



**THE CHALLENGES OF HALAL CERTIFICATION IN
INDONESIA HALAL PRODUCT ASSURANCE ACT**

Perspective of Islamic Law and Wto Law

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**Has been examined and approved by Thesis Supervisor to be defended
before the Board of Examiners in Thesis Oral Examination**

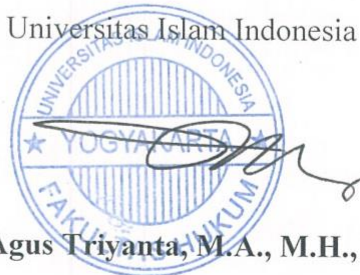
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**THE CHALLENGES OF HALAL CERTIFICATION IN
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Examiner I



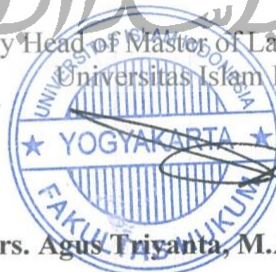
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Adalah benar-benar mahasiswa Program Studi Magister Ilmu Hukum Program Pascasarjana Fakultas Hukum Universitas Islam Indonesia yang telah melakukan penulisan Karya Tulis Ilmiah (Tugas Akhir) berupa Tesis dengan judul, "**THE CHALLENGES OF HALAL CERTIFICATION IN INDONESIA HALAL PRODUCT ASSURANCE ACT; PERSPECTIVE OF ISLAMIC LAW AND WORLD TRADE ORGANIZATION LAW**". Karya ilmiah ini saya ajukan kepada Tim Penguji dalam Ujian Akhir/Tesis Program Magister (S-2) Ilmu Hukum yang diselenggarakan oleh Program Pascasarjana Fakultas Hukum Universitas Islam Indonesia.

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Yogyakarta, 27 Juli 2019

Yang membuat pernyataan



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ACKNOWLEDGEMENT

Praise to God Almighty this thesis finally has been finished, entitled: “**THE CHALLENGES OF HALAL CERTIFICATION IN INDONESIA HALAL PRODUCT ASSURANCE ACT; PERSPECTIVE OF ISLAMIC LAW AND WORLD TRADE ORGANIZATION LAW.**”

I would like to express my gratitude for those involved during my thesis period. Names listed below are few among many others but not limited to:

1. Allah SWT, for being there to be something I can believe in this life. For that I say thank You.
2. Drs. Agus Triyanta, M.A., M.H., Ph.D. for the guidance during my thesis writing I say thank You.
3. All the lectures and staff in PASCASARJANA MH UII Yogyakarta, for the kindness given to me during my study I say thank You.
4. My beloved family, who always supports me in every way they could during my study, for that I say thank You.
5. All my friends in Batch 35 who I could not mention you one by one, for the memories we make I say thank You.
6. Sri Mona Nurhastuti, who always believe that my graduation is real, for the love, care, and kindness given to me I say thank You.
7. Last, to myself, for believing that graduation is real, for that I thank myself.

Yogyakarta, 27th July 2019

Noviar Hana, S.H., M.B.A

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ABSTRACT

This thesis aims to examine the challenges faced by Law No 33 of 2014 (Halal Act) when the halal certification regime will be fully implemented in October 2019. Halal Act is deemed to be problematic. Several protests have been posted regarding the readiness of this Act, the nature of Halal Act, the burdensome and unnecessary clauses, and the compliance of Indonesia with the its commitment on international trade. This thesis uses **normative method of research** and apply qualitative approach with analytic descriptive technic in its conclusion. Data were gathered by using literature research technic and most of them are secondary data. The results of this research show after the enactment of Halal Act, the role of MUI is changed and Halal Act has many derivative-supporting regulations which are not yet enacted to ensure thorough implementation. Halal Act has several elements that controversial and problematic such as; burdensome provisions and potential inconsistency according to the WTO rules. Halal measures are deemed to fall under the TBT Agreement scope, by fulfilling the elements of Article 2.1 TBT Agreement yet contradicts with the commitment of Indonesia to comply. However, Indonesia could justify the halal measures in Halal Act by arguing that it is aimed to protect the public moral under Article XX(a) GATT. Moreover, this thesis also examines the Halal Act according to the Islamic perspective. *Maslahah mursalah* and *maslahah dauliyah* can be justification to a State to enact a halal regulation. The determination of the fulfilment of halal criteria is also examined in this thesis by elaborating how Halal Act stipulates the determination of halal critical point which will be analyzed from Islamic teachings.

Key Words: Halal, Halal Act, TBT, Public Moral, Islam, *Maslahah*

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