

REGULATORY CONFLICT BETWEEN HALAL CERTIFICATION AND HOME FOOD INDUSTRY (P-IRT) LICENSE IN INDONESIA

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ABSTRACT

Recently, there has been a misalignment or overlap between regulations governing halal certification and the Home Industry Food Permit (P-IRT) in Indonesia. Products that have obtained distribution permits from the National Agency of Drug and Food Control (BPOM) or have PIRT certificates have been withdrawn by the Halal Task Force because they did not display the halal logo, even though they meet food safety standards. This study aims to analyze the main causes of regulatory issues between halal certification and the Home Industry Food Permit (P-IRT) in Indonesia, as well as provide effective recommendations for policy restructuring among the Ministry of Religious Affairs, the National Agency of Drug and Food Control (BPOM), the Health Office, and other relevant stakeholders. This study employs a qualitative approach by analyzing existing policies related to documents governing halal certification and P-IRT regulations, as well as its challenges and coordination among agencies. The findings indicate that the main cause of this issue is differences in interpretation, such as the varying definitions of the term "food product" and procedural interpretation. Furthermore, inadequate understanding of regulations arises from two standards that are not always aligned in technical requirements, such as hygiene requirements. Lastly, weak coordination between institutions is caused by the duality of supervision and certification, which are not integrated. These issues significantly impact business actors, especially Micro, Small and Medium Enterprises (MSMEs), who are often hindered in marketing their products. This study contributes to the development of a more harmonious policy framework between halal certification regulations and the Home Industry Food Permit (P-IRT). Furthermore, this study enriches the understanding of how halal product supervision, food safety and distribution permits can be implemented in a more integrated manner, in line with the principles of Islamic economics that support sustainability and the well-being of society. This study also recommends the need for procedure alignment, simplification or streamlining of procedures, and improved coordination between agencies through an integrated

system. Thus, the synergy between halal certification and product distribution permits will not only strengthen national food security but also contribute to economic and social sustainability, increase public trust in local products, and support the management of Islamic wealth for a more sustainable future.

Keywords: Conflict, Regulations, Halal Certification, Home Food Industry (P-IRT) License, Indonesia

INTRODUCTION

The Indonesian home-based food industry has experienced rapid growth, driven by increasing consumer interest in local and homemade food products (Kurniaji, 2023). Micro and small enterprises engaged in the food industry must have a deep understanding of food-related regulations (Jameelah, Komalasari et al. 2022; Rahmawati, 2024). Understanding food regulations is not only an obligation but can also enhance product quality, ensure consumer safety and satisfaction, ultimately fostering trust, brand image, and customer loyalty, which is a long-term investment for micro and small enterprises (Djakfar & Isnaliana, 2021; Fahira & Yasin, 2022; Kurniawan et al., 2022).

For micro and small businesses engaged in the culinary industry, several important permits are required. One of the essential permits is the Business Identification Number (NIB), which serves as an identity for every business field issued through the Online Single Submission (OSS) system. The NIB is a prerequisite for obtaining other business licenses. Another necessary permit is the Home Food Industry (P-IRT) license, which is required for food products that can last longer than 7 days. This license is issued through the OSS system and is supervised by the local district/city Health Office to ensure compliance with safety standards, including participation in Food Safety Technical Guidance by competent Food Safety Extension Workers (PKP).

For processed food products, P-IRT is not applicable; instead, a license from the National Agency of Drug and Food Control (BPOM) is required. Another crucial certification for micro and small businesses engaged in the culinary business is the Halal certification. The Halal label is especially important in the food and beverage industry, particularly in a predominantly Muslim country like Indonesia. This certification was previously issued by the Indonesian Ulema Council (MUI) through the Food, Drugs, and Cosmetics Assessment Institute (LPPOM MUI). However, starting in 2019, the certification is now issued by the Ministry of Religious Affairs (Kemenag) through the Halal Product Assurance Organizing Agency (BPJPH).

Recently, on October 18, 2024, the Ministry of Religious Affairs of the Republic of Indonesia, through the Halal Task Force, conducted monitoring of products circulating in the Indonesian market in several districts and cities (Munfarida, 2024; Yani, 2024). One of the actions taken was the withdrawal of products that did not display the halal logo, even though these products had already obtained circulation permits from the National Agency of Drug and Food Control (BPOM) or had a Home Food Industry (P-IRT) certification. This activity refers to the provisions of Government Regulation (PP) Number 42 of 2024 concerning the Implementation of Halal Product Assurance, which replaces PP Number 39 of 2021. The latter previously regulated a five-year phased obligation for halal certification, which started from October 17, 2019, to October 17, 2024. However, the government has decided to postpone the first phase of halal certification for Micro, Small and Medium Enterprises (MSMEs), extending the deadline from October 17, 2024, to October 2026, through PP Number 39 of 2021 (Pamuji, 2024).

Although the implementation of the halal certification obligation for MSMEs has been delayed, some food products that do not bear the halal logo on their packaging, despite already having a P-IRT circulation permit, are not allowed to be displayed in several supermarkets inspected by the Halal Task Force (Munfarida, 2024; Yani, 2024). Conversely, products that do not have a P-IRT circulation permit but display the halal logo on their packaging were not withdrawn, even though both permits are equally important for food products.

Essentially, for micro and small business owners, halal certification and Home Food Industry (P-IRT) permits are two critical regulations that govern food product safety and halal compliance (Putri, Rohmah et al. 2023). The regulation on halal certification for micro and small businesses is outlined in the Minister of Religious Affairs Regulation Number 20 of 2021. This regulation governs halal certification for food and beverages consumed by Muslims, ensuring that these products meet halal requirements in accordance with Islamic law. On the other hand, the circulation permits for Home food industry products is governed by the BPOM Regulation Number 22 of 2018. This regulation specifies the requirements and procedures for obtaining a P-IRT certificate, which ensures the safety and quality of food produced by home industries. While halal certification focuses on the product's compliance with Islamic law, the P-IRT permit focuses on the safety and quality of the food (Rahmawati, 2024).

Although both aim to protect consumers, a regulatory conflict arises between them, especially in terms of procedural differences, requirements, and, ultimately, the impact on micro and small businesses. A lack of understanding of applicable regulations can lead to serious consequences, ranging from product withdrawals from the market to legal sanctions (Murwadi & Saraswati, 2019; Sari & Faniyah, 2021; Airlangga & Reykasari, 2024). Therefore, it is crucial for food business owners to understand and comply with all the established regulations.

Faced with the challenge of complex regulations, there is potential for regulatory conflicts between halal certification and the P-IRT circulation permit. Therefore, this article aims to analyze the existing policies and identify the challenges in understanding and implementing these regulations, as well as the coordination between relevant agencies. The goal of this article is to analyze the root causes of regulatory problems between halal certification and Home Food Industry (P-IRT) permits in Indonesia and provide effective recommendations for policy restructuring among the Ministry of Religious Affairs, BPOM, the Health Department, and other stakeholders. Ultimately, the aim is to create a more harmonious regulatory system.

LITERATURE REVIEW

Halal Certification in Indonesia

Indonesia, a country with a Muslim majority population of 87.2% (BPS, 2024), must ensure that the food products circulating in the market meet halal and food safety standards. Halal certification is a process that guarantees food and beverage products meet the halal requirements according to Islamic law. The aim is to provide assurance to Muslim consumers that the products they consume do not contain impure elements or forbidden ingredients and are processed according to Islamic principles. This means that halal certification focuses not only on raw materials but also on the entire production process, including processing and distribution. Therefore, food producers must follow strict procedures, ranging from audits to the issuance of halal certification. This often requires a long period and poses challenges for business owners who may have limitations in terms of facilities, equipment, and resources required to meet halal production standards (Ningrum, 2022; Yuanitasari et al., 2023; Sunardi, Bhari et al. 2024).

The halal certification process for food products began with the establishment of the LPPOM MUI based on the MUI Decree dated December 1, 1993, No. Kep. 817/MUI/XII/1993, where the certification process was carried out by MUI itself. Meanwhile, the permission to use the halal label on food packaging was granted by the Director General of Drug and Food Control (BPOM) of the Ministry of Health of the Republic of Indonesia. As a result, there was dualism in the management of halal certificates and halal labels. Products that had received a halal certificate from MUI still had to be inspected by the Director General of BPOM to obtain permission to use the halal logo. The

halal certificate and halal label were two separate entities because the halal certificate was issued by MUI, while the halal label was issued by the Ministry of Health after the product had obtained the halal certificate from MUI. In other words, a halal label could not be issued without a halal certificate.

Through Law Number 33 of 2014 on Halal Product Assurance (UU JPH), MUI was granted significant authority in determining halal products. The halal certification process involves several steps, including application for certification, document review, halal product testing, and the issuance of certificates by MUI. However, through the Ministry of Religious Affairs Regulation Number 26 of 2019, the implementation of halal product assurance was transferred to the Halal Product Assurance Organizing Agency (BPJPH) (Faridah, 2019), while MUI's role is now limited to formulating halal fatwas. This regulatory shift also impacted changes in certification procedures and processes (Sari & Faniyah, 2021), leading to a longer certification process, potential conflicts of interest, continued costs for business owners, and a need for better accountability and transparency in the agency's performance (Simbolon & Hidayat, 2021).

For micro and small businesses, halal certification regulations are outlined in the Minister of Religious Affairs Regulation Number 20 of 2021. This regulation was established with consideration of the provisions in Article 79 paragraph (8), Article 80 paragraph (4), and Article 81 paragraph (2) of Government Regulation Number 39 of 2021 on the Implementation of Halal Product Assurance. Therefore, it was necessary to establish a regulation on halal certification for micro and small businesses. Subsequently, Government Regulation Number 42 of 2024 replaced Government Regulation Number 39 of 2021 on the implementation of Halal Product Assurance.

Home Food Industry (P-IRT) License

The development of local food products in Indonesia has become one of the key factors for the importance of the P-IRT (Home Food Industry License) regulation. The P-IRT, or Home Food Industry License, is a regulation that governs the safety of food products, from raw materials and processing to the final product. The importance of this regulation lies in its close relationship with food safety for consumers (Airlangga & Reykasari, 2024). This regulation is specifically applied to micro and small-scale home businesses. The P-IRT is granted to food products with a low risk level. For products with a shelf life of more than 7 days, the P-IRT is valid for 5 years and can be renewed. On the other hand, for products with a shelf life of less than 7 days, the permit is valid for 3 years and can also be renewed (Kurniaji, 2023). Additionally, business owners are provided with training and counselling on how to choose good raw materials, ensure safe production processes, prevent contamination, and properly handle the final product. These activities are expected to improve the management skills of business owners, helping them produce high-quality and safe products for consumers. Obtaining the P-IRT permit offers benefits, such as the ability to legally market and distribute products, which in turn broadens product distribution channels.

For Home food industry products, the legal basis for the issuance of the P-IRT is regulated in Law No. 18 of 2012 concerning Food, BPOM Regulation No. HK.03.1.23.04.12.2207 of 2012 on the Procedures for Inspecting Home Food Industry Production Facilities, Law No. 11 of 2020 concerning Job Creation, Government Regulation (PP) No. 5 of 2021 on the Risk-Based Business Licensing System, PP No. 86 of 2019 on Food Safety, and BPOM Regulation No. 22 of 2018. The P-IRT is a regulation issued to ensure that home food products meet food safety standards and that the production process adheres to health standards, such as clean processing and the absence of hazardous materials. However, it does not specifically address halal compliance. This means that the primary objective of the P-IRT is to ensure that food products do not pose health risks to the public and are produced hygienically.

The process of obtaining the P-IRT is relatively simpler compared to halal certification, but it still requires compliance with several quality and safety standards. Often, small business owners feel that obtaining the P-IRT is easier than obtaining halal certification. P-IRT focuses on food

safety and hygiene aspects. Its requirements emphasize production conditions, sanitation, and the safety of raw materials, so business owners only need to ensure that the production area is clean, has adequate basic facilities, and undergoes food safety training from the Health Office. On the other hand, halal certification not only considers food safety but also the halal status of ingredients and the production process, which requires stricter audits. Business owners must ensure that raw materials, production processes, equipment, and distribution are free from non-halal elements, requiring more rigorous verification (Putri, Rohmah et al. 2023). From the research conducted by RirinTri Puspita Ningrum on "Problematics of Obligation of Halal Certification for Micro Businesses and Small (UMK) in Madiun Regency" found a perception from micro and small businesses that Halal Certification is only for Large Enterprises (Ningrum 2022).

The P-IRT permit management process requires business operators to fulfill various administrative and technical requirements. Business owners need to have documents such as a Business Identification Number (NIB), Taxpayer Identification Number (NPWP), and a Label Design (Jameelah, Komalasari et al. 2022). The presence of attractive packaging labels with correct and appropriate language has also helped entrepreneurs improve production and expand their marketing reach (Pratami, Atmaja, et al., 2022).

Potential Regulatory Conflicts

Conflicts are a common aspect of life and often arise from differing perceptions due to varying personalities and backgrounds (Amanda et al., 2024). Conflict is defined as a situation where there is a mismatch of values or goals, whether within an individual or in relation to others (Thomas, 2008). Similarly, in the context of regulations related to food products, it is essential to analyze the potential conflicts between halal certification and P-IRT (Home Food Industry License) regulations. To do so, a deep understanding of the substance of both regulations is required. Although halal certification and P-IRT have distinct regulations and objectives, the audit process and technical procedures are almost identical, which creates several potential regulatory conflicts that may affect micro and small enterprises in the home food industry.

There are several potential conflicts that could arise between halal certification and the P-IRT license. First, there is a lack of clarity regarding the definitions of products, as both regulations govern food products. Next, there is an overlap in the requirements concerning raw materials, sanitation, and hygiene. Another potential conflict arises in terms of the authority for supervision, especially during the application and oversight procedures. Typically, the Health Department conducts annual inspections once a year, whereas the BPJPH (Halal Product Assurance Organizing Agency) conducts inspections twice a year.

METHODOLOGY

This study employs a qualitative approach by analyzing existing policies related to documents governing halal certification and P-IRT regulations, including laws, government regulations, BPOM policies, and certification procedures conducted by BPJPH. Regulatory and policy analysis is conducted by reviewing legal documents, including an analysis of the Halal Product Assurance Law (Law No. 33 of 2014), derivative regulations such as Government Regulation (PP) No. 39 of 2021, and BPOM policies related to P-IRT. This is followed by identifying ambiguities aimed at finding gaps or differences in definitions, scope, or technical provisions among the regulations issued by BPJPH, MUI, BPOM, and local governments. In addition to regulatory and policy analysis, institutional analysis is also required by mapping roles and responsibilities to identify the roles of BPJPH, MUI,

BPOM, the Health Office, and the Industry Office in halal certification and P-IRT. Lastly, interviews with regulators and business actors aim to explore how differences in understanding and interpretation of regulations occur, as well as how inter-agency coordination functions in practice. The regulators interviewed included officials from the Banda Aceh City Health Department represented by Dian Aryanti and Millatul Cholifah representing BPJPH, who are responsible for overseeing food safety regulations and enforcement of halal certification. The businessmen consist of micro and small food business owners in Banda Aceh, such as Cipto Wahyudiono (owner of reengining business), Fitri Sahputra (owner of banana chips business), Faisal (owner of seasoning business), and Marya Ulfa (owner of cake business). This interview aims to reveal differences in the interpretation of regulations and evaluate the effectiveness of coordination between institutions in implementing food safety policies and halal certification.

FINDINGS AND DISCUSSION

The Differences in Interpretation

Differences in interpretation are a common phenomenon in various contexts, where the same words or terms can have different meanings depending on how they are interpreted by different parties with varying backgrounds and interests. In interpreting a regulation, the context of religion, society, and culture can also influence understanding. Factors such as community habits, religious values, and technological advancements can affect how a regulation is understood and applied. For example, the term "food product" could have a broader or narrower definition depending on the context. Both regulations refer to food products, yet the definition of "food product" used in each may not be entirely the same. These definitional discrepancies can lead to confusion in the application of regulations. In the Regulation of the Ministry of Religious Affairs, halal products are defined more specifically as those that meet the halal requirements according to Islamic law, whereas BPOM regulations focus more on the safety and quality aspects of food.

Another difference arises in procedural interpretation. The Health Department and BPJPH may view the requirements they set as mandatory standards that must be met, while micro-business operators often do not clearly see these distinctions. For instance, a product that has obtained halal certification from BPJPH may be considered to meet halal standards, but this does not automatically guarantee that the product meets BPOM's food safety standards, which regulate cleanliness and other technical aspects. This is a key finding stemming from the differing interpretations of regulations concerning halal certification and P-IRT. Ultimately, this results in uncertainty in determining which regulation should be prioritized. Moreover, when applying for halal certification, micro and small businesses are not required to have P-IRT approval.

Micro and small food businesses often face confusion in deciding whether to prioritize halal certification or P-IRT approval first, especially since both serve different purposes and benefits. This statement was conveyed by several micro and small business owners in Banda Aceh, including Cipto Wahyudiono, the owner of a rengginang business; Fitri Sahputra, the owner of a banana chips business; Faisal, the owner of a seasoning business; and Marya Ulfa, the owner of the cake business (C. Wahyudiono, F. Sahputra, Faisal, M. Ulfa, interviews, October 19, 2024). Based on the interviews, they admitted to experiencing some confusion regarding which business permit should be prioritized. This issue became even more pressing following the withdrawal of products without a halal logo by the BPJPH task force, even though these businesses had already obtained P-IRT permits. Marya Ulfa also stated, "Why are products without a P-IRT distribution permit freely available in supermarkets,

while products that only have a halal logo are not withdrawn from the market?"(M.Ulfa, interviews, October 19, 2024).

One of the inspectors at the Banda Aceh City Health Office stated that when applying for halal certification, the existence of a P-IRT permit should first be verified. However, the current phenomenon shows that halal certification is often issued before the distribution permit (D. Aryanti, interviews, November 12, 2024).

This phenomenon illustrates differences in procedural interpretation and reflects a broader issue regarding regulatory clarity and coordination for micro and small food enterprises. The experiences of business owners in Banda Aceh highlight inconsistencies in implementation, where halal certification is sometimes issued before the required distribution permit. This situation creates uncertainty, particularly when enforcement actions, such as product withdrawals, disproportionately impact businesses that have complied with one requirement but not the other. Addressing this issue requires clearer guidelines and improved coordination among regulatory authorities to ensure that small businesses can navigate the certification process efficiently and effectively.

In the context of food business regulations, small enterprises must navigate multiple certification requirements to ensure both compliance and market acceptance. Halal certification is more focused on catering to the Muslim consumer market, while P-IRT emphasizes food safety assurance. Although both are important, small businesses often have to prioritize one over the other due to limited resources, time, and financial constraints (Ningrum, 2022).

Inadequate Understanding of Regulations

Inadequate understanding of the requirements for halal certification and P-IRT becomes a significant barrier. Many business operators who lack sufficient knowledge about the regulatory procedures often face difficulties in meeting all the stipulated requirements, especially because there are several overlapping requirements that must be fulfilled separately. For example, the strict cleanliness and sanitation standards in both regulations often overlap, but the procedures and supervision are carried out separately by different agencies. Hygiene in the BPOM regulation refers to efforts to maintain and improve health standards, while in the BPJPH regulation, it pertains to being free from impurities (najis) and non-halal substances.

Weak Coordination among Agencies

Coordination between BPJPH and BPOM, the agencies responsible for each regulation, has also been identified as a potential source of conflict. Inconsistencies in the procedures and standards set by these two agencies extend the administrative process for business operators. Furthermore, the dual oversight by the Health Department and BPJPH during inspections arises from a lack of coordination, leading micro-businesses to feel pressured by excessive inspections.

In Government Regulation No. 42 of 2024 on the Implementation of Halal Product Assurance, Chapter IX, Article 123 outlines the cooperation between BPJPH and relevant ministries, including those responsible for industry, trade, health, agriculture, cooperatives and small-medium enterprises (SMEs), domestic affairs, foreign affairs, and other ministries related to Halal Product Assurance (JPH). This regulation explicitly mentions the need for coordination with relevant agencies (Faridah, 2019), yet this coordination remains weak at the implementation level. This can be observed in the phenomenon of halal task forces conducting inspections without involving other relevant

agencies. In Government Regulation No. 42 of 2024 on the Maintenance of Halal Product Assurance, Chapter IX, Article 123 describes the cooperation between BPJPH and related ministries, including those responsible for industry, trade, health, agriculture, cooperatives, and small and medium enterprises (SMEs), domestically, abroad, and other ministries related to Halal Product Assurance (JPH). This regulation explicitly mentions the need for coordination with related agencies (Faridah, 2019), but the coordination is still weak at the implementation level. This can be seen from the phenomenon of the halal task force that conducts inspections without involving other relevant agencies. Although based on an interview with one of the supervisors at BPJPH, namely Millatul Cholifah, he explained that the survey conducted some time ago by the BPJPH task force was done only to record products that have not yet been certified halal for later training and mentoring (M. Cholifah, interview, November 20, 2024).

An increase in coordination and integration between BPJPH and BPOM, through the Health Department, in the certification procedures could assist small business operators in complying with both regulations without having to navigate separate and confusing processes. This finding is crucial, as various issues could be resolved through enhanced communication and system integration between BPJPH and BPOM, achieved through regulatory simplification and harmonization (Rahayu & Yani, 2020). Additionally, education and socialization efforts would improve business operators' understanding of the procedures and requirements related to P-IRT and halal certification (Anggaeni, 2022; Fahira & Yasin, 2022; Nur, Lina et al. 2023).

CONCLUSION AND RECOMMENDATION

This study reveals that the conflict between halal certification and the Home Industry Food Permit (P-IRT) is primarily caused by differences in the interpretation of regulations, a lack of understanding of technical requirements, and weak coordination between agencies. As a result, this leads to increased administrative burdens for businesses and hinders the development of the home food industry, particularly small enterprises. In this context, managing Islamic wealth through halal products can play a significant role in driving a more sustainable economy by optimizing the growing potential of the global halal market.

Based on these findings, the study offers several recommendations:

- **Alignment of procedures between MUI and BPOM**
Regulatory harmonization is needed to reduce overlapping requirements and make it easier for businesses to comply with both regulations simultaneously. The government should require food business establishments to obtain a P-IRT license as a mandatory prerequisite for applying for halal certification, as cleanliness, safety, and quality are integral components of *halal* and *tayyiban*. Food cannot be considered halal or fit for consumption if it poses a risk to consumer health. This is crucial for supporting the management of Islamic wealth, particularly within the halal industry, so that it can contribute to sustainable and inclusive economic growth.
- **Simplification or streamlining of procedures**
Both halal certification and P-IRT regulations should be simplified to reduce the administrative burden and costs for small businesses. Simplification will facilitate easier market access for entrepreneurs and support the integration of halal products into the global economic system, promoting fairness and sustainability.
- **Improved inter-agency coordination through an integrated system**
The government can develop an integrated information system that allows the Health Department and BPJPH to share data and information regarding food products submitted for

certification. This will minimize duplication in oversight and improve efficiency. An integrated system can also strengthen the management of Islamic wealth, enabling Indonesian halal products to compete in the international market and support sustainable economic development.

By implementing these steps, the synergy between halal certification and product distribution permits can strengthen food security, enhance public trust in local products, and support the management of Islamic wealth for a more sustainable future.

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