Volume 7 Number 2 (2026) Pages 358 – 367
Ecobankers : Journal of Economy and Banking
Email Journal : edubankers.bbc@gmail.com
Web Journal : https://jurnal.uibbc.ac.id/index.php/EcoBankers

The Impact of Mandatory Halal Certification Regulations on Legality Aspects in MSME Business Feasibility Studies

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Received: 2026-07-19 ; Accepted: 2026-07-26 ; Published: 2026-08-31

Abstract
The implementation of halal certification obligations in Indonesia has brought a major transformation to the business ecosystem, especially Micro, Small, and Medium Enterprises (MSMEs). This study aims to analyze how the mandatory halal certification regulations affect and change the parameters of the "feasible" assessment of legality aspects in the MSME Business Feasibility Study (SKB). The research method used is descriptive qualitative with a library research approach. Secondary data was obtained through searching halal product assurance regulations, management textbooks, and nationally accredited scientific articles. The results of the study show that the mandatory halal regulation has reconstructed the parameters of the legality aspect in the SKB; Halal certificates are no longer an optional marketing instrument, but rather the main determinant of legal feasibility (mandatory gatekeeper). However, the government provides legal solutions through a self-declare scheme to maintain the feasibility of the legality aspects of micro and small class MSMEs without burdening business finances. This study recommends restructuring the conventional SKB format by including halal regulatory compliance variables as the main indicator of business legal feasibility in the contemporary era.

Keywords: *Halal Certification; Legality Aspects; Business Feasibility Studies; MSMEs*
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E-ISSN : 2747-0245

INTRODUCTION

Indonesia is the country with the largest Muslim population in the world, reaching 249.82 people in 2025 or 87.14% of Indonesia's population is Muslim (Premiere, 2025). This large percentage is a great opportunity for Indonesia as the largest producer of halal products and services in the world. As a country with the largest Muslim population, the halal aspect of food, medicines, cosmetics, and consumer goods is a crucial aspect that must be met (Larasati & Yasin, 2024). Islam commands its adherents to only consume halal food, as the Word of Allah in QS. Al-Maidah verse 88;

And Allah is the Messenger of Allah (peace and blessings of Allaah be upon him) and he is the Messenger of Allaah (peace and blessings of Allaah be upon him).

Meaning: "Eat what Allah has bestowed upon you as lawful and good sustenance, and fear Allah in whom only you believe."

In order to optimize the potential of the domestic halal food and beverage industry, the Government of Indonesia implements a policy that requires all products in circulation to have halal certification. This regulation is emphasized through Law Number 33 of 2014 concerning Halal Product Assurance (JPH Law), which sets the deadline for fulfilling this obligation for the food and beverage MSME sector on October 17, 2024 which was then extended until October 18, 2026 based on Government Regulation Number 42 of 2024 (Situmeang et al., 2025). This regulation radically changes the nature of halal certification that was originally voluntary (voluntary) becomes an absolute obligation (mandatory) for all business actors (Al Mubarak et al., 2023). After the deadline has passed, compliance with halal certification is no longer just a business adaptation option, but an absolute requirement of operational legality which, if violated, can have implications for administrative sanctions and the cessation of product circulation in the market.

One of the business sectors most affected by this halal issue is MSMEs. Based on data from the Ministry of Cooperatives and SMEs, MSMEs account for more than 60% of the national Gross Domestic Product (GDP) and absorb almost 97% of Indonesia's workforce (Coordinating Ministry for the Economy, 2025). However, despite their massive potential, MSMEs often face a high risk of business failure in the early years of operation due to a lack of careful planning. In the context of business management, the Business Feasibility Study (SKB) is present as a crucial instrument to evaluate, analyze, and mitigate these risks before a business is fully executed, to ensure business sustainability in the future (Ma'rifah et al., 2023).

Conventionally, the Business Feasibility Study divides the feasibility analysis into several main dimensions, one of which is the legality aspect or the legal aspect. The legality aspect is in charge of dissecting the validity, suitability, and compliance of the business plan with the applicable legal regulations in a region. In the old paradigm, an MSME, especially in the food, beverage, and cosmetics sectors, has been considered legally "feasible" if it has obtained basic licensing documents such as Business Identification Number (NIB) or Household Industrial Food Production Certificate (SPP-IRT) (Aufat et al., 2025). Halal certification at that time was only seen as a voluntary marketing strategy (voluntary) to attract Muslim market segments and increase consumer confidence, not as a binding juridical obligation (Al Mubarak et al., 2023).

Previous research conducted by Hazmatul Khumairo and Abdur Rohman (2025) entitled "Smart Steps to Build Halal and Legal Businesses: Business Feasibility Study Through OSS

Registration and Halal Certification" analyzed strategic steps in building a business through the integration of the three instruments. The results show that the integration between formal legality and halal compliance (halal compliance) significantly able to increase consumer confidence and strengthen the competitiveness of MSME products (Khumairo' & Rohman, 2025).

Umi Latifah (2022) in her research entitled "Mandatory Halal Certification Policy for Micro, Small, and Medium Business Products in Kudus Regency" analyzed the implementation of mandatory halal policies at the field level after the enactment of the JPH Law. The results of the study show that the implementation of the policy still faces various real challenges for MSME actors, ranging from limited understanding of regulations, administrative technical constraints, to suboptimal communication between stakeholders (Latifah, 2022).

Muhamad Fachrul Aufat et al (2025) in a study entitled "Analysis of the Importance of Legal Aspects in the Study of Business Feasibility as a Guarantee of Business Legitimacy" evaluated the urgency of fulfilling legal aspects for a business entity. The results show that the ownership of legal documents such as the Deed of Establishment and Business Identification Number (NIB) is authentic evidence of legal compliance that is vital to provide legal certainty (legal certainty) and mitigate future juridical risks (Aufat et al., 2025).

The main limitation of the three previous studies lies in the pattern of discussion which is still partial, where the legality dimension of conventional positive law has not been fully integrated with the mandatory halal certification instrument. The majority of existing studies so far are limited to photographing the bureaucratic flow of registration or identifying technical operational obstacles of business actors in certain areas, without dissecting how this mandatory regulatory transformation fundamentally reconstructs the standard standard for assessing legal aspects in the Business Feasibility Study (SKB).

Based on these limitations, this study focuses on analyzing the impact of mandatory halal certification regulations in reconstructing assessment parameters on legality aspects in the MSME Business Feasibility Study (SKB) in order to have sustainable legal compliance. Through this study, it is hoped that a conceptual model of integrative legal aspect parameters in the SKB can be formulated, so as to be able to present theoretical solutions for academics as well as a practical reference for business actors in mitigating juridical risks in the future.

RESEARCH METHODOLOGY

This research uses a qualitative approach with a descriptive-analytical type of *library research*. This research is specifically focused on mapping how the transformation of halal certification regulations changes the parameters of business feasibility assessment. The data sources used in this study are entirely secondary data that are relevant to the focus of the study. The secondary data is sourced from the main textbook on Business Feasibility Studies (SKB) to dissect the standard standards of conventional legality aspects. The data is then juxtaposed with positive legal regulatory documents, especially the Halal Product Assurance Law (JPH Law) and its derivative regulations, as well as scientific journal articles that contain the results of previous research on the implementation of halal certification in the food MSME sector.

The data collection technique is carried out through a documentation method with a digital-based *literature review*. The data collection process is narrowed by using combination keywords such as "Business Feasibility Study", "Legal/Legality Aspects", "Halal Mandatory",

and "MSMEs". The literature data that has been collected is then classified, content *analyzed*, and organized based on topic suitability to answer the problem formulation objectively.

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RESULTS AND DISCUSSION

1. Shifting the Parameters of Conventional Legality Aspects to the Era of Halal Mandatory

A business feasibility study is a systematic process to test the feasibility of a business plan based on market, technical, management, legal, social, economic, and financial aspects (Kasmir, 2015). The main objective of this study is to minimize the risk of failure and ensure the success and sustainability of the business in the future. Among these dimensions, the legality or legal aspect is one of the earliest and crucial parameters to test the validity of a business plan. The legality aspect in a conventional SKB is tasked with analyzing the ability of business actors to comply with positive legal regulations that apply in a region, such as the ownership of a Business Identification Number (NIB), Deed of Establishment, and operational distribution permits (Aufat et al., 2025). The fulfillment of this aspect aims to provide legal certainty (*legal*

certainty) so that business operations are free from juridical sanctions or business freezing in the future.

However, when viewed from the perspective of Islamic economics, business feasibility studies do not solely focus on obtaining material profitability, but must also integrate compliance with sharia rules, which include aspects of ensuring the halal of products, the application of the principle of justice in every business activity, and accountability or moral responsibility (Farhan et al., 2025). The halalness of a business is closely related to the alignment of all aspects of business operations with Islamic sharia principles, which involves ensuring that products and raw materials are taken from halal sources, production processes follow sharia regulations, and distribution aspects that are carried out without fraud or usury (Haliyah & Rahman, 2025).

The enactment of Law Number 33 of 2014 concerning Halal Product Assurance (JPH Law) became an important turning point that integrated the sharia dimension into national positive law. The halal product assurance system in Indonesia has undergone a very fundamental paradigm shift; from being originally managed by the Indonesian Ulema Council (MUI) and voluntary (*voluntary*) for the sake of marketing, now taken over by the state through the Halal Product Assurance Agency (BPJPH) under the Ministry of Religion is an absolute obligation (*mandatory*) for all products in circulation (Al Mubarak et al., 2023; (Republic of Indonesia, 2014). This transformation is emphasized through derivative regulations in Law Number 6 of 2023 concerning the Determination of the Job Creation Perppu into Law, as well as Government Regulation No. 39 of 2021 which provides a staging of halal certified obligations for food and beverage MSMEs (Situmeang et al., 2025).

This change from *voluntary* to *mandatory* marks a new phase in which halal compliance is no longer seen as a purely religious ethical instrument, but rather a formal legal instrument of the state that is juridically binding. The impact on the SKB is very significant, where the status of halal *compliance is* now officially reconstructed as one of the main indicators of the fulfillment of formal business legality. The feasibility status of the legal aspect of a business plan is no longer only partially measured by the completeness of basic permits such as NIB, but is determined by the business entity's ability to ensure legal compliance in the entire supply chain in order to meet the halal certification standards set by the state. The reconstruction of these parameters is visually mapped in the following Table 1:

Table 1.
Comparison of Eligibility Parameters of Legal Aspects in SKB

Differentiating Variables	Conventional SKB Paradigm	Paradigma SKB Era Halal Mandatory
Primary Basic Permissions	Deed of Establishment, NIB, SPP-IRT / BPOM	NIB, Distribution Permit, and BPJPH Halal Certificate
Nature of Halal Certificate	Sukarela (*Voluntary*)	Wajib (*Mandatory)*
Scope of Legal Aspect Testing	Legality of business entities and distribution permits of local products	Upstream-downstream legal validity (Compliance with raw materials, production processes, distribution, and product traceability)

Consequences of Violations	Administrative Sanctions for Basic Business Licenses	Product withdrawal sanctions, fines, and total operational permit freezing (JPH Law)

2. Multidimensional Impact on MSME Operations and Finance

As the main pillar of the national economy that contributes more than 60% to the Gross Domestic Product (GDP) and absorbs almost 97% of the domestic workforce, Micro, Small, and Medium Enterprises (MSMEs) are the sectors most affected by this change in legal eligibility parameters (Coordinating Ministry for the Economy, 2025). Despite having a strategic role, MSMEs consistently face high vulnerabilities related to compliance with law (*legal compliance*) due to limited capital structure, low regulatory literacy, and lack of understanding of formal operational risk management since the beginning of business establishment (Ma'rifah et al., 2023).

In the context of halal certification obligations, these obstacles are increasingly evident due to the gap between the ideal demands of the law and the real capacity of business actors in the field. Compliance with these mandatory regulations linearly entails the consequence of additional costs (*compliance cost*) which demands fundamental changes in the flow of the food MSME production process. The new cost component includes the procurement of halal-certified raw materials, the adjustment of production facilities that are separate from the potential for impurities contamination, to the administrative costs of laboratory testing on a regular scheme. For food MSMEs with capital limitations, the addition of cost variables and operational technical changes have a direct impact on the cash flow projection (*cash flow*) and break-even point determination (*break-even point*), which in turn affects the final assessment of the financial feasibility and legal feasibility of the business. In addition, the dynamics and uncertainties related to staging and regulatory changes at the central level also create additional strategic challenges for MSMEs in managing their long-term business risk mitigation (Budiarto et al., 2018).

In addition to financing barriers, this mandatory halal regulation also has a major impact on market accessibility factors and managerial operational risks of food MSMEs in the SKB document. Halal certification has transformed into a trust *mechanism* for Muslim consumers which at the same time confirms that the product has met halal-recognized standards that are recognized by formal legality. However, the reality on the ground shows that the process of obtaining halal certification is often considered complex, bureaucratic, and requires a significant allocation of resources for small business actors. Obstacles in obtaining this certification have a massive derivative impact on the market aspect in the SKB document. The failure of MSMEs to obtain halal certificates after the regulatory deadline not only triggers legal sanctions and the freezing of business licenses by the state, but also automatically hinders MSMEs' access to enter a wider market supply chain (*market accessibility*), such as modern retail, export markets, and consumer niches that have high *halal awareness*. This vulnerability to legal compliance is exacerbated by the limited managerial capacity of small business actors in managing daily production governance.

Lack of understanding or experience in clean production management (*clean production*) has the potential to cause fatal errors (*human error*) during the processing process, such as negligence in traceability (*traceability*) additional raw materials whose halal status is unclear,

or the simultaneous use of production equipment (*cross-contamination*) without adequate sterilization (Fauzah & Rohman, 2024). From SKB's point of view, these technical errors pose a high level of operational risk that can tarnish the brand's reputation (*corporate image*) and triggers the revocation of the legality rights of the business by the competent authority.

3. Self-Declare Scheme as a Legal Solution for the Feasibility of Micro and Small MSMEs

Addressing the challenge of cost burden (*compliance cost*) and the bureaucratic complexity faced by micro-small scale businesses, the government integrates inclusive legal solutions in the national halal assurance regulatory ecosystem in the form of a scheme *self-declare* (statement of business actors). Based on Government Regulation No. 39 of 2021, this scheme is specifically intended for micro and small business actors (MSEs) with criteria for products that are not risky, use ingredients that have been confirmed to be halal, and have a simple production process (Republic of Indonesia, 2021). The existence of this scheme is significantly supported by the Free Halal Certification (SEHATI) program initiated by the BPJPH Ministry of Religion to mitigate the financial risks of MSEs.

In the perspective of the preparation of the Business Feasibility Study (SKB), the integration *of the self-declare instrument* has succeeded in reconstructing the feasibility parameters in the legality and financial dimensions of micro businesses simultaneously. On the one hand, MSEs are able to achieve absolute legal compliance status (*halal compliance*) according to the state mandate without having to go past the 2026 regulatory deadline. On the other hand, because this scheme eliminates the cost of registration and expensive regular laboratory testing, MSEs can reduce initial business capital *expenditure*. Consequently, the projection of daily operating cash flows is not distorted by the new compliance expense post, so that the *break-even point* of the business remains at a safe and rational level to run. Thus, the introduction of *the self-declare* scheme in contemporary SKB documents acts as an *enabling variable* that ensures that the target of achieving complete and sustainable formal legality does not compromise the economic and financial feasibility indicators of small business actors.

CONCLUSION

Based on the results of analysis and discussion, this study concludes that the implementation of mandatory halal certification regulations has triggered a fundamental transformation and paradigm reconstruction of the parameters of assessing legality aspects in the Business Feasibility Study (SKB) of food MSMEs. Halal certification has undergone a shift in function juridically; from being originally only seen as a religious ethical instrument and a voluntary marketing strategy, it is now upgraded to a mandatory and binding state legal instrument. The legal feasibility of a business plan is no longer valid if it is only measured based on the ownership of conventional basic licensing documents such as NIB or SPP-IRT only, but is determined absolutely by the ability to meet halal product assurance regulatory standards in its entire supply chain.

For the food MSME sector, this regulatory change has an impact in the form of operational and managerial risks, and an additional burden of *compliance costs* that affect cash flow projections and business break-even points. The presence of *the self-declare scheme* is an effective regulatory solution from the government, which has succeeded in maintaining a balance between the total legal compliance target and the financial capabilities of micro-small class MSMEs in Indonesia. The inability or failure of food MSMEs in obtaining halal

certification after the deadline not only has an impact on the decline of brand reputation and loss of accessibility to the wider market, but directly triggers concrete legal sanctions from the state in the form of freezing operational permits to the withdrawal of products from the market. Thus, the fulfillment of halal guarantees currently plays an absolute role in determining eligibility status, *legal compliance*, and business sustainability in the contemporary era.

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