

Digital Halal Assurance: A Comparison of Consumer Protection in Indonesia and Malaysia

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Abstract

The digitalization of commerce has transformed the distribution of halal products and created new challenges for consumer protection in digital marketplaces. This article aims to comparatively analyze how Indonesia and Malaysia regulate and implement halal consumer protection in e-commerce, particularly regarding platform verification, consumer information rights, and access to dispute resolution. This study employs a normative-comparative legal method supported by statutory, conceptual, and comparative approaches. The analysis examines primary legal materials, including Indonesia's Halal Product Assurance Law and Malaysia's Trade Descriptions Act 2011, as well as secondary legal materials and semi-structured interviews with representatives of BPJPH Indonesia and JAKIM Malaysia. The findings show that Indonesia has a strong de jure halal assurance framework, but its implementation in digital marketplaces remains weak due to unclear platform liability, the absence of mandatory integration with BPJPH's SIHALAL database, and the limited adaptability of consumer dispute mechanisms. In contrast, Malaysia provides a more integrated model by defining halal as a trade description, strengthening JAKIM's certification authority, supporting platform-based verification through MyEHalal and Halal Lane initiatives, and providing accessible redress through the Tribunal for Consumer Claims. This study contributes to the development of digital halal governance by emphasizing the need for platform due diligence, integrated verification systems, and adaptive dispute resolution mechanisms to strengthen halal consumer protection in Indonesia.

Keywords: Comparative Law; Consumer Protection; Digital Marketplace; E-Commerce; Halal Assurance

Abstrak

Digitalisasi perdagangan telah mengubah pola distribusi produk halal dan menimbulkan tantangan baru bagi perlindungan konsumen di marketplace digital. Artikel ini bertujuan menganalisis secara komparatif bagaimana Indonesia dan Malaysia mengatur serta mengimplementasikan perlindungan konsumen halal dalam e-commerce, khususnya terkait verifikasi platform, hak informasi konsumen, dan akses penyelesaian sengketa. Penelitian ini menggunakan metode hukum normatif-komparatif dengan pendekatan perundang-undangan, konseptual, dan perbandingan. Analisis dilakukan terhadap bahan hukum primer, termasuk Undang-Undang Jaminan Produk Halal Indonesia dan Trade Descriptions Act 2011 Malaysia, serta bahan hukum sekunder dan wawancara semi-terstruktur dengan perwakilan BPJPH

Indonesia dan JAKIM Malaysia. Hasil penelitian menunjukkan bahwa Indonesia memiliki kerangka jaminan halal yang kuat secara de jure, tetapi implementasinya dalam marketplace digital masih lemah karena belum jelasnya tanggung jawab platform, belum adanya kewajiban integrasi dengan basis data SIHALAL BPJPH, dan terbatasnya adaptasi mekanisme penyelesaian sengketa konsumen. Sebaliknya, Malaysia menunjukkan model yang lebih terintegrasi dengan mendefinisikan halal sebagai deskripsi dagang, memperkuat otoritas sertifikasi JAKIM, mendukung verifikasi berbasis platform melalui MyEHalal dan Halal Lane, serta menyediakan akses ganti rugi melalui Tribunal for Consumer Claims. Studi ini berkontribusi pada pengembangan tata kelola halal digital dengan menegaskan pentingnya due diligence platform, sistem verifikasi terintegrasi, dan mekanisme penyelesaian sengketa yang adaptif untuk memperkuat perlindungan konsumen halal di Indonesia.

Kata Kunci: *E-Commerce; Hukum Perbandingan; Jaminan Halal; Marketplace Digital; Perlindungan Konsumen*

Introduction

Digital technology transformation has significantly changed various sectors, including the transaction models and trade of halal products. Consumer access to halal products through various online platforms such as *marketplaces* and *e-commerce* is now easier, penetrating geographical boundaries and modifying consumption behavior (Nazir, 2024; Pradini, 2022). The digitalization of economic activities requires legal instruments to adapt not only to new transaction models but also to institutional and regulatory governance. Digital transformation in legal-economic entities in Indonesia demands synchronization between technological innovation, legal certainty, and institutional accountability (Sukardi et al., 2024). However, this ease of accessibility brings new challenges and academic anxiety regarding the effectiveness of legal protection for halal product consumers. The fundamental issue lies in the shift of transaction mediums from physically regulated conventional markets to digital markets that are often anonymous, cross-jurisdictional, and minimally supervised (Adismana, 2023). The validity of halal certification, transparency of product information, and the mechanism for supervising halal products traded in the digital realm have become crucial issues demanding an adaptive legal response.

Indonesia, home to the world's largest Muslim population, with roughly 242 million Muslims, represents a crucial domestic market and a strategic global target for halal products. The State of the Global Islamic Economy Report 2023/24 notes that Muslim consumers globally spent USD 1.4 trillion on food in 2022, with spending projected to reach USD 1.89 trillion by 2027, while Indonesia remains the largest market by spend. In the Indonesian context, the Indonesia Halal Markets Report 2021/2022 further indicates that Muslim spending on halal food and beverages reached USD 135 billion in 2020 and is projected to increase to

approximately USD 204 billion by 2025 (DinarStandard, 2023; Pew Research Center, 2024). This growth is closely linked to the rapid penetration of e-commerce in Indonesia, where digital platforms have become a major channel for consumer transactions. The e-Conomy SEA 2024 report records that Indonesia's e-commerce sector reached approximately USD 65 billion in Gross Merchandise Value (GMV) in 2024. In parallel, halal certification for micro and small enterprises has also accelerated, as shown by BPJPH's 2025 program that provides one million free halal certification quotas. Nevertheless, this acceleration has not yet been fully integrated with marketplace-based verification systems. As a result, a gap emerges between the expansion of halal certification and the ability of digital platforms to ensure verified halal information for consumers.

Normatively, Indonesia has responded to this need with the progressive step of enacting Law Number 33 of 2014 concerning Halal Product Assurance (UU JPH), which strictly imposes mandatory halal certification for all products entering, circulating, and being traded in Indonesian territory. However, after more than a decade of implementation, UU JPH is deemed not to have explicitly and comprehensively regulated consumer protection mechanisms in the digital trade sphere (Jubaedah et al., 2023). This law was formulated in an offline trade paradigm, leaving ambiguity regarding which legal subject is responsible for verifying halal claims in marketplaces (the seller, the platform, or the state), the lack of an adequate online surveillance system, and weak legal protection mechanisms for consumers in case of violations in digital transactions.

This weak protection is empirically reflected in various field findings. A 2022 report by the Indonesian Consumers Foundation (YLKI) noted that over 60% of food and beverage products sold online did not display clear or verifiable halal certification information. Furthermore, an investigation by BPOM and MUI in 2023 on a major marketplace in Indonesia found that 37% of imported food products sold lacked official halal labels, with some even found using fake or digitally manipulated halal logos (Fadhilla et al., 2023). This phenomenon indicates a serious "implementation gap," where a strong legal mandate at the macro level fails to be implemented at the micro level of digital transactions.

As a comparator country, Malaysia, consistently recognized as a pioneer in the global halal industry (ranked first in the Global Islamic Economy Indicator for 10 consecutive years), demonstrates a more systematic and adaptive approach to the digital era. Through its single certification authority, the Department of Islamic Development Malaysia (JAKIM), the country has developed an integrated and internationally recognized digital halal certification system (MyEHalal) (Soraji et al., 2017). Unlike Indonesia, Malaysia actively supervises e-commerce

platforms through collaboration with the relevant ministry (KPDN) and digital platforms like Shopee and Lazada to ensure only certified halal products can be sold in halal-dedicated channels, supported by a trade law framework that explicitly covers digital transactions (Omar, 2023)

Several previous studies have examined the issue of halal product assurance but still leave significant gaps (literature gaps). Various comparative studies have examined the differences in historical trajectories, institutional characteristics, and regulations between these two countries (Afdhal et al., 2025; Faiqoh & Fatwa, 2024; Fatonah et al., 2023; Tohe et al., 2021). Fitriani (2025) specifically distinguishes their governance structures, contrasting Malaysia's centralized single-agency model (JAKIM) with Indonesia's multi-stakeholder complexity. From a technical perspective, Supriyadi (2024) and Sariah (2023) identify a fundamental divergence where Indonesia has adopted a mandatory regime featuring a self-declare mechanism absent in Malaysia, yet remains lagging in enforcing the explicit traceability principles regulated in Malaysia's MHMS 2020. Although Hulwati (2025) and Gumanti (2025) have explored food industry standards and the principle of reciprocity to facilitate bilateral trade, these comparative studies generally still focus on macro-level regulations or implementation at the offline trader level (Sulistiawati et al., 2023), and have not specifically analyzed whether the "unregulated matters" in Indonesia encompass the digital market sphere.

Furthermore, the halal value chain ecosystem requires comprehensive integration, ranging from supporting instruments such as sharia insurance to broader sociological analyses of how state and market interventions shape the lifestyle of the Muslim middle class (Dzukroni & Afandi, 2023; Fischer & Nisa, 2025). At the consumer level, loyalty is not determined solely by the formal presence of halal labels, but is also shaped by product quality (*thayyib*) and ethical services within the framework of maqasid shariah (Fauzah & Makhtum, 2025). In relation to quality control, particularly under the self-declaration scheme, Hasan and Latif (2024) propose a maqasid shariah-based approach to address certification quality deficits. This concern is also reflected in studies emphasizing the urgency of accelerating digital certification and improving bureaucratic efficiency (Hidayah & Solihah, 2025; Santoso & Rachman, 2023). However, these studies mainly focus on the registration process for business actors and general market behavior, without specifically examining consumer protection policies at the marketplace storefront level (Naskhila & Suriaatmaja, 2023).

Entering the digital trade domain, studies on halal product assurance still leave significant gaps. A study by Geofani et al. (2024) found that halal assurance has not been fully realized on digital trading platforms; however, the research did not comprehensively examine

the regulatory framework and focused on only a single platform. On the other hand, issues of data forgery in e-commerce and the urgency of digital halal certificate transparency in marketplaces demand harmonization between positive law and sharia principles to prevent identity manipulation and fictitious transactions (Atikah et al., 2025; Humam et al., 2025). Regarding liability, existing literature has concluded that regulations in Indonesia (the Halal Product Assurance Law and the Consumer Protection Law) provide legal certainty through sanctions against label counterfeiters (Qomaro & Mawaddah, 2019). Unfortunately, these studies still operate within a conventional context (law in the books) and have not detailed how legal sanctions and accountability mechanisms can be effectively executed when violations occur on digital platforms (law in action), which are characterized by anonymity, cross-jurisdictional boundaries, and immaterial (spiritual) losses.

Existing studies show a fragmented focus. Most literature discusses (1) the importance of halal certification in general, (2) the digitalization process of certification from the back-end (business actors), or (3) a comparison of halal policies at the macro level (general regulation). Very few studies have positioned themselves at the crucial intersection of comparative law, consumer protection, and the technical implementation of halal assurance on marketplace platforms. This research specifically positions itself to fill this void by analyzing the gap between normative guarantees (*de jure*) and the reality of consumer protection (*de facto*) in the e-commerce ecosystems of Indonesia and Malaysia. Based on this literature review, a clear research gap is visible: there has been no specific, in-depth comparative study on the regulation and implementation of legal protection for halal product consumers in the marketplace realm (digital economy) between Indonesia and Malaysia.

Therefore, this research aims to fill this gap. The main objectives of this article are to analyze the comparison of legal protection policies for halal product consumers in Indonesia and Malaysia in the context of the digital economy and to identify the comparison of the implementation of halal product consumers' rights in the digital economy sphere in both countries. The urgency of this research lies in the need to provide strategic recommendations to policymakers in Indonesia for strengthening its digital legal framework, adopting best practices from Malaysia, to ensure halal legal certainty for consumers in marketplaces.

Methods

This study employs a normative-comparative legal research method supported by a statutory, conceptual, and comparative approach. The statutory approach is used to examine the substance, hierarchy, and synchronization of relevant regulations in Indonesia and Malaysia,

including Law Number 33 of 2014 concerning Halal Product Assurance (Undang-Undang Jaminan Produk Halal, UU JPH), Law Number 8 of 1999 concerning Consumer Protection (Undang-Undang Perlindungan Konsumen, UUPK), and Law Number 11 of 2008 concerning Electronic Information and Transactions, as amended by Law Number 19 of 2016 and Law Number 1 of 2024 (Undang-Undang Informasi dan Transaksi Elektronik, UU ITE). The Malaysian legal framework examined in this study includes the Trade Descriptions Act 2011 and the Consumer Protection Act 1999. The conceptual approach is applied to clarify key legal concepts, such as preventive protection, repressive protection, and platform liability, while the comparative approach is used to analyze the similarities and differences between the two legal systems, including institutional and practical factors affecting their effectiveness.

The main data consist of secondary legal materials, including primary legal materials, scholarly literature, journal articles, research reports, and official institutional data from bodies such as YLKI, BPJPH, and JAKIM. To strengthen the normative analysis and explore practical implementation in the digital marketplace, this study also uses primary data obtained through semi-structured online interviews with key regulatory informants from both countries. The informants include a representative of BPJPH Indonesia, Bisma Khairifadil, M.H., from the Bureau of Legal Affairs, Human Resources, and Public Relations, and a representative of the Halal Division of JAKIM Malaysia, Dr. Norailis Ab. Wahab, Ph.D. The data were analyzed using qualitative descriptive analysis through content analysis of legal norms and critical-comparative analysis to identify regulatory strengths, weaknesses, legal gaps, and norm conflicts in the halal consumer protection systems of Indonesia and Malaysia.

Comparison of Digital Consumer Protection Policies and Institutions

Legal protection for halal product consumers in the digital economy reflects the state's responsibility to guarantee legal certainty, particularly for Muslim consumers who require assurance that products comply with sharia principles. In digital markets, such protection is no longer limited to the validity of halal certification on physical products, but also extends to the accuracy, transparency, and verifiability of halal information displayed on online platforms. A comparative policy analysis between Indonesia and Malaysia shows that although both countries share a juridical commitment to halal consumer protection, they differ significantly in their regulatory architecture, institutional structure, and capacity to adapt halal assurance to the digital marketplace.

Gustav Radbruch (1950), through his trilemma of legal values, places legal certainty alongside justice and utility as a fundamental objective of law. Legal certainty requires norms

that are clear, transparent, consistent, and predictable, enabling legal subjects, including consumers and business actors, to understand their rights and obligations (Uvarova, 2025). In the context of digital halal consumer protection, the core legal problem lies in the ambiguity surrounding marketplace platform liability. A marketplace may be understood merely as a venue provider under the safe harbor model, but it may also be expected to assume responsibility for products sold through its platform when those products are subject to public law requirements, such as halal certification. This ambiguity creates legal uncertainty for consumers because the law does not clearly determine whether responsibility rests solely with the seller, the platform, or the state. Therefore, the unclear position of digital platforms becomes a central issue in assessing the effectiveness of halal consumer protection in Indonesia.

In e-commerce law, the debate on platform liability generally revolves around three models. The first is the conduit liability or safe harbor model, in which the platform, as an intermediary service provider, is exempted from liability for products or content uploaded by sellers, provided that it has no prior knowledge of the violation and acts promptly through a notice-and-take-down mechanism. This approach is reflected in Indonesia's Electronic Information and Transactions Law (UU ITE), particularly Article 15 of Law No. 19 of 2016. The second model is publisher liability, where the platform is treated as an actor with editorial control or curation power and is therefore responsible for the legality of the products displayed. The third model is a hybrid or due diligence model, which does not impose full liability on platforms but requires them to take reasonable preventive measures, such as verifying seller identities and product legality documents, including halal certificates. This framework is useful for mapping the position of marketplaces under Indonesia's halal product assurance regime and comparing it with Malaysia's more preventive digital governance model.

The concept of legal protection developed by Philipus M. Hadjon serves as the main analytical lens for examining the instruments used by the state. Hadjon divides legal protection into two forms, namely preventive legal protection and repressive legal protection (Banjarnahor et al., 2026). Preventive protection aims to prevent violations before they occur and is therefore oriented toward upstream safeguards, such as certification obligations, standardization, supervision, and platform-based verification before products are displayed in digital marketplaces. Repressive protection, by contrast, functions after a violation has occurred and is directed toward restoring rights, resolving disputes, and imposing sanctions. In the context of digital halal assurance, repressive protection may include complaint mechanisms, mediation, compensation, administrative sanctions, or criminal penalties against sellers or platforms that violate the law. The effectiveness of a halal consumer protection system therefore depends on

the balance between preventive mechanisms that reduce the risk of false halal claims and repressive mechanisms that provide meaningful remedies when violations occur.

In Indonesia, halal product assurance is primarily regulated under Law Number 33 of 2014 concerning Halal Product Assurance, which provides the legal basis for ensuring the halal status of products entering, circulating, and being traded within Indonesian territory. This framework has been amended through Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 on Job Creation into Law, and is currently implemented through Government Regulation Number 42 of 2024 concerning the Implementation of Halal Product Assurance. Article 4 of the Halal Product Assurance Law mandates halal certification for products that enter, circulate, and are traded in Indonesia. Institutionally, this law establishes the Halal Product Assurance Agency (BPJPH) as the main authority responsible for administering halal certification (Government Regulations, 2022; Law, 2014, 2023).

However, the Indonesian halal assurance system is characterized by a fragmented institutional structure. BPJPH functions as the regulator and certificate-issuing authority, while the determination of halal status remains under the authority of the Indonesian Ulema Council (MUI) or regional Halal Fatwa Committees. Meanwhile, the audit and inspection process is carried out by Halal Inspection Agencies (LPH), which may be established by private institutions, universities, or community organizations. Although this tripartite structure is designed to create checks and balances, it may also prolong bureaucracy and weaken rapid coordination. This limitation becomes more apparent in the digital marketplace, where halal supervision requires speed, accuracy, and real-time verification.

The most significant weakness of Indonesia's halal product assurance framework is its limited responsiveness to digital marketplace transactions. UU JPH was formulated primarily within the paradigm of conventional or physical trade and does not explicitly regulate e-commerce platforms such as Shopee, Tokopedia, and Lazada as legal subjects with co-responsibility for supervising halal claims. The law imposes obligations on business actors, but this category is commonly interpreted as referring to sellers or merchants rather than digital platforms as electronic system providers. As a consequence, consumer protection in marketplaces depends largely on the internal policies of each platform, which are governed mainly by the safe harbor logic of UU ITE. Under this model, platforms may avoid liability for seller-generated content as long as they apply a notice-and-take-down mechanism after receiving a report. This creates a conflict of norms: UU JPH requires products in circulation to comply with halal requirements, while UU ITE tends to protect platforms from liability for

products uploaded by sellers. In this sense, the Indonesian legal framework provides strong normative protection but lacks a binding technical mechanism to ensure verified halal information in digital transactions.

The implementation gap in Indonesia is also reflected in the findings from an interview with a BPJPH representative in 2024. The interview indicated that BPJPH's cooperation with major e-commerce platforms, such as Shopee and Tokopedia, remains limited to non-binding memoranda of understanding that mainly focus on socialization and education for merchants. Such cooperation has not yet developed into a mandatory technical integration requiring platforms to verify halal certificate data through BPJPH's SIHALAL system. This confirms that halal supervision in the digital marketplace remains largely passive, reactive, and dependent on the good faith of sellers (Khasanah & Salleh, 2025). Platforms are not yet legally required to integrate their systems with BPJPH's database, and therefore no upstream preventive filter exists to block uncertified or falsely claimed halal products before they reach consumers. As a result, the burden of verification is often shifted to consumers, even though they are the parties that should be protected by the halal assurance system.

Malaysia adopts a different approach by incorporating halal regulation into an established trade law framework through the Trade Descriptions Act 2011 (TDA 2011). Instead of creating an entirely separate legal regime, Malaysia defines "halal" as a trade description through the Trade Descriptions (Definition of "Halal") Order 2011 and the Trade Descriptions (Certification and Marking of "Halal") Order 2011 (Halim et al., 2014). This approach has significant legal consequences because any false, fake, or misleading halal claim, whether on a physical label, advertisement, or e-commerce page, can be treated as a violation of trade law (Ab Latiff, 2020). The advantage of this model lies in its flexibility, because the prohibition of false trade descriptions applies broadly to advertisements and representations in any form, including digital representations. Institutionally, Malaysia applies a single authority model through the Department of Islamic Development Malaysia (JAKIM) for halal certification at the federal level (Fatonah et al., 2023). Enforcement, including supervision in the digital sphere, is carried out by the Ministry of Domestic Trade and Cost of Living (KPDN). This combination of centralized certification and specialized enforcement creates a more coordinated and responsive institutional framework for halal consumer protection.

Malaysia's fundamental advantage lies in its more adaptive integration of halal policy and digital technology. Findings from an interview with a JAKIM representative in 2024 show that Malaysia has developed a Halal E-Commerce initiative in collaboration with the Malaysia Digital Economy Corporation (MDEC). This initiative requires e-commerce platforms to verify

the certification status of merchants through official databases such as halal.gov.my or the MyEHalal system. According to the interview, platforms such as Lazada and Shopee provide a special Halal Lane, where merchants may only be listed after their certification status has been verified through JAKIM's database. Merchants who are not certified by JAKIM are not allowed to use halal claims or be listed in that dedicated halal channel. This model shows that Malaysia places platforms in a more active position as gatekeepers of halal information rather than merely passive intermediaries. In addition, Malaysia uses digital instruments such as MyEHalal as a centralized certification database, inter-agency data integration, and QR codes linked directly to JAKIM's database to enable instant consumer verification (Ramlan et al., 2025).

Viewed through Hadjon's concept of legal protection, Indonesia has fulfilled preventive protection at the normative level through the mandatory certification obligation under UU JPH (Hartati, 2019). However, in the digital context, this preventive protection remains weak because there is no binding obligation for marketplaces to verify halal certificates before products are displayed. The absence of such a requirement leaves the digital entry point open for uncertified products, unilateral halal claims, or manipulated halal labels. Consequently, Indonesia's system relies more heavily on repressive protection through administrative and criminal sanctions under UU JPH and UUPK. This reliance is problematic because enforcement in digital markets is complicated by anonymity, massive transaction volumes, cross-jurisdictional sellers, and the difficulty of tracing spiritual or immaterial losses suffered by Muslim consumers. In practice, therefore, Indonesia's legal protection remains strong in law but less effective in digital implementation.

By contrast, Malaysia applies a more structured model of preventive protection in the digital halal ecosystem. The obligation to verify merchants through MyEHalal functions as an upstream filter that prevents uncertified or falsely claimed halal products from entering dedicated halal channels. The use of QR codes and integrated databases further strengthens transparency and empowers consumers to verify halal status directly. Repressive protection under TDA 2011, enforced by KPDN, operates as a secondary mechanism when preventive safeguards fail or when business actors intentionally mislead consumers. This model reflects the due diligence approach to platform liability, because digital platforms are not treated merely as passive conduits but are required to take reasonable steps to prevent consumer harm (Razali et al., 2022). Malaysia's framework therefore demonstrates stronger integration between legal norms, institutional coordination, and digital verification mechanisms.

The comparison between Indonesia and Malaysia can be summarized through three main aspects. First, from the institutional aspect, Indonesia experiences fragmented authority among

BPJPH, MUI, and LPH, while Malaysia applies a more centralized certification model through JAKIM and specialized enforcement through KPND. Second, from the regulatory aspect, Indonesia has a specific halal product assurance law that is normatively strong but insufficiently responsive to digital platforms, whereas Malaysia uses a broader trade law framework that more easily covers digital representations and online halal claims. Third, from the digital implementation aspect, Indonesia still faces a gap between macro-level regulation and technical obligations for marketplaces, while Malaysia has developed stronger policy integration through MyEHalal, MDEC collaboration, and platform-based verification (Sariah et al., 2023). Therefore, Indonesia's halal consumer protection policy remains focused on macro-level normative guarantees, while Malaysia has moved further toward integrating halal assurance with digital governance. This comparison shows that effective digital halal consumer protection requires not only certification obligations, but also clear platform liability, institutional coordination, and reliable technological verification mechanisms.

Table 1. Comparison of Digital Halal Consumer Protection Policies in Indonesia and Malaysia

Aspect	Indonesia	Malaysia
Institutional structure	The halal assurance system involves several institutions, namely BPJPH as the administrative and certificate-issuing authority, MUI or regional Halal Fatwa Committees for halal determination, and LPH for inspection and audit.	The halal certification system is more centralized through JAKIM, while enforcement and supervision are supported by KPND.
Regulatory framework	Indonesia has a specific halal product assurance law through UU JPH, supported by consumer protection and electronic transaction regulations. However, the framework has not yet explicitly imposed binding verification obligations on digital platforms.	Malaysia regulates halal claims through the Trade Descriptions Act 2011, which treats halal as a trade description and allows false or misleading halal claims in digital transactions to be treated as trade law violations.
Platform liability	Marketplace platforms are not yet clearly positioned as legal subjects responsible for verifying halal claims. Their role is still largely shaped by the safe harbor logic under electronic transaction regulation.	Platforms are encouraged to play a more active due diligence role by verifying halal certification status before sellers or products can enter halal-dedicated channels.
Digital verification mechanism	There is no mandatory API-based integration between marketplaces and BPJPH's SIHALAL database, so halal verification still depends largely on sellers and consumers.	Verification is supported through MyEHalal, halal.gov.my, Halal Lane initiatives, and QR-based traceability linked to JAKIM's database.
Consumer protection orientation	Preventive protection is strong at the normative level but weak in digital implementation because there is no upstream marketplace verification mechanism.	Preventive protection is more operational because verification mechanisms are embedded in digital halal governance.
Main weakness	The main weakness lies in institutional fragmentation, unclear platform liability, and the gap between certification obligations and marketplace-based verification.	The main challenge lies in maintaining consistent enforcement and platform compliance, although the regulatory and institutional model is more digitally adaptive.
Overall model	Normatively strong but digitally less integrated.	More integrated, preventive, and adaptive to digital marketplace transactions.

This comparison shows that effective digital halal consumer protection requires not only certification obligations, but also clear platform liability, institutional coordination, and reliable technological verification mechanisms. The following table summarizes these differences more systematically.

Implementation of Consumer Rights: The Verification Gap and the Access to Justice Gap

The effectiveness of a legal policy is not determined merely by its normative strength, but by the extent to which the fundamental rights of legal subjects, particularly consumers, are implemented in practice. Consumer protection seeks to balance the interests of consumers, business actors, and the state by ensuring that consumers are not placed in a vulnerable position within market transactions (Angriyani & Gultom, 2021). In Indonesia, these rights are mainly guaranteed under Law Number 8 of 1999 concerning Consumer Protection (UUPK), while in Malaysia they are regulated under the Consumer Protection Act 1999 (CPA 1999). In the context of halal products in the digital era, the implementation of consumer rights, especially the right to information and the right to redress, reveals a significant gap between de jure guarantees and de facto protection.

The right to correct, clear, and honest information, as stipulated in Article 4 letter c of UUPK, is one of the most fundamental rights in digital transactions. This right becomes even more crucial in halal product transactions because halal status is not merely a commercial attribute, but also relates to consumers' religious beliefs and spiritual interests. In this sense, halal information must be accurate, transparent, and verifiable before consumers make purchasing decisions (Syafriada, 2016). Without reliable information, consumers cannot properly assess whether a product complies with halal requirements, particularly in marketplace transactions where sellers and products are often difficult to verify directly.

In Indonesia, the implementation of this right remains weak in digital marketplaces. Platform content analysis indicates a mechanical gap, namely the absence of API-based integration and the lack of a binding legal obligation for marketplaces to validate halal certificates uploaded by sellers through BPJPH's SIHALAL database (Khasanah & Salleh, 2025). This problem was also confirmed in the interview with BPJPH in 2024, which showed that existing memoranda of understanding with platforms do not yet include technical data validation. As a result, halal verification in marketplaces still depends largely on the initiative of sellers and the internal policies of each platform.

Consequently, Indonesian marketplaces tend to operate as passive storefronts where halal claims are displayed without adequate institutional verification. Consumers are exposed to an information environment filled with varying and sometimes unverifiable claims. Field findings identify at least three types of problematic information: products displaying authentic BPJPH or MUI halal logos uploaded by trusted sellers; products carrying unilateral claims such as “guaranteed halal” or “100% halal” without a certificate number; and products using fake, edited, or foreign halal logos that are not recognized by BPJPH (Fadhilla et al., 2023). These conditions show that the consumer’s right to correct information is not yet sufficiently protected at the marketplace storefront level.

In this situation, consumers who should be protected by UUPK and UU JPH are instead burdened with the responsibility of conducting manual verification. They are expected to copy the certificate number, when available, access the BPJPH SIHALAL website separately, and verify the certificate independently. This mechanism is ineffective because it is time-consuming, many sellers only display logos without certificate numbers, and not all consumers have sufficient digital literacy to conduct multi-platform verification. Therefore, the failure to provide integrated halal verification in marketplaces represents a failure of preventive protection. The state’s legal guarantee exists normatively, but it has not yet been translated into an accessible and reliable digital verification mechanism.

Malaysia, by contrast, implements the right to information in a more proactive and preventive manner. By defining “halal” as a trade description under the Trade Descriptions Act 2011 (TDA 2011), any false or misleading halal claim in the marketplace can be treated as a violation of trade law. Interview findings with a JAKIM representative in 2024 indicate that the Halal E-Commerce initiative requires digital platforms, including Shopee and Lazada, to verify the certification status of sellers through JAKIM’s MyEHalal database. Platforms are therefore not merely passive intermediaries, but are expected to filter which sellers are eligible to enter the dedicated Halal Lane.

This implementation is reinforced through two technological instruments. First, back-end data integration between JAKIM and e-commerce platforms enables platforms to apply a JAKIM-verified label or place eligible products in a special halal channel. Second, front-end verification through QR codes on product packaging allows consumers to check halal status directly through JAKIM’s database using their mobile phones. Through these mechanisms, Malaysia provides a stronger institutional and technological basis for guaranteeing consumers’ right to correct information. The protection is not left solely to consumers’ manual effort, but is supported by the state, certification authority, enforcement agency, and digital platforms.

The second crucial right is the right to advocacy, protection, and proper dispute resolution, as guaranteed under Article 4 letter d of UUPK. In the halal product context, this right becomes important when consumers suffer harm because a product does not conform to its halal claim. Such harm may involve material loss, such as the money paid for the product, as well as immaterial or spiritual loss, such as the violation of religious beliefs. Therefore, halal consumer disputes require a mechanism that is not only capable of processing refunds, but also sensitive to the religious and immaterial dimensions of consumer harm.

In Indonesia, the formal mechanism for consumer dispute resolution is the Consumer Dispute Settlement Board (BPSK), as mandated by UUPK. However, field findings and literature analysis show that BPSK is not fully adaptive to disputes arising in the digital era. BPSK was originally designed for conventional consumer disputes that are local, face-to-face, and supported by physical evidence (Rahman et al., 2023). In e-commerce disputes, BPSK faces several structural obstacles, including territorial jurisdiction because consumers, sellers, and platforms may be located in different cities; procedural limitations because mediation or arbitration often requires physical attendance; and time constraints because the process may take weeks, which does not correspond to the rapid nature of digital transactions (Apandy & Adam, 2021; Ghapa & Ab Kadir, 2021; Khasanah, 2021).

As a result, Indonesian consumers facing halal disputes in digital marketplaces do not yet have an effective formal legal pathway. In practice, they are often forced to rely on marketplace internal mechanisms, such as complaint, refund, or return features. These mechanisms may address material losses by returning payment, but they are not designed to resolve disputes involving false halal claims or spiritual harm. Consequently, the right to redress guaranteed by UUPK becomes difficult to implement in the digital halal ecosystem. This condition reflects a failure of repressive protection because the available dispute resolution mechanism is not sufficiently accessible, adaptive, or responsive to digital halal disputes.

Malaysia offers a more accessible model through the Tribunal for Consumer Claims (TCC), which was established under the Consumer Protection Act 1999 (CPA 1999). The TCC is designed as a fast, simple, and low-cost alternative dispute resolution mechanism. Consumers may file claims up to RM 50,000 with a filing fee of RM 10 and without the need for legal representation (Sofiana et al., 2021). This structure makes the tribunal more accessible for ordinary consumers, including those involved in small-value e-commerce transactions.

The most important feature of the TCC is its adaptability to e-commerce disputes. Its filing procedure is relatively simple, can be conducted online, and is designed to produce decisions within a short period. The tribunal also has national jurisdiction, and its decisions are

final and binding, with legal force equivalent to a court judgment. If a consumer in Malaysia is harmed by a false halal claim in a marketplace, the consumer has at least two layers of protection: the platform's internal complaint or refund mechanism and an external legal mechanism through the TCC. This arrangement ensures that the right to dispute settlement is not merely recognized in law, but can also be exercised effectively within the digital ecosystem.

The comparison between Indonesia and Malaysia demonstrates a clear gap between de jure guarantees and de facto implementation. In Indonesia, the rights of digital halal consumers are strongly guaranteed by UUPK and UU JPH, but their implementation remains weak due to a broken protection chain. Preventive protection is weakened because BPJPH has not yet mandated platform-based halal verification, thereby compromising the consumer's right to information. Repressive protection is also limited because BPSK has not been fully adapted to the characteristics of digital disputes, making the consumer's right to redress difficult to access in practice.

In Malaysia, consumer rights guaranteed under CPA 1999 are more effectively implemented in the digital realm. This effectiveness is supported by three interconnected pillars: a digitally adaptive trade regulation under TDA 2011, a certification authority through JAKIM that proactively integrates halal data with e-commerce platforms, and a dispute resolution body through TCC that is accessible for digital consumer claims (Yustianingsih et al., 2024). These three pillars create a more coherent model of consumer protection, combining preventive protection through digital verification and repressive protection through accessible dispute settlement. Thus, Malaysia provides a stronger example of how halal consumer rights can be operationalized in digital marketplaces through regulatory clarity, institutional coordination, and technological integration.

Conclusion

Based on the comparative analysis, Indonesia and Malaysia both demonstrate a strong legal commitment to halal consumer protection, yet they differ significantly in regulatory design, institutional coordination, and digital implementation. Indonesia's halal assurance framework is normatively strong through UU JPH, UUPK, and the establishment of BPJPH, but it remains weak in the digital marketplace due to fragmented institutional authority, the absence of binding platform verification obligations, and the unresolved tension between halal certification requirements and the safe harbor logic of e-commerce regulation. As a result, the implementation of consumer rights in Indonesia, particularly the right to accurate halal information and the right to effective redress, remains largely de jure and is not fully realized

in practice, as consumers must still rely on manual verification and marketplace-based complaint mechanisms. In contrast, Malaysia offers a more integrated and preventive model by defining halal as a trade description under TDA 2011, centralizing certification through JAKIM, enforcing compliance through KPDM, and supporting digital verification through MyEHalal, Halal Lane, and QR-based traceability. The Malaysian model also provides more accessible repressive protection through the Tribunal for Consumer Claims, making consumer rights more practically enforceable in digital transactions. Therefore, Indonesia needs to move beyond normative certification obligations by strengthening platform due diligence, integrating marketplace systems with BPJPH's halal database, and developing a digital dispute resolution mechanism that can ensure both preventive and repressive protection for halal consumers in the digital economy.

This study has several limitations that should be acknowledged. First, the analysis is primarily based on normative-comparative legal research supported by interviews with regulatory authorities, and therefore it does not yet examine in depth the practical experiences of consumers, sellers, and marketplace operators in handling halal verification and dispute resolution. Second, this study focuses on the comparison between Indonesia and Malaysia, so its findings may not fully represent broader models of digital halal consumer protection in other Muslim-majority or global halal markets. Future research should conduct empirical studies involving consumers, business actors, and e-commerce platforms to assess how halal certificate verification is actually implemented at the marketplace level. Further studies may also explore the feasibility of integrating BPJPH's SIHALAL database with e-commerce platforms through API-based verification, as well as the development of Online Dispute Resolution (ODR) mechanisms for halal consumer disputes. Comparative research involving additional countries with advanced halal governance systems would also be useful to enrich the model of preventive and repressive protection for halal consumers in the digital economy.

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