Ecosystem.”

economy. However, without mitigating inequality and fostering cross-group dialogue, these regulations are vulnerable to widening socioeconomic gaps and fostering identity exclusion in a pluralistic society like Indonesia. Strengthening literacy, mentoring MSMEs, and equitable regulations are key prerequisites for halal certification to truly benefit all citizens.

Table 1. Horizontal Impact of Halal Certification

Dimensions	Positive Impact	Negative Impact
Social	Consumer trust, Muslim community solidarity	Marginalization of non-Muslims, identity segregation
Economy	Product competitiveness, sharia economic growth	Unequal access for MSMEs, narrowing markets
Culture	Strengthening halal identity, consumption standardization	Collective suspicion, restrictions on cultural innovation
Politics	Symbol of the state's commitment to serving the needs of the Muslim majority	Potential tool of social control and politicization
Law	Protection of Muslim consumers, harmonization with Islamic jurisprudence	Risk of discrimination, judicial review of policies

On the diagonal dimension, halal certification can no longer be viewed simply as a matter of product administration. It has become both a meeting point and an arena for tug-of-war between various forces—the state, religious institutions, businesses, and civil society. Every policy, regulation, and implementation of halal certification is never a single entity, but rather shaped by power flows, differing interpretations, and constantly competing economic, political, and ideological interests. The Halal Product Guarantee Agency serves as the backbone of the national halal regulator, but this institution does not stand alone.⁴⁵ The Indonesian Council of Ulama, as a fatwa and cleric institution, plays a central role in interpreting product halal requirements and validating each step of the certification process. This creates both synergy and tension: the Halal Product Guarantee Agency carries out the state's mandate, while the Indonesian Council of Ulama embodies religious authority with strong social legitimacy. At the implementation level, the Halal Inspection Agency, which emerged from various religious organizations, universities, and even professional organizations, further expands the spectrum of actors involved in the national halal system. It doesn't stop there,⁴⁶ from medium-sized businesses to multinational corporations, each has its own bargaining power. Large companies are able to negotiate with regulators, while MSMEs are sometimes caught between adaptation needs and resource constraints. This interaction creates an arena for bargaining, even lobbying—whether in the form of requests for accelerated certification, fee adjustments, or requests for administrative process flexibility.

At the national level, the Halal Product Guarantee Agency and the Indonesian Council of Ulama determine national standards. However, the reality on the ground varies widely. At provincial and district/city levels, relevant agencies often adopt local policies tailored to the needs, capabilities, and absorption capacity of businesses. Local religious institutions or Islamic organizations often wield significant influence in determining who is eligible or ineligible to receive halal certification, or how oversight is conducted. Transnationally, global halal standards—such as those set by the Gulf Cooperation Council, Jabatan Kemajuan Islam Malaysia, or Standards and Metrology Institute for Islamic Countries—contribute to shaping Indonesia's halal ecosystem. When national businesses wish to export abroad, they must adapt to international halal standards, which sometimes differ from the practices or interpretations of the Indonesian Council of Ulama.⁴⁷ This is where the debate lies: which

⁴⁵ Hasan and Latif, "Towards a Holistic Halal Certification Self-Declare System."

⁴⁶ "Kriteria Sistem Jaminan Halal dalam HAS23000 | LPH LPPOM Sertifikasi Halal," June 15, 2022, <https://halalmui.org/kriteria-sistem-jaminan-halal-dalam-has23000/>.

⁴⁷ Nura Ruhaya Abdul Halim et al., "Non-Conformance Report (NCR) on Malaysia Halal Certification: A Case Study among Small-Medium Scale Food Enterprises (SMEs) in Malaysia," *Food Control* 160 (June 1, 2024): 110298, <https://doi.org/10.1016/j.foodcont.2024.110298>.

standards are most valid, how cross-accreditation is carried out, and who benefits or is disadvantaged by the existing system.

Halal certification has also become a platform for ideological struggle. On the one hand, there's a broader narrative about protecting Muslim consumers, strengthening the sharia economy, and symbolizing national identity. On the other, human rights advocacy groups, pluralism activists, and some non-Muslim business owners are concerned that halal certification could become a tool of exclusivity or even economic discrimination.⁴⁸ When halal certification is implemented without regard for accessibility, transparency, and fairness, what emerges is resistance, both in the form of criticism in the public sphere and lawsuits.

This ideological competition even extends to global policy. As Indonesia strives to become a global halal hub, national policies often face geopolitical and economic competition with other countries. For example, mutual recognition agreements (MRAs) between halal institutions across countries are not always easy to negotiate. Before halal certification, consumption decisions were private and personal.⁴⁹ Once formally regulated, it transformed into a collective and institutional affair, with far-reaching political and economic implications. The government became not only a guarantor of sharia law, but also a market regulator, consumer protector, and even a "judge" in disputes over halal and haram products. Systemic impacts began to be felt across all sectors: micro-enterprises had to comply with regulations, large corporations sought certification, consumers became increasingly critical, and regulators faced a heavy workload and public responsibility.

Not everyone accepted this policy without hesitation. Civil society advocacy, through MSMEs, industry associations, and human rights groups, continues to monitor the implementation of halal certification to prevent it from becoming a tool for discrimination or oppression of vulnerable groups. Judicial reviews, both in the Supreme Court and through administrative lawsuits, have influenced the halal policy process. The media and academics have monitored, criticized, and provided input to the government so that the halal certification system can be continuously evaluated for the greater public benefit.

Table 2. Diagonal Analysis of Halal Certification

Dimension	Main Actor	Relationship/Interaction	Main Impact
State	Halal Product Guarantee Agency, Ministry of Religion	Regulator, facilitator, rule maker	National halal standards, bureaucratic system
Religion	Indonesian Council of Ulama, Halal Inspection Agency, Islamic Community Organization	Fatwa compiler, halal examiner, supervisor	Legitimacy of religion, differences of interpretation
Business	MSMEs, Corporations	Certificate application, market adaptation	Access to halal markets, resource inequality
Society	Consumer Muslim/non-Muslim, media	Social surveillance, criticism, support, boycott	Halal culture, social control, identity polarization
Law	National, Regional, Global	Regulatory harmonization, cross-country accreditation	Conflict, standard adaptation, international influence
Advocacy	Non-governmental organization, associations, academics	Judicial review, regulatory advocacy	Policy correction, reform pressure, education

⁴⁸ B. J. Sujibto and Fakhruddin M, "Non-Muslim Voices on Halal Certification: From Sectoral-Religious Tendencies to State-Mandated Regulations," *Jurnal Ilmu Sosial Dan Ilmu Politik* 26, No. 3 (March 14, 2023): 258–70, <https://doi.org/10.22146/jsp.67792>.

⁴⁹ Fajar Satriawan Wahyudi, Muhammad Agus Setiawan, and Sheema Haseena Armina, "Industri Halal: Perkembangan, Tantangan, dan Regulasi di Ekonomi Islam," *Innovative: Journal of Social Science Research* 3, No. 6 (November 26, 2023): 1801–15.

A diagonal analysis of halal certification demonstrates that this policy is not a linear product, but rather the result of negotiations, power interactions, and dynamic interpretive battles at various levels. The challenge ahead lies in building a halal certification system that is transparent, fair, and truly inclusive—not simply a “sharia symbol” that adds bureaucracy, but a halal ecosystem that brings economic, social, and diversity benefits to all Indonesians.

Halal certification: From consumer protection to an instrument of social control

Halal certification in Indonesia was initially introduced to address the fundamental need of Muslims for products guaranteed to be halal. In the world’s most populous Muslim country, this demand is strong, not only for religious reasons but also to build consumer confidence and security in the products they consume. The enactment of Law Number 33 of 2014 concerning Halal Product Assurance is the government’s response to providing this protection.⁵⁰ However, the long journey of this regulation shows the dynamics and shifting meaning: from simply protecting Muslim consumers to becoming an increasingly complex instrument of economic and social control.

Historically, the halal label on food, beverages, cosmetics, and pharmaceuticals has developed into a significant symbolic asset. In Muslim societies, halal certification is not merely a private matter but also a part of collective identity and cultural pride. Fischer highlights that in many Muslim-majority countries, halal has become a “social passport” demonstrating piety, obedience, and even “authenticity” as part of the Islamic community. This phenomenon is increasingly evident in Indonesia.⁵¹ After Law Number 33 of 2014, the Law concerning Halal Product Guarantees, was issued, every business actor—both Muslim and non-Muslim—had to align their products with halal standards if they wanted to reach a wider market. The halal logo on product packaging was no longer simply a guarantee of quality, but became a determinant of whether or not a product was accepted in the Muslim-majority market. This is the point at which halal certification began to shift in meaning: it became an instrument of social and economic selection, even indirectly limiting the economic expression of minority groups.⁵²

In practice, the halal certification process is inextricably linked to a complex institutional network. The state, through the Halal Product Guarantee Agency, is the primary regulator, but the Indonesian Council of Ulama retains key authority in issuing fatwas and halal certification.⁵³ This combination of state and religious authority strengthens both formal legality and social legitimacy in society. On the one hand, the presence of the Halal Product Guarantee Agency and the Indonesian Council of Ulama is expected to ensure that all stages of halal certification are transparent, professional, and in accordance with sharia standards. However, on the other hand, the concentration of authority in the hands of these actors has the potential to create monopolies of interpretation, convoluted bureaucracy, and even “exclusivity” practices that stifle innovation and healthy competition. The most obvious impact of the halal certification system in Indonesia is the unequal access between large corporations and MSMEs. Large companies, with abundant resources, can easily allocate dedicated budgets, undergo the full range of laboratory tests, and fulfill all administrative requirements. Conversely, MSMEs are often burdened by costs, lack information, and lack access to assistance or local halal certification laboratories.

Another striking change is the emergence of a culture of social surveillance. In a society deeply concerned with halal certification, consumers have become “control agents”—verifying product halalness, disseminating information, and even boycotting products deemed substandard. Social media further reinforces this trend: halal issues are not only about legality, but also about shaping brand image and reputation. In a multicultural society like Indonesia, the halal label has begun to function as

⁵⁰ “Undang-Undang No. 33 Tahun 2014 Tentang Jaminan Produk Halal,” 2014, <https://peraturan.bpk.go.id/Home/Details/38871/uu-no-33-tahun-2014>.

⁵¹ Bergeaud-Blackler, Fischer, and Lever, *Halal Matters*, 32.

⁵² Masriani, Maruf, and Noor, “Regulation of Halal Labeling on Indonesian MSME Food Products Based on Positive Law.”

⁵³ Nashirudin and Sa’adah, “Reviewing Shariah Certificates of DSN MUI (a Study on Shariah Certificate of DSN MUI on Paytren).”

a marker of “who we are”—limiting consumption choices to those deemed consistent with the identity of the majority group. Gradually, products without halal certification—even those that are legal and safe—are often avoided or regarded with suspicion. This phenomenon, as Fischer discusses, can lead to identity exclusivity and social segregation, especially if not balanced with cross-group education and the involvement of all parties in the certification system.

The development of halal certification is also inseparable from the tug-of-war of ideology and political interests. At the national level, efforts to become a global center of the halal industry are a major government agenda—with support for investment, exports, and the promotion of halal tourism. However, in daily practice, the legislative process, standard-setting, and field supervision are often coloured by negotiations between actors: the state, the Indonesian Council of Ulama, Islamic community organizations, business actors, and even consumers themselves. In some cases, halal certification has also become a tool for political compromise: regional elites, for example, use halal requirements as proof of Islamic commitment in order to gain political support from conservative groups. On the other hand, civil society groups and human rights activists continue to push for halal certification not to be used as a tool for exclusion or oppression of vulnerable groups.⁵⁴

Halal certification clearly brings many benefits: consumer protection, strengthening the sharia economy, and international recognition of Indonesian product standards. However, without serious mitigation of disparities in access and open dialogue across groups, halal certification could widen economic inequality, suppress local product innovation, and foster social segregation in a pluralistic society.⁵⁵ Fischer noted that a healthy national halal system must balance religious authority, economic interests, and principles of social justice.⁵⁶ Lengthy and costly bureaucratic processes need to be simplified, access for MSMEs must be expanded, and public education about the importance of halal must be directed at strengthening solidarity—not simply separating identities.

The transformation of halal certification in Indonesia, from consumer protection to an instrument of social control, has far-reaching consequences for the identity, economy, and social dynamics of society. The state, the Indonesian Council of Ulama, and all involved actors must ensure that this system does not deviate from its original purpose: to create welfare, justice, and a shared space of trust amidst diversity. Only with inclusive policies, equal access, and cross-group education can halal certification become a bridge—not a wall—for Indonesia’s pluralistic society.

Sharia regional regulations: Local legislation as an arena for political conservatism and identity

The phenomenon of Sharia regional regulations in Indonesia reflects the turmoil of political conservatism and the search for identity at the local level. It also demonstrates how Islamic legal policy can transform from a mere administrative product into a tool of social and political engineering that touches nearly every aspect of community life. Aceh is the most obvious laboratory. However, its echoes extend to West Sumatra, West Java, and other regions that have followed a similar path, albeit with distinct local flavors.⁵⁷

Behind the onslaught of regional sharia regulations lie two major intertwined forces: the need of local elites to maintain political legitimacy, and the grassroots demand for a more dominant “Islamic identity” in the public sphere. The creation of sharia qanuns was the result of a post-conflict political compromise between the central government and local elites. Sharia served as a form of “compensation” for Aceh’s special status and autonomy.⁵⁸ However, in practice, these legal products

⁵⁴ Sup et al., “Dinamika Regulasi Sertifikasi Halal di Indonesia.”

⁵⁵ Ulya Fuhaidah Asnawi and Ramlah Ramlah Ibrahim, “Implementasi Jaminan Produk Pangan Halal di Jambi,” *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 18, No. 2 (December 1, 2018): 211–26, <https://doi.org/10.18326/ijtihad.v18i2.211-226>.

⁵⁶ Johan Fischer and Eva F. Nisa, “Emerging Middles: Class, Development and the Halal Economy in Indonesia and Malaysia,” *Research in Globalization* 10 (June 1, 2025): 100276, <https://doi.org/10.1016/j.resglo.2025.100276>.

⁵⁷ Feener, *Shari'a and Social Engineering*, 54.

⁵⁸ Mukhlisuddin Ilyas, *Aceh & Romantisme Politik*, Cet. 1 (Banda Aceh, NAD [i.e. Nanggroe Aceh Darussalam]: Yogyakarta: Bandar Pub.; Distributor, Diandra Primamitra Media, 2008), 32.

then became the main instruments for strengthening Islamic symbols that were rooted in the values of society and the government system.

Regional regulations on sharia in Aceh, such as Qanun Number 11/2002 (Islamic Sharia in the Field of Islamic Belief, Worship, and Propagation), Qanun Number 6/2014 (Jinayat Law), to Qanun Number 8/2016 (Halal Product Guarantee System), are not only limited to personal moral matters.⁵⁹ These rules touch almost all aspects of life: from the obligation to wear Muslim clothing, supervision of social interactions, prohibitions on nighttime activities, to tightening sanctions for violations of religious norms such as adultery, gambling, and consumption of alcoholic beverages.

Uniquely, the regulations regarding halal products in Aceh are not merely administrative but also contain cultural and economic pressures. Qanun Number 8/2016, for example, stipulates that all food and beverage products sold in Aceh must be halal certified—and this is no longer an option, but an absolute requirement for businesses to survive in the market.⁶⁰ Non-Muslim businesses are also under pressure, as without halal certification, they could lose market access or even face social stigma. Similar conditions (albeit with varying degrees of pressure) have emerged in West Sumatra and West Java, which have adopted similar regional regulations, such as Regional Regulation Number 11/2005 in Padang (Mandatory Muslim Attire) and Regional Regulation Number 12/2009 in Tasikmalaya (Values for Religious Community Life).⁶¹

The implications of sharia-compliant regional regulations on social structures are significant. On the one hand, these policies foster a sense of security, identity, and collective solidarity among the Muslim majority. Islamic symbols become dominant in public spaces, from schools and government offices to markets and even informal spaces such as community groups. However, on the other hand, the space for expression and rights of minority groups are increasingly being squeezed. Many non-Muslim business owners feel “pushed out” of the economic mainstream. They struggle to meet halal requirements or resist forced identity adjustments. The National Commission on Violence Against Women and various studies have noted that in a number of cases, women and children, as well as religious or belief minority groups, have become victims of rampant raids, social sanctions, or even criminalization for behavior deemed to deviate from local sharia norms. Their space for economic and social participation has been drastically narrowed. Al-Ghazali emphasized that the core objectives of sharia (*maqasid al-shariah*) are to safeguard religion, life, intellect, posterity, and property. In the context of halal, protecting Muslim consumers from questionable products is in line with the principles of *hifz al-din* (protecting religion) and *hifz al-mal* (protecting wealth).⁶² However, Ghazali also warned of the dangers of *ghuluw* (excessive) in enforcing sharia - if sharia rules are carried out without paying attention to the collective benefit, harm and social resistance will arise.

Ibn Khaldun emphasized the importance of justice and balance in public policy. He warned that if the state or rulers overly suppress the people's economy with strict regulations and administrative measures, it will actually trigger inequality and the decline of civilization. In this regard, the implementation of very strict halal certification without fair access can create economic injustice and marginalize vulnerable groups. Al-Shatibi, a pioneer of the maqasid theory, emphasized that sharia was revealed to maintain the public interest, not merely a legal formality.⁶³ Every public policy—including halal regional regulations—must be tested to see whether it truly brings broad benefits or simply becomes an instrument of exclusivity for certain groups. Yusuf al-Qaradawi, one of the

⁵⁹ John Richard Bowen, *Islam, Law, and Equality in Indonesia: An Anthropology of Public Reasoning* (Cambridge: Cambridge University Press, 2003), 43, <https://doi.org/10.1017/CBO9780511615122>.

⁶⁰ Nurdinah Muhammad, Taslim HM Yasin, and H.M Husein A. Wahab, *Antropologi agama* (Banda Aceh: Ar-Raniry Press, IAIN Ar-Raniry Darussalam Banda Aceh bekerjasama dengan AK Group, 2007), 65.

⁶¹ Ending Solehudin, Hisam Ahyani, and Haris Maiza Putra, “Study on Sharia Compliance Principles in Halal Tourism Business in Bandung Regency: An Implementation of Islamic Business Ethics Principles (Professional Ethics),” *Millah: Journal of Religious Studies*, February 29, 2024, 39–66, <https://doi.org/10.20885/millah.vol23.iss1.art2>.

⁶² Abu Hâmid Muhammad al-Ghazali, *Al-Mustasfa Min 'Ilm al-Ushul* (Beirut: Mu'assasat al-Risâlah, 1417), 87.

⁶³ Al- Shatibi, *Al-Muwafaqat Fi Usul al-Shariah* (Beirut: Dar al-Ma'rifah, 2002), 65.

contemporary fiqh figures, emphasized that the priority in enforcing sharia is social justice and balance between the text (nash) and social reality.⁶⁴ Qaradawi emphasized that halal policies must be accompanied by support mechanisms for vulnerable groups (such as MSMEs and non-Muslims) to prevent economic discrimination that undermines the spirit of sharia as a blessing for all beings. Khaled Abou El Fadl criticized state practices that subjugate civil rights and diversity under the guise of enforcing sharia.⁶⁵ He warned that if sharia merely becomes a tool of exclusion or social domination, then religious authority will be far removed from the values of justice and inclusivity taught by the Prophet. Abdullahi Ahmed An-Na'im emphasized the importance of dialogue and social consensus before formally enforcing moral regulations or sharia.⁶⁶ For him, the implementation of sharia without protection of minority rights and pluralistic space will create social tension and weaken the basic values of Islam which respect freedom and justice.

Moral regulation: Enforcing conservative values in the public sphere

Moral regulations in Indonesia, whether in the form of regional regulations banning alcohol, restrictions on nighttime activities, or the implementation of the Pornography Law, are clear manifestations of efforts to instill conservative, religious-based values into the country's legal system. However, a closer look at the discourse and reflections of Muslim thinkers, both classical and contemporary, reveals a long-standing dialectic regarding the scope and limits of state (or ruler) intervention in public morality.

In the classical tradition, al-Mawardi emphasized the importance of hisbah—a social oversight mechanism implemented by the state to enforce *amar ma'ruf nahi munkar* (encouraging good and forbidding evil). Al-Mawardi believed that rulers have the right—and even the obligation—to regulate social life to safeguard the public interest, including public morality. However, he also emphasized limits: the state should not intrude too deeply into the private sphere unless it endangers the public interest and social stability.

Ibn Taymiyyah had a similar idea, but emphasized the need for the state to provide space for society to internalize religious values through education, not just legal enforcement. He emphasized that the effectiveness of Sharia law in upholding morality depends heavily on justice, proportionality, and sensitivity to social conditions. When the law is enforced repressively without education and role models, what emerges is not welfare, but rather slander, unrest, and even social rejection.⁶⁷

Moving into the modern era, Yusuf al-Qaradawi has been vocal in emphasizing the urgency of distinguishing between laws that genuinely benefit the public and regulations that merely serve as formalities. Qaradawi repeatedly emphasized that upholding moral values must be accompanied by an understanding of the social context, dialogue, and ongoing education—not simply coercion and sanctions. He strongly criticized the practice of criminalizing cultural expression or restricting women's rights, often in the name of morality, while actually damaging Islam's image as a religion of mercy.

Meanwhile, Abdullahi Ahmed An-Na'im was more radical in his defense of civil liberties and minority rights. He emphasized that Sharia law can only be effective and meaningful if adopted based on social consensus, not state coercion.⁶⁸ For An-Na'im, the implementation of moral law without dialogue and human rights protection will only lead to social fragmentation, resistance, and a crisis of justice. He warned that a modern state must be able to balance religious aspirations with the principles

⁶⁴ Yusuf Qaradawi, *Fiqh maqasid syariah: moderasi Islam antara aliran tekstual dan liberal* (Jakarta: Alkausar, 2007), 64.

⁶⁵ Khaled Abou El Fadl, *The Great Theft: Wrestling Islam from the Extremists*, 1. ed (New York, NY: HarperSanFrancisco, 2005), 76.

⁶⁶ 'Abd Allāh Ahmad Na'im, *Islam and the Secular State: Negotiating the Future of Shari'a* (Cambridge, Mass: Harvard University Press, 2008), 32.

⁶⁷ Abdul Rohman, Agung Apriana, and Opan Arifudin, "The Study of Economic Thought of Ibnu Taimiyah and Asy-Syatibi Connected with Maqashid Al-Syari'ah," *International Journal of Science Education and Technology Management (IJSETM)* 4, no. 1 (2025): 1–7.

⁶⁸ Na'im, *Islam and the Secular State*, 76.

of universal justice within the framework of the state constitution. Reading the discourse of the figures above, it is clear that the practice of moral regulation in Indonesia currently stands at the center of the classical-modern debate: between hisbah as the duty of the ruler and the enforcement of *amar ma'ruf nahi munkar*, and the need to limit the scope of state intervention to prevent it from becoming a tool of discrimination or oppression.

Moral regulation practices that overly emphasize repressive approaches, such as raids, forced dress codes, and the criminalization of art and culture, ultimately marginalize the spirit of benefit, tolerance, and respect for individual rights as taught by great figures in the history of Islamic thought. If the state is too dominant in regulating private behaviour and morality, collective fear, societal resistance, and social fragmentation are real consequences.

The dialogue between the thoughts of classical and contemporary figures teaches that enforcing moral regulation cannot be achieved solely through legalistic approaches and sanctions. Education, role models, and spaces for dialogue must be prioritized so that conservative values truly grow organically in society, without violating the principles of justice, benefit, and respect for the civil rights of every citizen. The state should be a facilitator, not merely a controller. This is the middle path relevant for a pluralistic and democratic Indonesia.

CONCLUSION

The dynamics of conservatism in halal certification practices, sharia regional regulations, and moral regulations in Indonesia reflect a strong effort by the state and society to assert Islamic identity in the public sphere. Halal certification has evolved from mere consumer protection to a socio-economic mechanism that determines market access and business status, even for minority groups. The implementation of sharia regional regulations in Aceh, West Sumatra, and West Java has reinforced the influence of majority values in regional policies, but has also created serious challenges in the form of discrimination, limited freedom of expression, and unequal economic access. Moral regulations also demonstrate the state's tendency to extend its intervention into the private sphere, sparking new debates about the boundaries between public interests and individual rights. While these policies have succeeded in creating a sense of security and solidifying the identity of the majority group, without clear protection for minority rights, the risk of exclusion and injustice remains high. Moving forward, the design of Islamic legal policy in Indonesia needs to be built on the principles of substantive justice, protection of diversity, and openness to dialogue. An inclusive and proportional approach is key to ensuring that the transformation of Islamic law not only strengthens symbols of identity but also truly realizes the common good for all elements of society.

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