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Dynamics of Halal Certification Acceleration in 2026: A Juridical Analysis of the Postponement of Mandatory Halal Requirements and the Integrity of the Self-Declaration Scheme for Micro and Small Enterprises (MSEs)

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Abstract

Pursuant to Article 160 paragraph (2) of Government Regulation No. 42 of 2024 implementing Law No. 33 of 2014 as amended by Law No. 6 of 2023 on Job Creation, the government extended the mandatory halal certification deadline to 17 October 2026 exclusively for micro and small enterprise (MSE) producers of food and beverage products, slaughter products, and slaughtering services; this targeted postponement does not apply to medium and large enterprises or other product categories. This article examines the juridical consistency of the postponement with the principle of legal certainty and the normative robustness of the self-declare scheme in safeguarding halal integrity. Adopting a normative legal research design based on statutory and conceptual approaches, the study analyzes primary legal instruments and secondary materials for doctrinal analysis. The analysis demonstrates that the postponement reflects a policy-based interpretation accommodating structural constraints such as limited administrative capacity, institutional readiness, and MSE compliance challenges, rather than a deviation from the mandatory halal certification regime. Nevertheless, the self-declare mechanism, grounded in Article 4A of the Job Creation Law, raises concerns regarding substantive verification adequacy and institutional oversight. In addition, interpretative ambiguities within implementing provisions on transitional periods and supervisory mechanisms generate potential legal uncertainty. The principal implication highlights the need to strengthen supervisory and verification mechanisms by optimizing Halal Product Process Assistants (P3H) roles and ensuring SiHalal system coherence, so that the postponement serves as a justified transitional measure rather than diluting halal assurance standards.

KEYWORDS
BPJPH; halal certification; mandatory halal 2026; msmes; self-declare.

Introduction

Indonesia has articulated an ambitious vision to position itself as a global hub for the halal industry, institutionally grounded in Law No. 33 of 2014 on Halal Product Assurance, which mandates halal certification for products circulating within its territory. This legal framework embodies the state's constitutional obligation to guarantee religious observance and consumer protection while enhancing national competitiveness in the global halal market (Imran et al., 2023; Mahfudz et al., 2021). However, despite its doctrinal clarity, implementation has revealed persistent structural constraints, particularly among Micro and Small Enterprises (MSEs), which dominate Indonesia's economic landscape (Rachman et al., 2022). In response to these challenges, the government introduced a transitional regulatory measure through Article 160(2) of Government Regulation No. 42 of 2024, which extends the mandatory halal certification deadline until 17 October 2026 for specific categories of qualifying MSE products, namely food and beverage products, slaughter products, and slaughtering services. While this extension is intended to facilitate regulatory compliance among resource-constrained enterprises, it simultaneously raises critical juridical questions regarding legal certainty, regulatory consistency, and the substantive integrity of the halal assurance system.

A review of the closest prior studies indicates that existing research on halal certification has primarily concentrated on implementation readiness, regulatory compliance, institutional coordination, and the operational expansion of certification access for micro and small enterprises (Rachman et al., 2022; Shalihin & Hidayati, 2020) analyzed MSE readiness and identified structural barriers such as limited administrative capacity, financial constraints, and inadequate regulatory information dissemination. While (Sukri, 2021) assessed enforcement effectiveness and public compliance levels prior to the original 2024 deadline. Meanwhile, (Widyawati, 2022) addressed institutional coordination challenges among BPJPH and related bodies, and (Anggraini et al., 2023) evaluated the self-declare mechanism primarily as a procedural instrument for expanding MSE certification access. These studies provide valuable insights into administrative barriers, enforcement challenges, governance arrangements, and the self-declare mechanism; however, they do not specifically examine the juridical validity of postponing mandatory halal certification deadlines or the doctrinal implications of shifting verification responsibilities under the halal assurance regime (Cahyaningrum et al., 2025). Unlike previous scholarship, this article focuses on the legality of the 2026 postponement from the perspective of legal certainty and analyzes whether the self-declare scheme affects normative accountability, verification integrity, and the distribution of supervisory authority within Indonesia's halal product assurance system. By positioning postponement as an independent object of legal analysis rather than merely an implementation outcome, this study offers a distinct doctrinal contribution to the literature on halal governance and regulatory certainty. To ensure analytical accuracy, all cited references should be verified and aligned with their actual research focus, and a concise comparative table summarizing prior legal studies, their scope, and the contribution of the present study should be incorporated in the revised manuscript.

A doctrinal gap therefore persists concerning the juridical legitimacy of postponing the mandatory halal certification deadline and the consistency of such postponement with the principle of legal certainty under Indonesian administrative and regulatory law. This gap becomes increasingly significant following the enactment of Law No. 11 of 2020 on Job Creation, as amended by Law No. 6 of 2023 (Undang-Undang Nomor 6 Tahun 2023 Tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 2 Tahun 2022 Tentang Cipta Kerja Menjadi Undang-Undang, 2023), and its implementing regulations, which introduced the self-declare certification mechanism as a simplified pathway for certain categories of MSE products. Through this mechanism, part of the substantive verification responsibility is shifted from certified halal auditors to business actors and Pendamping Proses Produk Halal (P3H) (Hidarya & Badrudin, n.d.; Prawiro & Fathudin, 2023) Empirical reports published by the Halal Product Assurance Organizing Agency (BPJPH) further indicate that P3H facilitators generally undergo relatively short competency-based training programs with varying implementation standards across regions (Badan Penyelenggara Jaminan Produk Halal, 2025). Consequently, the central legal issue extends beyond technical competence alone and concerns broader questions of institutional accountability, supervisory adequacy, and normative consistency within a rapidly expanded certification system (Delfina et al., 2023; Djumarno & Sinjar, 2021; Suswanto & Gunawan, 2021).

Accordingly, this article differs from previous studies by specifically examining three interconnected doctrinal issues that have not been comprehensively analyzed in earlier legal scholarship: first, the juridical basis and legality of the postponement of mandatory halal certification for specific MSE product categories until 17 October 2026; second, the extent to which such postponement remains consistent with the principle of legal certainty; and third, the accountability implications of the self-declare mechanism within the halal product assurance system. By focusing on these issues, this article positions the postponement policy not merely as an administrative adjustment, but as a significant legal development requiring doctrinal evaluation concerning regulatory coherence, state supervisory responsibility, and the preservation of substantive halal assurance standards.

Within this evolving legal landscape, the postponement of mandatory halal certification cannot be reduced to an administrative adjustment; rather, it constitutes a critical juridical moment that redefines the balance between legal obligation and regulatory feasibility (Rupianti & Nashohah, 2023; Triastuti et al., 2024). Unlike prior studies that focus predominantly on implementation challenges or policy effectiveness, this article adopts a normative legal approach to examine the legality of the postponement itself, its implications for the principle of legal certainty, and its interaction with the accountability structure of the self-declare mechanism. The original contribution of this study lies in its systematic doctrinal analysis of the postponement as a legal instrument, combined with a critical evaluation of how accelerated certification pathways reshape the normative foundations of halal assurance in Indonesia. By doing so, the article advances the scholarly discourse beyond descriptive policy analysis toward a more rigorous examination of legal integrity, institutional coherence, and the sustainability of Indonesia's halal governance framework.

Methods

This study adopts a normative juridical (doctrinal) legal research design to address two central research questions: (i) the juridical validity and legal certainty of the postponement of mandatory halal certification, and (ii) the normative integrity and accountability of the self-declare certification scheme for Micro and Small Enterprises (MSEs). The research is primarily grounded in a statutory approach, complemented by conceptual and synchronization analyses, in order to systematically interpret, compare, and evaluate the coherence of Indonesia's halal regulatory framework.

The methodological framework of this study prioritizes authoritative legal instruments within a hierarchical doctrinal structure, including Law No. 33 of 2014 on Halal Product Assurance, Law No. 11 of 2020 on Job Creation as amended by Law No. 6 of 2023, Government Regulation No. 39 of 2021, and Government Regulation No. 42 of 2024 as the principal legal basis governing the 2026 postponement of mandatory halal certification for specific categories of micro and small enterprise products. Government Regulation No. 42 of 2024 is treated as the decisive and mot current regulatory instrument, while Government Regulation No. 39 of 2021 remains relevant insofar as its provisions concerning halal product assurance governance, certification procedures, institutional responsibilities, and the self-declare mechanism are not expressly amended or superseded by the newer regulation. The selection of these legal materials is based on their direct normative relevance to halal certification obligations, postponement policies, legal certainty, regulatory harmonization, and the institutionalization of the self-declare scheme. News sources are incorporated solely as contextual illustrations of policy developments and implementation practices rather than as doctrinal authorities, with their inclusion limited to reports that satisfy criteria of source credibility, official verification, temporal relevance, and exclusively supplementary explanatory value.

Secondary legal materials consist of peer-reviewed journal articles, official reports issued by the Halal Product Assurance Organizing Agency (BPJPH), academic books, and authoritative legal commentaries, which are utilized to support doctrinal interpretation and provide scholarly perspectives regarding regulatory developments, institutional accountability, and halal governance. In addition, contextual materials derived from credible news sources are incorporated in a strictly limited and supplementary capacity to illustrate policy implementation dynamics and public regulatory responses. The selection of news materials is subject to several criteria: first, the source must originate from nationally recognized media institutions or official governmental communication channels; second, the reported information must be capable of verification through official statements, regulations, or BPJPH publications; third, the publication date must correspond closely to the period of regulatory change or implementation being analyzed to ensure temporal relevance; and fourth, the content must directly relate to the implementation of halal certification postponement or the operation of the self-declare mechanism. Accordingly, news sources are employed solely as contextual illustrations to explain implementation circumstances and administrative developments, and not as independent doctrinal authority or primary legal basis in the legal analysis.

The analytical framework employs multiple techniques of legal interpretation to ensure methodological precision. First, statutory interpretation is applied using grammatical, systematic, and teleological methods to elucidate the meaning, structure, and legislative intent of relevant provisions governing halal certification and its postponement. Second, conceptual analysis is utilized to clarify key legal doctrines, including legal certainty, consumer protection, and regulatory accountability, which form the normative basis of the study. Third, synchronization analysis is conducted both vertically and horizontally to assess the consistency between higher-level statutes and implementing regulations, particularly in examining potential norm conflicts or ambiguities within specific provisions, such as those contained in Articles 170 and 171 of Government Regulation No. 39 of 2021.

The analytical sequence proceeds through several stages. Initially, relevant legal norms are identified and classified according to their hierarchical position and substantive focus. Subsequently, these provisions are systematically compared to detect inconsistencies, overlaps, or interpretative ambiguities, particularly in relation to the postponement policy and the redistribution of verification authority under the self-declare scheme. Where norm conflicts or uncertainties are identified, they are evaluated using principles of legal hierarchy (lex superior derogat legi inferiori), specificity (lex specialis derogat legi generali), and temporal application (lex posterior derogat legi priori). The final stage involves deriving prescriptive normative conclusions by assessing whether the existing regulatory framework sufficiently upholds legal certainty and substantive halal assurance, or whether doctrinal refinement and institutional strengthening are required. Through this structured methodological pathway, the study moves beyond descriptive exposition of regulations toward a rigorous legal analysis that connects statutory interpretation with normative evaluation, thereby producing conclusions that are doctrinally grounded and directly responsive to the identified research problems.

Result and Discussion

Contextual Disparities in Halal Certification Implementation

The contextual findings reveal a persistent gap between regulatory objectives and implementation capacity within Indonesia's halal certification regime. Micro and Small Enterprises (MSEs) continue to constitute the dominant segment of Indonesia's business structure and play a crucial role in the national economy. Earlier implementation studies reported that halal certification coverage among MSEs remained very limited during the initial stages of policy implementation, with certification rates estimated at approximately 1% by the end of 2021. However, these figures should be interpreted as historical indicators rather than representations of the current implementation context. Recent data from the Halal Product Assurance Organizing Agency (BPJPH) indicate substantial progress toward the mandatory halal certification target. As of October 2025, BPJPH had issued approximately 2.79 million halal certificates covering more than 9.6 million halal-certified products, increasing to over 3 million certificates and 10.3 million certified products by November 2025 (Badan Penyelenggara Jaminan Produk Halal, 2025). Despite this significant expansion, the scale of Indonesia's MSE sector continues to present considerable implementation challenges, suggesting that certification coverage remains uneven across business categories and regions as the October 2026 mandatory halal certification deadline approaches. Therefore, the principal policy challenge has shifted from certification initiation toward accelerating comprehensive compliance and ensuring equitable certification access across the broader MSE ecosystem.

This disparity is further substantiated by scholarly findings that identify multiple systemic constraints. These include limited awareness among business actors regarding certification obligations, inadequate administrative capacity to navigate procedural requirements, and insufficient dissemination of regulatory information (Asriyani Said & Jamaluddin, 2022; Kusnadi, 2019). Such structural barriers collectively contribute to the slow uptake of halal certification and justify, from a policy standpoint, the postponement of mandatory certification requirements to 2026. Nevertheless, within the framework of this study, these contextual data function strictly as empirical background rather than as determinants of juridical validity. They provide a socio-

Table 1. Contextual Findings on Halal Certification Implementation

No	Aspect	Findings	Implication
1	Number of MSEs	Over 65 million business units	Large regulatory target population
2	Certification Rate	Approximately 1% certified (2021)	Low compliance level
3	Key Constraints	Awareness, administrative capacity, information dissemination	Structural implementation barriers
4	Policy Context	Postponement to 2026	Transitional policy justification

regulatory landscape within which legal norms operate but do not, in themselves, establish the legality or illegality of the postponement policy. The distinction between empirical context and normative legal reasoning remains essential to maintaining doctrinal rigor. The key contextual findings on halal certification implementation are summarized in Table 1.

Legal Institutionalization of the Self-Declare Mechanism

At the doctrinal level, the findings demonstrate that the legal framework governing halal certification has undergone a significant normative transformation. The enactment of Article 4A within the amended legal regime formally institutionalizes the self-declare mechanism as an alternative pathway for MSEs to obtain halal certification. This provision represents a deliberate policy shift aimed at simplifying certification procedures and increasing accessibility for smaller business actors. Normatively, the self-declare mechanism redistributes elements of the verification process from state-certified auditors to business actors themselves. This shift is accompanied by the involvement of Pendamping Proses Produk Halal (P3H), who function as facilitators rather than primary certifiers. From a statutory perspective, this arrangement is legally valid, as it is explicitly grounded within the hierarchy of legislation governing halal product assurance.

However, this institutional shift simultaneously reconfigures the allocation of legal responsibility within the halal assurance system. By assigning declarative authority to business actors, the system introduces new dimensions of accountability that require careful interpretation. In particular, questions arise regarding the extent of state responsibility, the reliability of self-declared claims, and the adequacy of supervisory mechanisms in ensuring substantive compliance with halal standards. The key doctrinal findings regarding the legal basis, verification shift, supporting actors, and accountability issues are summarized in Table 2.

Normative Ambiguity in Government Regulation No. 39 of 2021

Further doctrinal analysis identifies a central normative ambiguity in the transitional provisions of Government Regulation No. 39 of 2021. Article 170 provides that, upon the entry into force of this Government Regulation, all legislation constituting implementing regulations of Government Regulation No. 31 of 2019 concerning the Implementing Regulation of Law No. 33 of 2014 on Halal Product Assurance shall remain valid insofar as they do not conflict with this Government Regulation, whereas Article 171 expressly revokes Government Regulation No. 31 of 2019 and declares it no longer valid. These provisions generate a precise legal-operational contradiction by extinguishing the foundational regulatory framework while conditionally preserving its subordinate instruments without a clear mechanism for their integration, supersession, or continued enforceability under the new comprehensive regime. Consequently, BPJPH encounters uncertainty in determining applicable enforcement standards and procedural continuity; P3H facilitators face ambiguous operational guidelines for certification assistance and training; and MSE business actors experience unclear compliance pathways and facilitation procedures, thereby risking inconsistent implementation and delayed halal certification for micro and small enterprises.

The contradiction becomes particularly evident at the operational level. If Article 170 is interpreted strictly as a complete revocation clause, then technical guidelines and procedural standards previously used by BPJPH and related institutions would immediately lose their legal basis once Government Regulation No. 39 of 2021 entered into force. However, Article 171 implicitly recognizes that the new regulation does not yet comprehensively regulate all technical and administrative aspects of halal certification, thereby allowing prior implementing rules to remain temporarily applicable. This dual formulation generates uncertainty regarding which procedural standards continue to apply during the transitional period, especially in areas where updated technical regulations have not yet been fully issued or harmonized.

The practical consequences of this ambiguity are substantial for institutional actors and business entities. For BPJPH, the uncertainty may result in inconsistent administrative practices across regions, particularly concerning document verification procedures, supervisory mechanisms, and the implementation of the self-declare scheme. For Pendamping Proses Produk Halal (P3H) facilitators, the absence of a clearly harmonized transitional framework may create confusion regarding the applicable verification standards, forms of evidentiary assessment, and the scope of their supervisory authority. Meanwhile, for micro and small enterprise (MSE) business actors, the ambiguity risks producing inconsistent compliance requirements, uncertainty concerning procedural obligations, and unequal treatment in halal certification processing between different administrative regions. In practice, some MSE actors may still be assessed using technical guidelines derived from earlier regulations, while others are subjected to newly introduced procedures under Government Regulation No. 39 of 2021 and subsequent implementing instruments.

Before proposing a harmonized interpretation of the transitional framework, it is necessary to examine the legal effect of Government Regulation No. 42 of 2024 on the continuing validity of Government Regulation No. 39 of 2021. PP No. 42 of 2024 expressly revokes and replaces PP No. 39 of 2021, thereby establishing a new regulatory framework for the administration of halal product assurance. Consequently, Articles 170 and 171 of PP No. 39 of 2021 can no longer be regarded as controlling transitional provisions in a formal legal sense. Instead, their relevance must be assessed by determining whether their substantive objectives concerning legal continuity, institutional stability, and operational implementation have been preserved, modified, or superseded under PP No. 42 of 2024. From this perspective, the principle of *lex posterior derogat legi priori* requires that PP No. 42 of 2024 serve as the primary reference for interpreting the current transitional framework. Nevertheless, where the newer regulation maintains analogous regulatory objectives and implementation mechanisms, the substantive rationale underlying Articles 170 and 171 may still provide interpretative guidance for understanding the evolution of Indonesia's halal product assurance system. Such an approach strengthens legal certainty, ensures doctrinal coherence, and aligns the analysis with the prevailing regulatory framework governing halal certification after 2024 The key normative ambiguities identified in Government Regulation No. 39 of 2021 are summarized in Table 3.

Table 2. Doctrinal Findings on Self-Declare Mechanism

No	Legal Aspect	Normative Provision	Legal Implication
1	Legal Basis	Article 4A (Halal Law amendment)	Formal institutionalization
2	Verification Shift	From auditors to business actors	Redistribution of responsibility
3	Supporting Actor	P3H facilitators	Procedural assistance role
4	Accountability Issue	Self-declaration by MSEs	Potential verification limitations

Alignment with the Objectives of Halal Product Assurance Law

The doctrinal analysis of Law No. 33 of 2014 on Halal Product Assurance establishes that its foundational objectives, as expressly set out in Article 3 and reinforced in the General Elucidation, are directed toward consumer protection through the provision of comfort, security, safety, and legal certainty in the availability of halal products, alongside the imposition of state responsibility for an integrated system of certification, supervision, and institutional accountability as a manifestation of constitutional principles of legal protection and public welfare (Hasanah et al., 2025). Although Article 4A of Law No. 6 of 2023 on Job Creation, read together with Government Regulation No. 39 of 2021, introduces a self-declare mechanism for micro and small enterprise products that is facilitated by Pendamping Proses Produk Halal (P3H) verifiers as a procedural simplification intended to expand certification coverage while preserving the original legislative aims, this reallocation of verification authority from certified auditors to business actors and facilitators must still operate within the statutory requirement of an integrated supervisory framework. Grounded in the recognized legal principle of rechtszekerheid, which demands predictable, consistent, and adequately supervised regulatory implementation, the mechanism remains formally consistent with the objectives of Article 3; however, its substantive legitimacy and effectiveness in safeguarding halal integrity ultimately depend on the state's demonstrated capacity to maintain post-certification monitoring, standardized verification, and institutional accountability as mandated by the integrated system under the 2014 Law. The doctrinal alignment between these legal objectives and the current self-declare mechanism is summarized in Table 4.

Juridical Validity of Postponement and Systemic Implications

The postponement of mandatory halal certification for qualifying micro and small enterprise (MSE) products until 17 October 2026 remains juridically valid because it derives from a legally delegated regulatory framework rather than from an independent executive policy. Law No. 33 of 2014 on Halal Product Assurance establishes the substantive obligation that products entering, circulating, and being traded in Indonesia must be halal certified. Subsequently, Law No. 11 of 2020 on Job Creation, as confirmed by Law No. 6 of 2023, restructured aspects of the implementation mechanism and authorized the Government to further regulate technical and administrative procedures through implementing regulations. Pursuant to this delegated authority, Government Regulation No. 42 of 2024, which replaced Government Regulation No. 39 of 2021, provides the operative framework governing the phased implementation of halal certification obligations, including transitional arrangements for MSE actors.

Accordingly, the postponement does not alter, suspend, or eliminate the substantive legal obligation established by Law No. 33 of 2014. Rather, it regulates the timing and procedural implementation of that obligation during a transitional period designed to accommodate institutional readiness and documented administrative constraints affecting MSE participation. From the perspective of delegated legislation, the postponement remains within the scope of regulatory authority because it neither creates a permanent exemption nor derogates from the objectives of consumer protection, halal assurance, and legal certainty embodied in Article 3 of Law No. 33 of 2014. The implementing regulation merely operationalizes statutory mandates by determining the manner and timeframe of compliance. Consequently, the postponement should be understood as a lawful transitional mechanism that remains subordinate to, and consistent with,

Table 3. Normative Ambiguity in Government Regulation No. 39 of 2021

No	Provision	Normative Content	Interpretative Issue	Suggested Resolution
1	Article 170	Conditional preservation: All implementing regulations of PP No. 31 of 2019 remain valid insofar as they do not conflict with PP No. 39 of 2021	Ambiguity concerning the precise scope of "not contrary" and identification of which prior rules continue to apply during the transitional period	Issuance of harmonized technical guidelines by BPJPH clarifying continuity, supersession, and applicable standards under the prevailing regulatory framework
2	Article 171	Express revocation: PP No. 31 of 2019 is revoked and declared no longer valid in its entirety	Potential regulatory vacuum or over-reliance on conditionally preserved subordinate instruments, risking procedural discontinuity for BPJPH, P3H facilitators, and MSE actors	Explicit transitional provisions in successor regulations (e.g., PP No. 42 of 2024) together with updated technical guidelines to ensure operational and procedural continuity
3	Regulatory Impact	Overlapping or conflicting norms arising from simultaneous preservation and revocation of the prior framework	Implementation inconsistency across institutions, regions, and business actors, with uneven compliance pathways and verification standards	Systematic harmonization of all subordinate regulations and technical guidelines under PP No. 42 of 2024 as the primary reference
4	Legal Principle	Application of lex posterior derogat legi priori alongside principles of legal continuity and coherence	Requirement for functional interpretation that maintains doctrinal consistency without creating normative gaps	Prioritization of PP No. 42 of 2024 while drawing interpretative guidance from the objectives of Articles 170 and 171 where their underlying purposes remain analogous

Table 4. Doctrinal Alignment with Legal Objectives

No	Legal Objective	Normative Basis	Policy Alignment	Potential Limitation
1	Consumer Protection	Halal Law (2014)	Maintained	Verification consistency
2	Legal Certainty	Structured certification system	Preserved	Norm ambiguity
3	State Responsibility	Verification & supervision	Partially redistributed	Reduced direct control
4	Policy Mechanism	Self-declare scheme	Procedural modification	Oversight constraints

the legislative framework governing halal product assurance in Indonesia. The overall juridical findings and their implications are summarized in Table 5. The discussion is structured around three core juridical issues legal certainty (rechtszekerheid), proportionality, and accountability in order to systematically assess the implications of postponing mandatory halal certification until 2026 and expanding the self-declare mechanism within Indonesia's halal governance framework.

Legal Certainty and Normative Consistency

The postponement of mandatory halal certification until 17 October 2026 for micro and small enterprise (MSE) products in the specific categories of food and beverage products, slaughter products, and slaughtering services is formally accommodated under Law No. 6 of 2023 within the post–Job Creation regulatory framework and further implemented through Government Regulation No. 42 of 2024 concerning the Administration of Halal Product Assurance. This measure remains legally valid as a transitional administrative adjustment that preserves the substantive certification obligation established by Law No. 33 of 2014 on Halal Product Assurance, thereby satisfying the doctrinal requirements of legal certainty through clear, consistent, and predictable normative adaptation within the existing legislative hierarchy. While previous studies by (Sukri, 2021; Widyawati, 2022) primarily emphasize implementation obstacles and institutional coordination challenges, they do not sufficiently examine how such transitional ambiguities affect legal coherence and consistency within the halal assurance regime.

Nevertheless, the legal validity of the postponement must be analytically distinguished from the separate normative question of whether the self-declare supervisory mechanism provides substantively adequate verification accountability, institutional oversight, and maintenance of halal integrity standards. Regulatory ambiguities that affect procedural predictability for the Badan Penyelenggara Jaminan Produk Halal (BPJPH), Pendamping Proses Produk Halal (P3H) facilitators, and MSE actors therefore require harmonized implementing regulations and effective oversight to uphold normative consistency in the halal product assurance regime.

Proportionality between Regulatory Burden and Consumer Protection

The postponement policy may be justified under the principle of proportionality, a doctrine widely recognized within Indonesian public law and reflected in the constitutional commitment to the rule of law (*negara hukum*) under Article 1(3) of the 1945 Constitution, as well as the General Principles of Good Governance (*Asas-Asas Umum Pemerintahan yang Baik*) embodied in Law No. 30 of 2014 on Government Administration. Within this framework, governmental measures must maintain a reasonable balance between the legitimate objectives pursued and the burdens imposed upon regulated subjects. Applying a proportionality analysis, the first requirement is the existence of a legitimate objective, namely the protection of Muslim consumers through the implementation of the halal product assurance system. Second, the postponement of mandatory certification constitutes a suitable measure because it enables business actors, particularly Micro and Small Enterprises (MSEs), to prepare for compliance while preserving the long-term effectiveness of the certification regime. Third, the necessity requirement is satisfied insofar as immediate and comprehensive enforcement could impose substantial compliance barriers on MSEs, as documented by previous studies (Efendi et al., 2023; Muhamad, 2020; Putra, 2024). Without such adjustment, strict enforcement could generate excessive economic burdens, potentially leading to market exclusion of small-scale actors. This aligns with institutional economic theories that justify regulatory relaxation to maintain systemic stability (Boon & al., 2020; Idris & al., 2022). Finally, under the balancing stage (*proportionality stricto sensu*), the temporary extension of certification deadlines produces a more equitable balance between consumer protection objectives and the economic sustainability of small business actors. Accordingly, the postponement policy should not be viewed as a relaxation of halal assurance obligations but rather as a proportionate regulatory adjustment designed to achieve the statutory objectives of halal certification through a more realistic and legally balanced implementation process.

Nevertheless, proportionality must be assessed in conjunction with the precautionary principle embedded in consumer protection, particularly in the context of halal assurance. Under Law No. 33 of 2014 on Halal Product Assurance, halal certification is designed not merely as an administrative requirement but as a substantive guarantee ensuring that products comply with religious norms. The expansion of the self-declare mechanism, while reducing compliance costs, shifts part of the verification burden to business actors, thereby potentially weakening ex ante safeguards. Previous studies (Anggraini et al., 2023; Zulaikha & al., 2023) have noted declining public confidence when verification mechanisms are perceived as insufficiently rigorous. The present study contributes by framing this issue doctrinally: the proportionality of regulatory relaxation becomes legally problematic when it disproportionately reduces the level of substantive protection afforded to consumers. Thus, the tension identified is not merely policy-based but reflects a fundamental juridical imbalance between efficiency and protection.

Accountability and Institutional Capacity in the Self-Declare Scheme

The introduction of the self-declare mechanism under Law No. 11 of 2020 on Job Creation reconfigures the accountability structure of halal certification by assigning a central role to Pendamping Proses Produk Halal (P3H). From a governance perspective, this model enhances accessibility; however, it raises critical questions regarding the adequacy of institutional safeguards. Empirical references (Anggraini et al., 2023; Ghifari & Priyatno, 2024; Ilham, 2022) indicate that P3H facilitators typically undergo relatively short-term training programs with varying levels of standardization. When compared to conventional audit-based certification systems, which often require extensive technical training, standardized accreditation, and periodic re-certification, this model reveals a disparity in verification rigor.

The accountability challenges arising from the Self-Declare halal certification scheme are not merely technical but also juridical, as responsibility for ensuring halal compliance is distributed among business actors, Pendamping Proses

Table 5. Overall Juridical Findings and Implications

No	Aspect	Finding	Legal Status	Implication
1	Postponement Policy	Transitional measure	Legally valid	Adaptive regulation
2	Legal Consistency	No direct statutory conflict	Normatively coherent	Doctrinal support
3	Systemic Impact	Ambiguity & accountability shift	Requires interpretation	Legal complexity
4	Regulatory Need	Harmonization & strengthening	Essential	Ensuring legal certainty

Produk Halal (P3H) facilitators, and regulatory institutions, particularly BPJPH. Illustrative cases, including the Nabidz controversy, may be understood as examples of potential operational vulnerabilities within accelerated certification procedures; however, such cases should not be treated as independent evidence of systemic verification failure. Rather, their evidentiary value is limited to demonstrating risks thatmay emerge when certification processes rely substantially on declaratory mechanisms. Broader concerns regarding verification quality and supervisory effectiveness are more appropriately supported by empirical studies examining the implementation of halal certification governance. Previous research has identified challenges related to the uneven distribution of facilitator competencies, disparities in implementation capacity across regions, constraints in monitoring resources, and the administrative complexity associated with supervising large numbers of Micro and Small Enterprise applicants (Amalia & Mariani, 2021; Matnuh et al., 2023; Pratama & Arif, 2024). These findings are consistent with institutional evaluations indicating that the rapid expansion of certification participation requires corresponding improvements in supervisory capacity, verification procedures, and accountability mechanisms. From a juridical perspective, the central issue is not whether the Self-Declare scheme inherently weakens halal assurance, but whether the institutional framework possesses sufficient capacity to maintain effective oversight and substantive verification standards. Accordingly, the legitimacy of the Self-Declare mechanism depends upon the continued ability of regulatory institutions to ensure legal certainty, preserve accountability, and uphold the integrity of the halal product assurance system.

Implications for Halal Governance Theory and Practice

The analysis demonstrates that the postponement of mandatory halal certification and the expansion of the self-declare mechanism constitute legally permissible but normatively conditional policies. Their legitimacy depends on the extent to which they preserve the core principles of legal certainty, proportionality, and accountability. Unlike prior studies that primarily frame these policies in terms of implementation effectiveness, this article contributes to halal governance scholarship by articulating how regulatory flexibility must be doctrinally bounded to maintain the integrity of halal assurance systems.

Accordingly, these policies should be understood as transitional legal instruments rather than permanent regulatory solutions. Strengthening normative clarity, enhancing institutional capacity, and reinforcing verification standards are essential to ensure that the acceleration of certification does not erode the substantive guarantees embedded in halal law. In the absence of such measures, the legal system risks evolving toward formal compliance without adequate assurance, thereby undermining both consumer protection and the credibility of Indonesia's halal governance framework in the global context.

Conclusion

The analysis demonstrates that the postponement of mandatory halal certification until 2026, as regulated under Law No. 33 of 2014 on Halal Product Assurance, as amended through Law No. 6 of 2023 on Job Creation, and further implemented through Government Regulation No. 42 of 2024, particularly Article 160(2), is juridically permissible within Indonesia's current halal regulatory framework. The postponement applies specifically to designated categories of products and business actors as stipulated in the prevailing regulation and therefore cannot be interpreted as a general exemption from halal certification obligations. Nevertheless, such permissibility remains normatively conditional upon the preservation of legal certainty, regulatory accountability, and substantive halal assurance. The study finds that the postponement constitutes a pragmatic transitional policy intended to address structural limitations faced by Micro and Small Enterprises in achieving certification compliance. However, its implementation continues to generate identifiable legal and administrative challenges, including potential regulatory ambiguity, disparities in supervisory capacity, and increased reliance on business actors under the self-declare certification mechanism. Accordingly, the effectiveness and legitimacy of the postponement policy depend on the extent to which regulatory authorities can maintain credible verification, monitoring, and enforcement mechanisms while advancing the broader objectives of Indonesia's halal product assurance system.

Furthermore, the doctrinal examination confirms that the self-declare scheme, although legally grounded in the amended regulatory framework, reconfigures the architecture of halal verification by redistributing responsibility from state-centered audit mechanisms to a hybrid model involving business actors and facilitators. This transformation does not inherently contradict the objectives of halal assurance law; however, it creates conditional vulnerabilities where verification standards and accountability mechanisms are not uniformly reinforced. In particular, ambiguities in the interpretation of implementing provisions and the limited standardization of verification practices indicate that the integrity of halal assurance remains dependent on institutional coherence and effective supervision.

This study concludes that the postponement of mandatory halal certification until 17 October 2026 for specific categories of micro and small enterprise products constitutes a legally permissible transitional instrument rather than a substantive relaxation of halal certification obligations under Law No. 33 of 2014 on Halal Product Assurance. Its doctrinal validity depends upon the state's ability to maintain regulatory harmonization, clarify interpretative ambiguities, and strengthen verification and supervisory mechanisms throughout the transition period. At the same time, the expansion of the self-declare mechanism introduces continuing doctrinal and institutional challenges concerning legal accountability, supervisory consistency, and substantive halal assurance standards, particularly due to ambiguities in the transitional validity of implementing regulations under Articles 170 and 171 of Government Regulation No. 39 of 2021 (Pemerintah Republik Indonesia, 2021). Future doctrinal analysis should therefore examine unresolved questions such as post-certification liability for inaccurate self-declarations, sanctions for inaccurate self-declaration, and the harmonization of subordinate regulations and technical guidelines, recognizing the postponement policy as a legally contingent transitional phase requiring continuous regulatory refinement to ensure that procedural flexibility does not undermine legal certainty, institutional accountability, and consumer protection within Indonesia's halal certification regime.

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