

**PROTECTION OF MUSLIM CONSUMERS IN HALAL CERTIFICATION CLAUSES WITHIN INDONESIA–UNITED STATES BUSINESS AGREEMENTS (BOARD OF PEACE): A MAQĀṢID AL-SHARĪ‘AH PERSPECTIVE**

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**ABSTRAK**

Perjanjian bisnis Board of Peace antara Indonesia dan Amerika Serikat memunculkan perdebatan di ruang publik, terutama karena adanya klausul yang dianggap memberi kelonggaran terhadap kewajiban sertifikasi halal bagi produk asal Amerika. Isu ini cepat menjadi sensitif karena menyangkut kepentingan konsumen Muslim yang selama ini dilindungi melalui sistem jaminan produk halal. Penelitian ini bertujuan untuk menganalisis perlindungan konsumen Muslim dalam perjanjian bisnis Indonesia dan Amerika Serikat (Board of Peace) dengan fokus pada klausul sertifikasi halal, serta menilai kesesuaiannya dengan prinsip Maqāṣid al-Syarī‘ah. Penelitian menggunakan pendekatan yuridis normatif dengan analisis terhadap regulasi, kontrak bisnis internasional, dan Maqāṣid Al-Syarī‘ah, khususnya dalam menjaga agama (*hifz al-dīn*), jiwa (*hifz al-nafs*), dan harta (*hifz al-māl*) dalam konteks perlindungan konsumen. Hasil penelitian menunjukkan bahwa klausul sertifikasi halal dalam perjanjian bisnis internasional masih bersifat parsial dan belum terintegrasi secara kuat dalam struktur kontrak. Banyak kontrak yang hanya menempatkan halal sebagai atribut tambahan, bukan sebagai kewajiban hukum yang mengikat. Dari perspektif Maqāṣid Al-Syarī‘ah, kondisi ini belum sepenuhnya memenuhi tujuan perlindungan konsumen Muslim karena belum menjamin kepastian, transparansi, dan akuntabilitas dalam rantai pasok produk halal. Penelitian ini menawarkan formulasi klausul halal yang lebih komprehensif dan berbasis Maqāṣid Al-Syarī‘ah, yang menempatkan sertifikasi halal sebagai elemen substantif dalam kontrak bisnis internasional.

**Kata kunci:** konsumen muslim; board of peace; sertifikasi halal; maqāṣid al-syarī‘ah

**ABSTRACT**

*The Board of Peace business agreement between Indonesia and the United States has sparked public debate, particularly due to provisions perceived as granting leniency toward halal certification requirements for products originating from the United States. This issue has quickly become sensitive, as it directly affects the interests of Muslim consumers who have long been protected under Indonesia’s halal product assurance system. This study aims to analyze the protection of Muslim consumers within the Indonesia–United States business agreement (Board of Peace), with a specific focus on halal certification*

*clauses, and to assess their conformity with the principles of Maqāṣid al-Sharī'ah. This research adopts a normative juridical approach by examining relevant regulations, international business contracts, and the framework of Maqāṣid al-Sharī'ah, particularly in safeguarding religion (ḥifẓ al-dīn), life (ḥifẓ al-nafs), and wealth (ḥifẓ al-māl) in the context of consumer protection. The findings reveal that halal certification clauses in international business agreements remain partial and are not yet firmly integrated into the contractual structure. In many cases, halal is treated merely as an additional attribute rather than a binding legal obligation. From the perspective of Maqāṣid al-Sharī'ah, this condition falls short of fully achieving the objectives of Muslim consumer protection, as it does not ensure legal certainty, transparency, and accountability within the halal product supply chain. This study proposes a more comprehensive formulation of halal clauses grounded in Maqāṣid al-Sharī'ah, positioning halal certification as a substantive and binding element within international business contracts.*

**Keywords:** muslim consumers; board of peace; halal certification; *maqāṣid al-sharī'ah*

## INTRODUCTION

The rapid expansion of global trade has stimulated the emergence of various forms of international business agreements involving economic, political, and cross-border consumer protection interests. Within the framework of trade relations between Indonesia and the United States, the emergence of the Board of Peace business agreement has attracted significant public attention due to provisions perceived as providing flexibility regarding halal certification requirements for products imported from the United States into Indonesia (Kompas.com, 2026). Through the Agreement of Reciprocal Trade (ART), the governments of Indonesia and the United States agreed to relax halal certification and labeling obligations for several categories of U.S. manufactured, food, and agricultural products (Wahyuningtyas, 2026). This agreement has generated controversy and opposition from the Indonesian Ulema Council (MUI), which considers the policy capable of weakening Indonesia's halal product assurance system. The issue has become particularly sensitive because it directly concerns the rights of Muslim consumers to obtain products whose halal status is guaranteed in accordance with sharia principles and national legal provisions.

Halal certification is no longer understood merely as a religious necessity, but has evolved into an integral component of the modern consumer protection

system. The President Director of LPPOM, Muti Arintawati, emphasized that the agreement potentially conflicts with Indonesia's halal product assurance regulations (MUI, 2026). This concern was reinforced by Hidayat Nur Wahid, Vice Chairman of the People's Consultative Assembly (MPR RI) and member of Commission VIII of the House of Representatives (DPR RI), who argued that the exemption of halal certification within the Indonesia–United States trade agreement contradicts the Halal Product Assurance Law currently enforced in Indonesia (mpr.go.id, 2026). As the country with the largest Muslim population in the world, Indonesia demonstrates a substantial demand for halal product assurance in public consumption practices. The State of the Global Islamic Economy (SGIE) Report 2024/2025 indicates that Indonesia ranks third in the global Islamic economy and represents one of the world's largest halal markets (Gateway, 2025). This position illustrates that halal has become an essential element within the national economic structure as well as a strategic instrument in international trade.

The enormous scale of the global halal market demonstrates that the halal industry has evolved into an economic sector with substantial commercial value. Mariam Abdul Latif argues that halal certification contributes significantly to the growth and expansion of halal product sales because it functions as an effective marketing instrument (Latif, 2020). The State of the Global Islamic Economy (SGIE) Report 2024/2025 recorded that Muslim consumer expenditure in the halal sector reached approximately US\$2.43 trillion in 2023 and is projected to increase to US\$3.36 trillion by 2028 (*kemenkeu.go.id*, 2025). These figures indicate that halal certification is no longer merely symbolic in nature, but has become a global trade standard that influences consumer confidence, product competitiveness, and legal legitimacy within international trade networks.

Within the Indonesian legal framework, the protection of Muslim consumers is formally recognized through Law Number 8 of 1999 concerning Consumer Protection and Law Number 33 of 2014 concerning Halal Product Assurance. These regulations affirm that consumers possess the right to obtain accurate, clear, and honest information regarding the products they consume, including information related to the halal status of such products. Abdul Rachman further explains that halal certification constitutes a fundamental right of Muslim

consumers (Rachman, 2020). Consequently, halal certification functions not only as an administrative mechanism but also as a form of legal protection safeguarding the basic rights of Muslim consumers.

Nevertheless, in the practice of international business agreements, halal certification clauses are frequently not positioned as substantive provisions that legally bind contracting parties. Many international commercial contracts treat halal requirements merely as supplementary trade attributes rather than as binding clauses carrying explicit legal consequences in cases of non-compliance. This situation creates the potential for legal uncertainty, weak supply chain transparency, and difficulties in monitoring imported products circulating within domestic markets. In the context of the Board of Peace agreement, these challenges become increasingly complex due to differences in legal standards, competing free trade interests, and varying mechanisms of halal certification recognition among countries.

These conditions demonstrate the urgent need for harmonization between international trade law and sharia-based consumer protection systems. Strengthening halal clauses within international business contracts is essential to ensure that the protection of Muslim consumers extends beyond normative national regulations and possesses enforceable legal authority in cross-jurisdictional transactions. Without clear and binding halal clauses, Muslim consumers may occupy a vulnerable position amid the ongoing liberalization of global trade.

From the perspective of *Maqāṣid al-Sharī‘ah*, the protection of Muslim consumers constitutes part of the broader objectives of safeguarding religion (*hifẓ al-dīn*), preserving human life (*hifẓ al-nafs*), and protecting wealth (*hifẓ al-māl*) (Anshori, 2020). Halal products are not limited to matters of religious observance but also encompass consumer safety, transparency of information, and economic protection for society (Rachman et al., 2022). Therefore, halal certification should be understood as an instrument containing ethical, legal, and social dimensions simultaneously. When halal clauses in international business agreements are formulated inadequately, the protective objectives envisioned by *Maqāṣid al-Sharī‘ah* cannot be fully achieved.

This study is significant because it examines the protection of Muslim consumers within halal certification clauses in the Indonesia–United States business agreement (Board of Peace) from the perspective of *Maqāṣid al-Sharī‘ah*. In addition, the study proposes a more comprehensive formulation of halal clauses that emphasizes legal certainty, transparency, and accountability in international trade practices. Accordingly, this research is expected to contribute theoretically to the development of sharia business law and consumer protection studies, while also offering practical recommendations for the reformulation of halal clauses in future international business agreements.

## **METHOD**

This study employs a qualitative research method using normative juridical and *Maqāṣid al-Sharī‘ah* approaches. These approaches were selected because the research focuses on the analysis of legal norms, international business contract clauses, and the principles of *Maqāṣid al-Sharī‘ah* in protecting Muslim consumers in relation to halal certification within the Indonesia–United States business agreement (Board of Peace). The study aims to identify forms of legal protection available to Muslim consumers within both the national legal system and cross-border trade practices. In addition, the normative juridical approach is used to examine halal certification clauses in the Indonesia–United States business agreement (Board of Peace), including trade policy dynamics associated with the recognition of halal certification for imported products. Meanwhile, the *Maqāṣid al-Sharī‘ah* approach in this research is concentrated on three principal objectives: the protection of religion (*hifẓ al-dīn*), the preservation of life (*hifẓ al-nafs*), and the protection of wealth (*hifẓ al-māl*). These objectives serve as the normative foundation for safeguarding Muslim consumers within the framework of the Board of Peace agreement.

## **DISCUSSION**

### **Regulatory Framework for The Protection of Muslim Consumers in Halal Certification in Indonesia**

The normative existence of halal certification in Indonesia has significantly developed since the enactment of Law Number 33 of 2014 concerning Halal Product Assurance (JPH), which transformed halal certification from a voluntary practice into a mandatory obligation. This transformation was intended to provide legal certainty for Muslim consumers in consuming products that comply with sharia principles, while simultaneously strengthening the role of the state in ensuring the halal status of products circulating within society (Priantina & Sapian, 2023).

The implementation of halal certification serves primarily to protect Muslim consumers, particularly when integrated with Law Number 8 of 1999 concerning Consumer Protection as the principal legal foundation for guaranteeing legal certainty, consumer rights, including safety, access to information, compensation, and the obligations of business actors. This regulation affirms the right of consumers to obtain accurate, clear, and honest information regarding the condition and guarantees of products, including information related to halal aspects (Yuanitasari et al., 2024). Consequently, halal certification functions not only as a religious instrument but also as a legal protection mechanism for Muslim consumers.

Halal certification also operates as a legal safeguard against the risks associated with consuming products that do not comply with sharia principles, particularly in the context of globalization and international trade. Imported products distributed in Indonesia are required to comply with national halal standards in order to ensure security and certainty for Muslim consumers. This condition demonstrates that halal certification possesses a strong protective dimension within the national legal system (Saviera, 2024a). In addition, halal certification can strengthen public trust in products circulating in the market through the institutional credibility of the Halal Product Assurance Organizing Agency (BPJPH) as the authorized halal certification body (Wajdi, 2019).

The protection of Muslim consumers within Indonesia's positive legal system constitutes an integral component of the national consumer protection framework, which is founded upon Law Number 8 of 1999 concerning Consumer Protection and Law Number 33 of 2014 concerning Halal Product Assurance. From a legal perspective, Muslim consumers possess a constitutional right to practice their religious beliefs, including the right to select and consume halal products. Accordingly, the state bears the obligation to guarantee the halal status of products through regulations that provide legal certainty, safety, and consumer comfort (Subagyono et al., 2020).

This protective framework is not merely normative in character but also substantive, as it concerns the fulfillment of consumers' rights to obtain accurate, clear, and honest information regarding product conditions. Within this context, the halal status of a product is regarded as an integral part of consumer rights related to information transparency and product safety. The Halal Product Assurance System (SJPH) functions as an essential instrument to ensure that products circulating in the market have undergone verification processes in accordance with sharia standards and national regulations (Habibi et al., 2025). The protection of Muslim consumers within Indonesia's positive legal system is therefore not confined to economic considerations alone, but also encompasses religious dimensions that form part of the fundamental rights of citizens. In this regard, guarantees concerning halal products represent a form of state recognition of the spiritual needs of Muslim communities in practicing their religious teachings (Zulham, 2017).

In the implementation of halal product assurance in Indonesia, legal protection for Muslim consumers is realized through the obligation imposed on business actors to display halal labels on certified products and to provide clear information when products are not halal. This obligation reflects the legal responsibility of business actors to ensure certainty of information regarding the halal status of products distributed in the market. Furthermore, regulations governing halal product assurance establish administrative and criminal sanctions for business actors who fail to comply with these obligations. Such sanctions serve as law enforcement instruments intended to ensure compliance among business

actors while creating deterrent effects against violations that may harm Muslim consumers.

Nevertheless, the implementation of these policies continues to encounter various challenges in practice. These include weak supervision by relevant authorities, limited awareness among business actors regarding the importance of halal certification, and restricted access to certification due to financial burdens, particularly for small and medium enterprises. These conditions indicate that the effectiveness of legal protection for Muslim consumers has not yet been fully optimized and still requires improvements in both regulatory supervision and facilitation mechanisms (Charity, 2018).

The protection of Muslim consumers within the context of international business agreements has become increasingly significant alongside the expansion of global trade and the rapid growth of the halal industry. From a legal perspective, such protection extends beyond contractual aspects and includes the fulfillment of sharia principles, particularly those related to product halalness, transparency of information, and fairness in cross-border transactions. Muslim consumers possess a fundamental right to obtain products that are halal and thayyib. Consequently, both states and business actors are obligated to guarantee the fulfillment of these rights in every form of transaction, including those conducted within international trade frameworks.

Within the framework of international law, cross-border business agreements are generally governed by the principle of freedom of contract. However, this principle is not absolute, as it must remain consistent with national legal norms and the religious values adhered to by consumers, including sharia principles. In this context, halal regulation functions as an important instrument for bridging differences between the legal systems of producing and consuming countries. Variations in halal standards among states may generate legal uncertainty and create the potential for violations of the rights of Muslim consumers.

The dimension of consumer protection also encompasses aspects of information disclosure and transparency within international contracts. In global trade practices, consumers frequently encounter limited access to information concerning product composition, production processes, and halal status. Such

conditions may give rise to practices of misrepresentation or *tadlis* (deceptive information), which are contrary to the principle of honesty recognized in Islamic law. Consequently, the obligation of business actors to provide clear and accurate information regarding the halal status of products constitutes an integral component of Muslim consumer protection (Geofani et al., 2024).

From the perspective of sharia economic law, the protection of Muslim consumers in international business agreements is closely related to the principles of justice (*'adl*), responsibility (*amanah*), and public benefit (*maslahah*). International contracts that fail to incorporate these principles may adversely affect Muslim consumers, both materially and spiritually. Therefore, the integration of sharia principles into international business contracts has become increasingly necessary, particularly within the rapidly expanding global halal industry (Masri et al., 2025). The development of digital technology and cross-border electronic commerce (e-commerce) has also generated significant implications for consumer protection systems, especially for Muslim consumers. Digital transactions involving business actors from multiple jurisdictions create differences in regulatory standards, including those related to halal product assurance, thereby making supervision increasingly complex. This condition demonstrates that consumer protection mechanisms can no longer rely solely on conventional approaches, but instead require adaptive and globally integrated systems.

### **Discourse on Halal Certification Clauses in The Indonesia–United States Business Agreement (Board Of Peace)**

The discourse surrounding halal certification clauses in international business agreements, including those between Indonesia and the United States, cannot be separated from the increasingly complex dynamics of global trade. Halal certification has evolved from being merely a religious obligation into a strategic instrument within the international trading system that enhances product competitiveness and expands access to global markets (Mashuri & Sapa, 2026). In this context, the inclusion of halal clauses in cross-border business contracts becomes essential as a mechanism for protecting the interests of Muslim consumers while simultaneously ensuring compliance with sharia standards.

Differences in halal regulatory standards among countries, particularly between Indonesia and the United States, create significant challenges in the harmonization of halal standards. This situation has intensified the need for mutual recognition mechanisms and the integration of international standards developed by global institutions in order to prevent technical barriers to trade (Naila et al., 2025). In practice, halal certification clauses are closely associated with international trade law, especially within the import and export sectors of food products. The implementation of halal certification for imported goods demonstrates that halal regulations function not only as instruments of domestic consumer protection but also as trade regulatory mechanisms carrying international legal implications (Dewi et al., 2024).

Halal certification clauses in international business agreements represent a form of contractual regulation that has developed alongside the expansion of the global halal industry. Within international trade practices, halal certification is no longer understood solely as a religious requirement but has transformed into a legal and economic instrument with implications for technical standards governing cross-border commerce. This development indicates that halal clauses in international business contracts operate as part of non-tariff measures (NTMs) that influence market access and product competitiveness.

In export-import agreements, joint ventures, and international distribution contracts, halal certification clauses have become integral contractual components. These clauses regulate the obligations of contracting parties to ensure that traded products comply with specific halal standards established either by the destination country or by international institutions such as OIC/SMIIC. The harmonization of international halal standards has therefore become a crucial issue, as variations in standards among countries may generate technical trade barriers and contractual disputes (Anita & Sapa, 2025).

The existence of halal certification clauses in international contracts is also closely linked to the principles of good faith and compliance obligations within contract law. Business actors are required to guarantee that marketed products conform to the halal claims being asserted. Failure to comply with such clauses may result in legal consequences including breach of contract, contract termination, and

claims for damages. In this respect, halal certification functions as a guarantee of product quality and integrity within the global market (Lestari et al., 2025).

Beyond contractual legal aspects, halal clauses also possess strategic economic dimensions. Halal certification has proven capable of increasing global consumer trust and expanding market access, particularly in countries with predominantly Muslim populations. As a result, the inclusion of halal clauses in international business contracts frequently becomes a primary requirement in specific trade transactions.

Nevertheless, the implementation of halal certification clauses in international agreements continues to encounter various structural and normative challenges. One of the principal challenges is the fragmentation of global halal standards, where individual countries maintain different halal certification authorities, auditing mechanisms, and halal criteria. This condition arises because no universally recognized global halal standard currently exists, leading states to preserve their respective national standards (Hakim, 2023). Such fragmentation contributes to legal uncertainty in international trade, particularly for business actors who must adapt their products to multiple non-uniform certification regimes. Moreover, these differences substantially increase compliance costs, as businesses are often required to obtain certifications from several institutions in order to access different international markets.

The limited harmonization of regulations and the restricted implementation of mutual recognition mechanisms among states also constitute significant barriers to improving the effectiveness of halal certification clauses. Differences in sharia interpretation, regulatory systems, and cross-border supervisory mechanisms remain the primary factors obstructing the achievement of harmonized international halal standards (Lutfika et al., 2022). Furthermore, the limited global recognition of halal certification demonstrates that the existing system remains fragmented and lacks an integrated universal accreditation mechanism (Urus, Azzis, Roslan, et al., 2025). Consequently, halal certification clauses in international business agreements play a crucial role as instruments for regulating product standards, protecting consumers, and enhancing global competitiveness. However, their effectiveness depends heavily upon international standard harmonization, legal

certainty, and the commitment of contracting parties to fulfill their contractual obligations.

### **Asymmetry and Harmonization of Halal Product Assurance Regulations Between Indonesia and the United States**

The asymmetry of halal product assurance regulations between Indonesia and the United States reflects fundamental differences in legal paradigms, institutional structures, and public policy approaches adopted by each country. Indonesia implements a state-based mandatory halal certification system through Law Number 33 of 2014 concerning Halal Product Assurance (JPH), under which specific products distributed within Indonesian territory are required to obtain halal certification. The implementation of this regulation is administered by the Halal Product Assurance Organizing Agency (BPJPH), which possesses administrative and regulatory authority, thereby positioning halal certification as an integral component of the national legal system (Yakub & Zein, 2022). This model places the state as the principal actor responsible for ensuring legal certainty, protecting Muslim consumers, and standardizing halal products at the national level.

In contrast, the United States does not maintain a federal regulation mandating halal certification. The halal system in the United States is voluntary and decentralized, with halal certification administered primarily by private organizations or Muslim community institutions without direct state intervention in the form of legal obligations (Najla & Huda, 2025). Government involvement remains indirect through general food safety regulations, such as those administered by the Food and Drug Administration (FDA), without specifically regulating halal aspects. This condition demonstrates that halal certification in the United States is shaped more by market-driven mechanisms and consumer demand rather than by normative state obligations.

These differing approaches create substantial asymmetry in terms of legal certainty, standardization, and supervisory mechanisms. In Indonesia, the centralized system facilitates relatively uniform and integrated halal standards, although it also generates challenges related to bureaucratic complexity and administrative burdens for business actors, particularly in audit processes,

certification procedures, and license renewals (Maulana et al., 2025). Conversely, the flexible system in the United States offers greater convenience for business actors but may result in fragmented halal standards due to the absence of a single national authority responsible for regulating and supervising certification processes. This situation contributes to variations in certification quality and potential inconsistencies in the implementation of halal standards (Yustianingsih et al., 2024).

Within the context of harmonization, various efforts have been undertaken to bridge these regulatory differences through international forums and the development of global standards. Organizations such as the Organization of Islamic Cooperation (OIC), through the Standards and Metrology Institute for Islamic Countries (SMIIC), have attempted to formulate international halal standards capable of being adopted by member states. Nevertheless, the implementation of these standards continues to encounter obstacles due to differences in sharia interpretation, national economic interests, and institutional readiness among countries (Fadhillah & Saputra, 2025). Furthermore, non-Muslim majority countries such as the United States are not obligated to adopt these standards, thereby increasing the complexity of harmonization efforts.

The harmonization of halal regulations also requires the establishment of mutual recognition agreements (MRAs) among states, enabling reciprocal recognition of halal certifications. However, the implementation of such agreements remains limited and does not yet encompass all trading partner countries. This limitation arises from differences in technical standards, auditing procedures, and levels of trust toward certification institutions in each country (Hulwati et al., 2025). Without strong recognition mechanisms, business actors are required to undergo repeated certification processes in every export destination country, ultimately increasing production costs and reducing trade efficiency.

At the same time, the expansion of the global halal industry demonstrates that regulatory harmonization constitutes not merely a normative necessity but also an important economic strategy. Countries capable of integrating halal certification systems with international standards tend to possess stronger competitiveness in global markets. Indonesia, as the country with the largest Muslim population in the

world, holds substantial potential to become a global halal industry hub. However, this objective can only be achieved if Indonesia succeeds in bridging regulatory gaps with its major trading partners, including the United States.

Accordingly, regulatory harmonization represents a strategic measure for reducing such disparities, although it requires international commitment, global standardization, and the strengthening of mutual recognition mechanisms. Without effective harmonization efforts, the potential for regulatory conflicts and trade barriers will continue to pose significant challenges to the development of the global halal industry.

### **Integration of Maqāṣid Al-Sharī‘ah into Halal Certification Clauses for the Protection of Muslim Consumers**

Maqāṣid al-Sharī‘ah constitutes a normative framework within Islamic law that is oriented toward the realization of public benefit (*maṣlaḥah*) and the prevention of harm (*mafsadah*) in human life (Umami & Ghofur, 2022). In the context of consumption, this concept is not limited to the textual dimension of halal (*ḥalāl*) alone, but also encompasses the principle of *ṭayyib*, referring to products that are good, safe, and of high quality (Dahlala et al., 2024). The five principal objectives (*al-kulliyāt al-khams*), namely the protection of religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-‘aql*), lineage (*ḥifẓ al-nasl*), and wealth (*ḥifẓ al-māl*), serve as ethical foundations guiding Muslim consumption activities.

In modern consumption practices, particularly involving cross-border products, the principle of *ḥifẓ al-dīn* requires certainty that consumed products do not violate sharia provisions (Wahab & Mahdiya, 2026). Meanwhile, *ḥifẓ al-nafs* relates to food safety and public health aspects, including guarantees that products are free from harmful substances (Mawardi & Insani, 2026). Furthermore, *ḥifẓ al-māl* emphasizes the protection of consumers from fraud, mislabeling, and information asymmetry within global trade practices (Sahhari et al., 2025).

Indonesia, as the country with the largest Muslim population in the world, has experienced a continuous increase in halal awareness. The State of the Global Islamic Economy Report 2023/2024 recorded that global Muslim consumer expenditure in the halal food sector exceeded USD 1.4 trillion, with significant

growth trends in Southeast Asia (Hasna, 2025). This development reinforces the understanding that halal consumption is no longer merely a religious preference, but has evolved into an economic necessity and a consumer right that requires systematic legal protection.

Halal certification fundamentally operates as a legal and administrative instrument designed to translate the values of Maqāṣid al-Sharī‘ah into operational and measurable mechanisms (Nasik et al., 2026). In this context, halal certification cannot be regarded solely as a symbolic label, but rather as a legal guarantee ensuring the fulfillment of Muslim consumer protection principles (UtrizaYakin et al., 2021).

First, from the perspective of ḥifz al-dīn, halal certification provides normative certainty for consumers in practicing their religious obligations. Without credible certification, Muslim consumers are placed in a condition of uncertainty (gharar), which contradicts sharia principles (Bonne & Verbeke, 2008).

Second, within the framework of ḥifz al-nafs, halal certification is closely connected to standards of product safety and quality (Bukhari, 2023). This relationship can be observed through the integration of halal systems with standards such as Good Manufacturing Practices (GMP) and Hazard Analysis and Critical Control Points (HACCP), which ensure that products are not only halal but also safe for consumption (Abdullah et al., 2021).

Third, ḥifz al-māl requires transparency and accountability throughout the halal supply chain. In international trade, the complexity of global supply chains frequently creates risks of information manipulation. Standardized halal certification therefore functions as a mechanism for mitigating such risks and protecting consumers from economic losses (Yusof et al., 2026).

Within the context of Indonesia–United States trade relations, differences in regulatory approaches constitute a major challenge. Indonesia, through Law Number 33 of 2014 concerning Halal Product Assurance, gradually mandates halal certification (Saviera, 2024b), whereas the United States predominantly applies a market-based voluntary certification system. This divergence creates the potential for regulatory disharmony that may weaken the effectiveness of Muslim consumer

protection if not normatively integrated through the framework of Maqāṣid al-Sharī‘ah.

An evaluation of halal certification clauses within the Indonesia–United States business agreement (Board of Peace) indicates that halal provisions remain positioned at a complementary level rather than as core contractual obligations. In many cases, halal clauses are drafted in general terms without clear compliance indicators, verification mechanisms, or strict sanctions. This condition contributes to the weak protection of Muslim consumers (Zulfa et al., 2023).

From the perspective of Maqāṣid al-Sharī‘ah, several critical concerns emerge. First, the dimension of ḥifẓ al-dīn has not been optimally fulfilled because existing clauses do not comprehensively guarantee the halal status of products, particularly within global supply chains. Second, from the perspective of ḥifẓ al-nafs, the weak integration between halal standards and international food safety standards may generate health risks. Third, within the dimension of ḥifẓ al-māl, the absence of transparency and rigorous auditing mechanisms creates opportunities for misleading information practices that may disadvantage consumers.

Contractual clauses lacking binding legal force may also create moral hazard for business actors, especially within free trade systems characterized by limited cross-jurisdictional supervision. This demonstrates that the existing contractual approach remains inconsistent with the principle of *jalb al-maṣāliḥ wa dar’ al-mafāsīd* (promoting benefit and preventing harm), which represents the central objective of Maqāṣid al-Sharī‘ah.

Accordingly, a reformulation of halal certification clauses is required by positioning the principles of Maqāṣid al-Sharī‘ah as the normative foundation. Such clauses should at minimum include: (1) mandatory halal certification legally recognized in Indonesia, (2) cross-border auditing and verification mechanisms, (3) transparency throughout the supply chain, and (4) strict contractual sanctions for violations. Through these measures, the protection of Muslim consumers would become not merely declarative, but also practical, enforceable, and sustainable within international business practices.

### **Implications of Muslim Consumer Protection in The Indonesia–United States Agreement (Board of Peace)**

Legal certainty constitutes a fundamental element of consumer protection, particularly within countries with a Muslim-majority population such as Indonesia. Normatively, Law Number 33 of 2014 concerning Halal Product Assurance (Halal Product Assurance Law) explicitly stipulates that all products circulating in Indonesia are required to possess halal certification. This regulation is further strengthened through institutional mechanisms under the authority of the Halal Product Assurance Organizing Agency (BPJPH) as the primary body responsible for administering halal product assurance.

Nevertheless, in practice, the implementation of such legal certainty continues to face structural challenges, especially within the context of international trade. Existing data indicate that business compliance with halal certification obligations remains suboptimal due to factors such as certification costs, limited literacy regarding halal regulations, and weak law enforcement mechanisms. These challenges become increasingly significant in cross-border business relations such as the Indonesia–United States agreement (Board of Peace), where substantial regulatory differences exist. Indonesia adopts a mandatory halal certification system, whereas the United States primarily relies on a voluntary compliance approach.

The direct implication of this condition is the emergence of a regulatory gap that may weaken legal certainty for Muslim consumers. Halal clauses that are not explicitly formulated as binding obligations within international contracts create the risk of uncertainty regarding the halal status of imported products. Recent reports further indicate that, prior to the full implementation of mandatory halal labeling in 2024, many global business actors still encountered difficulties in complying with Indonesian standards due to supply chain complexities and differences in certification systems.

From the perspective of legal protection, this condition demonstrates that strong domestic regulations alone are insufficient to address the dynamics of international trade. Consequently, Muslim consumers remain vulnerable to products lacking clear halal status. Within the framework of *Maqāṣid al-Sharī'ah*,

such circumstances indicate the incomplete realization of the principles of ḥifẓ al-dīn (protection of religion) and ḥifẓ al-māl (protection from economic harm resulting from non-transparent information).

Accordingly, international business agreements such as the Board of Peace require stronger harmonization of legal norms, including the reinforcement of halal clauses as binding contractual provisions, so that legal certainty extends beyond the national level and remains effective in cross-jurisdictional transactions.

Trust represents a primary determinant of Muslim consumer behavior, particularly in the selection of halal products (Prayuti, 2020). In Indonesia, halal certification has been proven to significantly influence consumer trust and purchasing decisions (Janah & Yazid, 2024; Mahliza & Aditantri, 2022; Usman et al., 2024). Recent studies demonstrate that halal certificates issued by authorized institutions such as BPJPH and the Indonesian Ulema Council (MUI) increase consumer awareness and confidence regarding product safety and halal compliance (Bahrudin et al., 2024; Cahyaningrum<sup>1</sup> et al., 2026; Jubaedah et al., 2023).

Furthermore, halal certification functions not only as a religious label but also as an indicator of product quality and credibility (Anam et al., 2018). Consumers frequently associate halal-certified products with higher standards of hygiene, safety, and reliability (Sayogo, 2018). This perception strengthens consumer loyalty and contributes to the emergence of halal-conscious behavior within public consumption patterns.

However, within the context of the Indonesia–United States agreement (Board of Peace), the potential weakening of halal clauses may directly contribute to the erosion of consumer trust. When imported products fail to clearly display or guarantee halal certification according to Indonesian standards, consumers are placed in a dilemma when making purchasing decisions. In the long term, this condition may generate two principal consequences..

First, it may lead to consumer distrust toward imported products, particularly those originating from countries whose certification systems are not fully compatible with Indonesian halal standards. Second, it may encourage shifts in consumer behavior toward defensive consumption, whereby consumers become increasingly selective and tend to avoid products lacking clear halal labeling.

At the same time, public expectations regarding the quality of halal assurance services continue to increase, especially in relation to transparency, accuracy, and accountability of product information. This condition confirms that consumer trust is not established solely through the presence of halal labels, but also through the integrity of the institutional system supporting them (Janah et al., 2025).

From the perspective of *Maqāṣid al-Sharī'ah*, consumer trust reflects the principles of *al-amanah* (trustworthiness) and *al-ṣidq* (truthfulness) within economic activities. Consequently, any ambiguity or weakening of halal clauses has the potential to undermine the structure of trust that has been developed within the national halal ecosystem (Yunita & Sari, 2025).

These conditions demonstrate that the implications of the Board of Peace agreement for Muslim consumer behavior extend beyond economic dimensions and also encompass normative and psychological aspects. The effectiveness of consumer protection in this context depends substantially upon the ability of both the state and business actors to maintain consistency in halal standards, strengthen transparency, and ensure that every product circulating in the market fulfills the religious and rational expectations of Muslim consumers in Indonesia.

### **Ideal Model of Halal Certification Clauses Based on *Maqāṣid Al-Sharī'Ah***

The formulation of halal certification clauses in international business contracts must evolve from a purely administrative approach toward a substantive value-based approach. Within the framework of *Maqāṣid al-Sharī'ah*, halal clauses should not merely function as declarative provisions, but must also ensure the concrete realization of public benefit (*maṣlaḥah*) within trade practices (Hilme et al., 2024).

The first principle is legal certainty, which requires halal clauses to be explicitly formulated as binding contractual obligations rather than merely reflecting market preferences (Suhartini et al., 2024). This principle is particularly important because Indonesia has implemented mandatory halal certification nationally since October 2024, requiring all products circulating within the country to comply with halal standards established by the state.

The second principle is transparency and traceability within the halal supply chain. The complexity of global supply chains requires contractual clauses obligating business actors to disclose information regarding the origin of raw materials, production processes, and distribution channels (Mares, 2010). This principle is consistent with *ḥifẓ al-māl* and *ḥifẓ al-nafs*, as it protects consumers from economic losses and health risks resulting from inaccurate or incomplete information (Ali et al., 2017).

The third principle is accountability and enforceability, namely the existence of clear mechanisms for auditing, verification, and contractual sanctions. Without effective enforcement instruments, halal clauses risk becoming merely symbolic and ineffective (bin Lahuri et al., 2025). From the perspective of *Maqāṣid al-Sharīʿah*, such a condition contradicts the principle of *jalb al-maṣāliḥ wa darʾ al-mafāṣid* because it fails to prevent potentially greater harm.

The fourth principle is inclusivity and adaptability, whereby halal clauses must accommodate the dynamics of international trade without compromising sharia standards. In this regard, halal clauses should not operate as trade barriers, while still maintaining the integrity of Muslim consumer protection (Urus, Azzis, & Syafina, 2025).

The integration of halal standards has become a crucial issue within Indonesia–United States trade relations, particularly due to the differences between Indonesia’s mandatory certification system and the voluntary approach applied in the United States. In this context, an ideal model of halal clauses should be capable of bridging these differences through harmonization mechanisms grounded in the principles of *Maqāṣid al-Sharīʿah*.

Empirically, the development of Indonesia’s halal ecosystem demonstrates significant progress. By 2025, the number of halal-certified products had exceeded 9.6 million, reflecting substantial expansion within the national halal product assurance system (Bpjph, 2026b). Furthermore, data from 2024 indicate that more than 5.5 million products from approximately 1.5 million business actors had obtained halal certification (Highlights, 2024). These figures confirm that Indonesia’s halal standards have evolved into a well-established system possessing strong institutional legitimacy.

At the same time, the global halal market continues to expand, reaching an estimated value of approximately USD 1.3 trillion in 2025, demonstrating that halal has developed into a global economic standard rather than remaining solely a religious issue (Bpjph, 2026a). Accordingly, the integration of halal standards is not only normatively relevant but also strategically important from an economic perspective.

An ideal integration model should include at least three essential aspects. First, the establishment of mutual recognition agreements (MRAs) for foreign halal certification bodies recognized by Indonesian authorities. Second, the implementation of minimum halal standards that must be fulfilled by all imported products, including compliance with slaughtering procedures, raw material requirements, and production processes. Third, the development of joint audit and cross-border verification mechanisms to ensure that halal standards are not merely formally acknowledged, but are also substantively verified.

Such integration reflects the principle of *ḥifẓ al-dīn* in safeguarding the halal integrity of products, while simultaneously embodying *ḥifẓ al-māl* through the protection of consumers from non-transparent trade practices.

### **Reformulation of Halal Certification Clauses as a Strengthening Mechanism for Muslim Consumer Protection**

The reformulation of halal certification clauses within the Board of Peace agreement has become an urgent necessity alongside the increasing complexity of global trade and the growing expectations of Muslim consumers regarding halal product assurance. Indonesia, as the country with the largest Muslim population in the world, no longer regards halal solely as a religious matter, but also as an institutionalized component of the consumer protection system (Hermawan, 2020). The full implementation of mandatory halal certification since October 2024 further confirms that all products circulating within Indonesia are required to comply with national halal standards (Rofi'ah et al., 2024). Nevertheless, within international trade practices, inconsistencies remain evident between domestic legal obligations and cross-border contractual clauses, where halal is often positioned merely as a supplementary attribute. This condition creates the potential for legal uncertainty

and weakens the position of Muslim consumers in obtaining products consistent with their religious beliefs (Simamora, 2026).

The urgency of reformulation is further reinforced by the continuous growth of the global halal economy. Global halal consumption has exceeded USD 1.3 trillion and is projected to continue increasing, with Indonesia representing one of the major markets (BPJPH, 2026b). At the national level, the number of halal-certified products has reached millions of units, reflecting increasing awareness among both business actors and consumers regarding the importance of halal standards. However, this rapid growth has not yet been accompanied by stronger halal clauses within international business contracts. Without clear, transparent, and binding contractual provisions, the risks of information asymmetry and moral hazard within global supply chains remain substantial. Such conditions affect not only consumer protection but also public confidence in the integrity of Indonesia's halal assurance system.

Within the framework of *Maqāṣid al-Sharī'ah*, the reformulation of halal clauses functions as a strategic instrument for simultaneously ensuring the protection of religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-nafs*), and wealth (*ḥifẓ al-māl*) (Nopriansyah et al., 2025). Clauses designed comprehensively and systematically are capable of guaranteeing certainty regarding halal status, consumer safety, and transparency within economic transactions. Furthermore, strengthening the position of halal as a core contractual element also serves as a preventive mechanism against future violations and disputes. Consequently, such reformulation is not merely normative in nature but also carries practical implications for the establishment of a fair, accountable, and consumer-oriented international trading system.

First, contractual clauses must explicitly require verified halal certification, including the obligation for exporters to obtain halal certificates from certification bodies recognized by Indonesian authorities, particularly BPJPH. This provision is essential for ensuring legal certainty and preventing ambiguity concerning product status. Explicit clauses also function as preventive instruments against misleading information and information asymmetry in international trade practices (Nazari et al., 2023). Muslim consumers generally do not possess direct access to verify the production processes of imported products and therefore rely heavily on formal

guarantees such as halal certification (Aufi et al., 2024). In this context, requiring exporters to obtain certification from institutions recognized by BPJPH constitutes a form of accountability that can be legally and administratively verified. Such measures not only protect consumer rights but also enhance the credibility of business actors within the Indonesian market, which has become increasingly sensitive to halal-related issues. Accordingly, this clause contributes to the development of a transparent and equitable trading system aligned with Maqāsid al-Sharī'ah-based consumer protection principles.

Second, a compliance clause is required to ensure that all production, distribution, and storage processes comply with halal standards. This clause should be supported by periodic audit mechanisms and reporting obligations. Compliance provisions are essential because halal concerns extend beyond raw materials to encompass the entire supply chain, including production, processing, storage, and distribution (Mohamed et al., 2021). Within global supply chains, a single product may involve multiple actors across jurisdictions, thereby increasing the risk of contamination by non-halal substances or procedural non-compliance (Semeran et al., 2025). Empirical data concerning the implementation of halal assurance systems in Indonesia indicate that the primary challenge lies not merely in initial certification, but in maintaining post-certification compliance. Numerous cases demonstrate that business actors possess halal certificates while failing to consistently maintain halal standards in operational practice (Asmawi & Lutfiadi, 2026). Without binding clauses covering all stages of the supply chain, halal certification risks becoming merely an administrative formality rather than a substantive guarantee for consumers.

For this reason, periodic audits and reporting obligations are critical instruments for ensuring continuous compliance. Audits enable independent verification of halal standards implementation, while periodic reporting strengthens operational transparency and accountability. Within international trade, these mechanisms also function as tools for mitigating risks associated with moral hazard and violations that may be difficult for domestic authorities to detect. As Muslim consumers increasingly expect higher standards of halal integrity, supervisory approaches based on continuous monitoring become increasingly relevant.

Third, liability and compensation clauses must be firmly established to protect consumers from losses resulting from halal violations. Business actors violating halal standards should therefore be subject to sanctions such as contractual penalties, product recalls, and contract termination. Liability clauses are particularly important because violations of halal standards generate not only religious implications but also economic and psychological harm for consumers. Within Indonesia's increasingly halal-conscious market, inconsistencies between halal labeling and product reality may trigger substantial loss of trust. Research indicates that consumer trust in halal labels strongly influences purchasing decisions, meaning that violations affect not only individual products but also the reputation of entire brands (Purnomo et al., 2026). Moreover, within international trade, consumers frequently occupy a weak position due to limited access to information and cross-border enforcement mechanisms. Without explicit liability clauses, business actors may avoid legal consequences arising from halal violations (Albaheth, 2025).

Strengthening such clauses through sanctions including financial penalties, product recalls, and contract termination creates a deterrent effect for business actors. In global practice, recall mechanisms have proven effective in protecting consumers from products failing to satisfy required standards while preserving market integrity (Chukwugozie et al., 2024). Financial penalties and contract termination also impose direct economic pressure on business actors to maintain halal compliance. This approach is consistent with accountability principles within modern consumer protection systems, where violations produce not only administrative sanctions but also tangible business consequences (Suriyadi et al., 2025).

Fourth, transparency clauses must require halal labeling that is clear, accurate, and easily accessible to consumers. Such provisions have become increasingly important due to growing consumer awareness regarding the significance of halal information in purchasing decisions. Consumer behavior in Indonesia has increasingly shifted toward informed decision-making, where halal labels are no longer perceived as supplementary features but rather as primary determinants of product selection. Studies indicate that the majority of Muslim

consumers prefer products bearing official and easily recognizable halal labels (Arifin et al., 2023; Usman et al., 2022; Zafar & Abu-Hussin, 2025). Nevertheless, international trade practices continue to reveal imported products carrying ambiguous, non-standardized, or inaccessible halal labels. This condition generates information asymmetry that weakens legal consumer protection.

Clauses requiring clear, accurate, and accessible halal labeling therefore become essential instruments for guaranteeing consumers' rights to information. Transparency should encompass not only the existence of halal labels but also disclosure regarding certification bodies, certification validity periods, and relevant production processes. In the digital era, information accessibility should also be strengthened through technology-based systems such as traceability platforms or QR codes enabling direct verification by consumers. Such approaches not only enhance public trust but also strengthen business accountability in maintaining halal product integrity.

Fifth, sharia-based dispute resolution clauses should be incorporated as alternative mechanisms for resolving conflicts related to halal violations in a manner consistent with Maqāṣid al-Sharī'ah principles. Such clauses have become increasingly important due to the growing potential for halal-related disputes within international trade (Said & Haq, 2026). Halal disputes involve not only contractual dimensions but also religious values that cannot always be adequately addressed through conventional legal mechanisms. In practice, cross-border disputes are frequently resolved through general arbitration forums prioritizing commercial efficiency while lacking sensitivity toward sharia considerations. For Muslim consumers and halal-oriented business actors, however, sharia compliance constitutes an integral aspect of rights and obligations requiring protection. Without explicit contractual provisions enabling sharia-based dispute resolution, there exists a risk that adjudicative outcomes may fail to reflect substantive justice from the perspective of Maqāṣid al-Sharī'ah.

Strengthening these clauses may involve selecting sharia arbitration forums or alternative dispute resolution mechanisms integrating sharia principles into adjudication processes. National and international sharia arbitration institutions may serve as appropriate forums for ensuring that halal disputes are resolved fairly,

transparently, and consistently with the principles of *ḥifẓ al-dīn*, *ḥifẓ al-māl*, and *ḥifẓ al-nafs*. Furthermore, such clauses provide procedural certainty for contracting parties from the outset, thereby reducing prolonged disputes and litigation costs.

Through these reformulations, halal certification clauses would function not merely as administrative instruments but as comprehensive consumer protection mechanisms. This approach is fully aligned with the principal objectives of *Maqāṣid al-Sharī‘ah*, namely the realization of public benefit through integrated protection of religion, life, and wealth. Ultimately, an ideal halal clause model based on *Maqāṣid al-Sharī‘ah* positions halal as a core value within international business contracts. Such an approach not only strengthens the protection of Muslim consumers but also enhances product credibility and competitiveness within the continuously expanding global halal economic ecosystem.

## CONCLUSION

The protection of Muslim consumers within the Indonesia–United States business agreement through the Board of Peace has not yet fully ensured legal certainty regarding halal product assurance. In international business practices, halal certification clauses are still frequently positioned as supplementary administrative provisions rather than as substantively binding legal obligations within contractual structures. This condition creates potential weaknesses in transparency, accountability, and certainty concerning the halal status of products circulating within Muslim communities.

From the perspective of *Maqāṣid al-Sharī‘ah*, strengthening halal certification clauses constitutes an essential component of protecting religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-nafs*), and wealth (*ḥifẓ al-māl*). Halal certification functions not merely as a symbol of religious compliance, but also as a consumer protection instrument that guarantees the rights of Muslim communities to obtain products that are safe, clearly certified as halal, and consistent with sharia principles. Therefore, the implementation of Law Number 8 of 1999 concerning Consumer Protection should be more comprehensively integrated into international business contract mechanisms so that legal protection for Muslim consumers extends beyond the domestic legal sphere.

This study confirms that the reformulation of halal certification clauses within the Board of Peace agreement has become an urgent necessity amid the increasing complexity of global trade and the rising expectations of Muslim consumers regarding halal assurance. Halal clauses formulated on the basis of Maqāṣid al-Sharī‘ah should position halal certification as a substantive and binding contractual element within international business agreements. Such an approach would contribute to the harmonization of legal norms, strengthen cross-jurisdictional legal certainty, and provide more effective protection for Muslim consumers in Indonesia.

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