



Halal Labelling as Political Capital in Negotiating Islamic Law for Business Interests

Eka Sutisna^{1*}, Arsy Shakila Putri², Imam Ragimov³, Zulkhaedir Abdussamad⁴, Wawan Irawan⁵

¹ Universitas Islam Jakarta, Jakarta, Indonesia

² Istanbul Ticaret University, Istanbul, Türkiye

³ Yalova University, Yalova, Türkiye

⁴ Universitas Muhammadiyah Kupang, Kupang, Indonesia

⁵ Ural Federal University, Yekaterinburg, Russia

| Article info: | Abstract |
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| <p>Keywords: Business interests, Halal label, Islamic law, Political capital, Social legitimacy</p> | <p>In this study, the halal label is positioned not merely as a normative marker of sharia compliance, but as symbolic-political capital which, through a process of negotiation between Islamic law, state authority, and corporate logic, is converted into moral legitimacy, regulatory bargaining power, and economic advantage, thus revealing how piety is produced, exchanged, and contested in the arena of modern business power. This study uses a socio-legal qualitative approach with policy analysis and critical document study designs, as the negotiation of Islamic law in the issue of halal labelling essentially takes place in the textual, regulatory, and discursive realms. The results state that halal labelling must be understood as a device of power that works through symbolic recognition as well as an administrative device, thereby transforming religious values into capital that can be negotiated in three mutually pressured fields, namely pluralistic Islamic law based on ijtihad, state law that demands standardisation and certainty, and corporate logic that prioritises efficiency and supply chain certainty. From this, it appears that halal certainty often resembles procedural certainty that can be audited rather than moral certainty that lives in the diversity of community practices. Precisely because of this, the halal label becomes a strategic currency that can be converted into social legitimacy, regulatory access, and competitive advantage, while also producing a certification political economy that creates an ecosystem of costs, audit services, training, consultation, and potential technical knowledge monopolies.</p> |
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*Author correspondence email: ekasutisna5432@gmail.com

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Introduction

In recent decades, the halal label has undergone a significant shift in meaning, from merely a marker of religious compliance to a strategic instrument intertwined with economic, political, and legal interests.¹ In the context of modern Muslim societies integrated into the global market system, halal labels are no longer understood solely as a guarantee of a product's sharia compliance, but also as a symbol of legitimacy, public trust, and bargaining power in business competition.² This phenomenon becomes even more complex when the state acts as a regulatory actor that sets standards, certification mechanisms, and halal authority, so that halal moves in a space of negotiation between Islamic law, business interests, and public policy. This dynamic shows that the halal label is not neutral, but rather laden with power relations involving business actors, religious authorities, and the state in an ever-evolving legal and political arena.

The development of the global halal industry shows that the economic value of halal is growing rapidly and has become one of the most promising sectors in the world economy. Reports from various international institutions indicate that the halal market extends beyond food and beverages to include the pharmaceutical, cosmetics, tourism, finance, and lifestyle sectors.³ In this context, the halal label functions as symbolic capital that can increase market access, expand consumer reach, and strengthen the bargaining position of products at the national and international levels.⁴ For business actors, possession of the halal label is often a prerequisite for entering the Muslim majority market, as well as a product differentiation strategy amid fierce competition. However, beyond its economic function, the halal label also carries legal and theological implications that demand clarity in terms of interpretative authority and sharia legitimization mechanisms.

State involvement in halal regulation, particularly through legislation and the institutionalisation of certification, marks an essential transformation in the relationship between Islamic law and positive law.⁵ The state not only acts as a facilitator, but also as an actor that determines halal standards through legally binding regulations. This condition creates space for intense negotiations among the principles of fiqh, administrative interests, bureaucratic efficiency, and the economic development agenda. In many cases, the halal legislative process reveals a tug-of-war between traditional religious authorities, industrial interests, and the rationality of the modern state. The halal label then becomes a point of convergence and conflict. On the one hand, it must represent Islamic normative values. On the other hand, it must be compatible with market logic and the state's legal system.

Academic studies on halal have so far mainly focused on normative-theological aspects, particularly related to the concepts of halal and *haram* in fiqh, product halal

¹ Md Mahfujur Rahman et al., "Navigating Moral Landscape: Islamic Ethical Choices and Sustainability in Halal Meat Production and Consumption," *Discover Sustainability* 5, no. 1 (2024): 225, <https://doi.org/10.1007/s43621-024-00388-y>.

² Maria Imelda Novita Susiang et al., "Effects of Competitive Intelligence and Halal Integrity on Halalan Tayyiban Implementation Strategy in Indonesian MSMEs: The Mediating Role of Halal Orientation Strategy," *Journal of Islamic Marketing*, 2024, <https://doi.org/10.1108/JIMA-10-2023-0344>.

³ Mustafa Afifi Ab Halim et al., "Economic Growth of Halal Industry: Enhancing Governance and Halal Legal Framework in the ASEAN (Goal 12)," in *Good Governance and the Sustainable Development Goals in Southeast Asia* (Routledge, 2022), 140–54, <https://doi.org/10.4324/9781003230724-13>.

⁴ Alina Esteves and Jennifer McGarrigle, "Mapping Halal Economies in the City: Migrant Infrastructures and Cultural Food Adequacy in Lisbon," *Population, Space and Place* 31, no. 7 (2025): e70098, <https://doi.org/10.1002/psp.70098>.

⁵ Supriyadi Supriyadi et al., "Legal Effectiveness of Halal Product Certification in Improving Business Economics in Indonesia and Malaysia," *Al-Ahkam* 34, no. 1 (2024): 193–220, <https://doi.org/10.21580/ahkam.2024.34.1.20546>.

standards, and the role of scholars in determining the law.⁶ These studies provide a strong conceptual foundation for the Sharia principles that underlie halal practices. Still, they tend to treat halal as a static legal category separate from the socio-political contexts surrounding it. On the other hand, studies that highlight the halal industry and consumer behaviour tend to use economic and management approaches, emphasising halal as a quality attribute, a factor of trust, and a determinant of purchasing decisions.⁷ This approach enriches our understanding of the economic value of halal, but often overlooks the political dimensions of the law that halal certification practices influence and shape.

Several recent studies have begun to shift attention to the institutional and regulatory dimensions of halal, particularly regarding the role of the state in regulating and standardising certification.⁸ These studies reveal how halal policies can be a tool for market control, an instrument for consumer protection, and a means of strengthening the legitimacy of the state in the eyes of the Muslim community. Some earlier studies highlight the process of administrative secularisation of Islamic law, in which fiqh principles are translated into regulatory language and bureaucratic procedures.⁹ However, these studies still generally position halal as an object of policy rather than as political capital actively used in negotiations among interested actors.

In the field of sociology and legal anthropology, the halal label has come to be seen as a symbol laden with social and political meaning.¹⁰ These studies show that halal not only reflects religious compliance but also collective identity, cultural resistance, and strategies of moral legitimacy. In a business context, the halal label can be used to build a company's ethical image, gain public trust, and even influence policy preferences.¹¹

⁶ Husnul Fatarib et al., "Progressive Legal Reasoning in Contemporary Islamic Legal Reform: Negotiating the Maqāsid and Hermeneutic Approaches," *JURIS (Jurnal Ilmiah Syariah)* 24, no. 2 (2025): 277–94, <https://doi.org/10.31958/juris.v24i2.16123>; Muthia Sakti, "The Urgency of Global Halal Standards on Products in Supporting International Trade," *Law Research Review Quarterly* 9, no. 4 (2023): 553–82, <https://doi.org/10.15294/lrrq.v9i4.68018>; Marnita Marnita, "Directions for the Development of the Halal Ecosystem in Public Policy: A Study of Islamic Law and Legislation in Indonesia," *Al-Ishlah: Jurnal Ilmiah Hukum* 27, no. 2 (2024): 156–77, <https://doi.org/10.56087/aijih.v27i2.477>.

⁷ Muhammad Bilal Zafar and Mohd Fauzi Abu-Hussin, "Halal Purchasing Decisions and Consumer Behavior: A Multi Method Review," *Journal of Islamic Marketing*, 2025, <https://doi.org/10.1108/JIMA-08-2024-0365>; Mohamad Rahmawan Arifin, Bayu Sindhu Raharja, and Arif Nugroho, "Do Young Muslim Choose Differently? Identifying Consumer Behavior in Halal Industry," *Journal of Islamic Marketing* 14, no. 4 (2023): 1032–57, <https://doi.org/10.1108/JIMA-02-2021-0049>; Mohammad Iranmanesh et al., "Customer Behaviour towards Halal Food: A Systematic Review and Agenda for Future Research," *Journal of Islamic Marketing* 13, no. 9 (2022): 1901–17, <https://doi.org/10.1108/JIMA-01-2021-0031>.

⁸ Baharudin Othman and Nurul Hudani Md Nawi, "Halal Standards Practices in the Food Industry: The Impact of Halal Assurance and Operations," *Journal of Islamic Marketing* 16, no. 5 (2025): 1469–92, <https://doi.org/10.1108/JIMA-02-2023-0051>; Suud Sarim Karimullah and Rozi Rozi, "Rethinking Halal: Exploring the Complexity of Halal Certification and Its Socio-Economic Implications," *Al-Bayan: Jurnal Hukum Dan Ekonomi Islam* 3, no. 2 (2023): 102–21, <https://stainwsamawa.ac.id/jurnal/index.php/al-bayan/article/view/170>; Hulwati Hulwati et al., "Navigating Halal Certification Standards: A Comparative Analysis Of The Food Industry In Indonesia And Malaysia," *Journal of Fatwa Management and Research* 30, no. 1 (2025): 1–22, <https://doi.org/10.33102/jfatwa.vol30no1.619>.

⁹ Adrian Kay, "The Changing Traditions of Islamic Public Administration: Observing Processes of Collision, Absorption and Adaptation," *Asia Pacific Journal of Public Administration* 46, no. 1 (2024): 13–30, <https://doi.org/10.1080/23276665.2023.2275283>; Sumiyati Sumiyati et al., "Ontological and Epistemological Disequilibrium: Harmonization of Islamic Financial Accounting Standards and the Economic Political Interests in Indonesia to Maqasid'ul-Shari'ah," *Journal of Islamic Accounting and Business Research*, 2025, 1–16, <https://doi.org/10.1108/JIABR-12-2024-0545>.

¹⁰ Moh Muhlis Anwar et al., "The Power of Moral Obligation and Social Support in Enhancing Intention to Implement Halal Branding Strategies in Social Enterprise," *Social Enterprise Journal*, 2025, 1–31, <https://doi.org/10.1108/SEJ-11-2024-0184>; Khairil Anwar and Ari Yunanda M Husen, "Halal as Social Capital: A Study on Economy and Identity," *Jurnal Analisa Sosiologi* 14, no. 1 (2025), <https://doi.org/10.20961/jas.v14i1.97460>.

¹¹ Syaparuddin Razak, Syahabuddin Syahabuddin, and Jumriani Raking, "Assessing Social Impact in Halal Business Practices: A Maslahah-Oriented Framework for Sustainable Development," *Journal of Islamic Marketing*, 2025,

However, this approach still rarely explicitly links halal labels, Islamic law, and business interests within the framework of structured legal political negotiations. As a result, our understanding of how halal labels function as political capital in the arena of Islamic law and business remains partial.

Based on a review of previous studies, a significant knowledge gap is evident. First, few studies examine halal labels as political capital rather than merely as legal instruments or marketing strategies. Second, the negative relationship between Islamic law and business interests through the halal certification mechanism has not been explored in depth, particularly in how business actors use the halal discourse to influence regulations and legal interpretations. Third, existing studies often separate the normative analysis of Islamic law from the empirical analysis of business practices and policies, thereby failing to capture the dynamics of their interaction comprehensively.

These research gaps point to the need for a new approach that can bridge the study of Islamic law, legal politics, and business studies within a cohesive analytical framework. This study departs from the assumption that the halal label is not only the result of a legal process, but also plays an active role in shaping that process. In other words, the halal label can be understood as political capital used by various actors to negotiate interests in the arena of Islamic law that the state has institutionalised. This perspective allows for a more dynamic analysis of halal, not only as a norm or commodity, but as a contested symbolic and regulatory resource.

The novelty of this study lies in its attempt to conceptualise the halal label as political capital in Islamic legal negotiations that intersect with business interests. Theoretically, this study offers an expansion of the framework for analysing Islamic law by incorporating the concepts of political capital and negotiation as key variables in the formation and application of law. Conceptually, this study shifts the understanding of halal from a normative category to a strategic instrument that operates within power relations. Meanwhile, in practical terms, this study is expected to contribute to the formulation of halal policies that are more transparent, fair, and responsive to existing dynamics of interest.

The focus of this study is directed at analysing how the halal label is used and negotiated as political capital in interactions between business actors, religious authorities, and the state in the context of Islamic law. The scope of the study covers the formation of halal regulatory processes, certification mechanisms, and accompanying discursive practices, with an emphasis on business interests as a determining factor. This study does not intend to assess the theological validity of a particular fatwa or certification, but rather to examine the dynamics of the negotiations behind it. Based on this focus, the objective of this study is to reveal and analyse the role of halal labelling as political capital in discussions of Islamic law that intersect with business interests. This study also aims to develop an analytical framework that explains the interaction among Sharia norms, economic interests, and state regulatory power in the context of halal.

Methods

This study uses a socio-legal qualitative approach, with policy analysis and critical document analysis, as Islamic legal negotiations on halal labelling issues mostly take place in textual, regulatory, and discursive realms that can be traced without interviews. The focus of the study is operationalised on halal labelling as political capital articulated

<https://doi.org/10.1108/JIMA-10-2024-0450>; Moh Muhlis Anwar, "Halal Fashion Insights: Understanding Brand Dynamics in Consumer Perception," *Journal of Islamic Marketing*, 2025, <https://doi.org/10.1108/JIMA-04-2024-0149>.

through legal legitimacy, symbolic authority, and regulatory strategies, with Islamic legal negotiations reflected in shifts in norms, procedural compromises, and contests of authority and business interests manifested in compliance strategies, economic arguments, and public framing. The study data comes from a population of official and public documents, including laws and regulations and their derivatives, fatwas or halal institution decrees, available meeting minutes and academic papers, industry reports, press releases and company annual reports, as well as media reports and digital archives of related organisations, with the sample of documents determined purposively based on the relevance of the issue, the position of the actors, and the chronology of the policy.

The study instrument was a document analysis guideline developed from a theoretical framework in legal, political, and Islamic law, tested through limited trials to ensure consistency of meaning and clarity of operational indicators. Data collection was carried out in stages, inventorying, verifying source authenticity, grouping documents by period and actor, and mapping regulatory and discourse changes.¹² Data validity was maintained through source triangulation and diligent tracing. In contrast, data analysis was conducted by combining qualitative content analysis, critical discourse analysis, and process tracing to trace the mechanisms by which halal labels were constructed and used as political capital in Islamic law negotiations intertwined with business interests, so that this method was in line with the objectives of the study without relying on interviews as a data collection technique.

Result and Discussion

Halal Labels as Symbolic Capital That Can Be Exchanged for Political and Market Power

In contemporary social practice, halal labels can no longer be understood solely as normative markers of compliance with fiqh provisions. Still, they must be read as symbolic capital operating in a complex field of power. Within Pierre Bourdieu's theoretical framework, symbolic capital refers to a form of power that operates through recognition, legitimacy, and social trust, often appearing natural and neutral when, in fact, it is the result of social constructions laden with power relations.¹³ The halal label fits precisely into this logic. It derives its power not solely from religious normative texts, but also from its recognition, trust, and institutionalisation by certain authorities, and from its internalisation by society as a marker of morality, safety, and legitimacy.

In the market arena, the halal label functions as a highly effective reputation asset.¹⁴ When a product displays the halal label, it not only signifies compliance with specific production procedures but also activates consumers' collective imagination of the product's purity and cleanliness, as well as the producer's moral responsibility. This imagination shapes both affective and rational trust, so that consumption decisions are no longer based solely on price or functional quality, but also on identity and values. In Islamic societies, this trust has a strong binding force because it is directly tied to daily religious practices. As a result, halal labels create relatively stable consumer loyalty, even in conditions of intense market competition.

¹² Gareth Evans, Joanne Lusher, and Stephen Day, "Completeness of the Qualitative Characteristics Using Foucauldian Critical Discourse Analysis and Content Analysis Paradigms: Towards a Revised Conceptual Framework," *Journal of Financial Reporting and Accounting* 20, no. 2 (2022): 334–51, <https://doi.org/10.1108/JFRA-11-2020-0313>.

¹³ Pierre Bourdieu and Loïc Wacquant, "Symbolic Capital and Social Classes," *Journal of Classical Sociology* 13, no. 2 (2013): 292–302, <https://doi.org/10.1177/1468795X12468736>; Joe Painter, "Pierre Bourdieu," in *Thinking Space* (Routledge, 2002), 239–59, <https://doi.org/10.4324/9780203411148-14>.

¹⁴ Marco Tieman, "Measuring Corporate Halal Reputation: A Corporate Halal Reputation Index and Research Propositions," *Journal of Islamic Marketing* 11, no. 3 (2020): 591–601, <https://doi.org/10.1108/JIMA-05-2018-0095>.

Corporations can then capitalise on this loyalty as a competitive advantage that is difficult for competitors without halal certification to imitate.¹⁵ However, the market advantage generated by the halal label does not stand alone. It is closely linked to the regulatory structure and policy politics. To obtain and maintain the halal label, businesses must enter a certification regime determined by the state or a state-recognised institution. This process involves technical standards, periodic audits, administrative costs, and compliance with often complex procedures. This is where the symbolic capital of halal begins to reveal its exclusivity. Not all businesses have the same economic capacity, knowledge, and networks to access certification.

Large businesses tend to be better able to adapt to regulatory demands. In contrast, small and micro businesses are often in a vulnerable position, disciplined by standards that are claimed to protect the community, but in practice also function as a market selection mechanism. In this framework, the halal label operates as an instrument of subtle discipline. Using the language of consumer protection and Sharia certainty, the halal regime shapes the behaviour of both producers and consumers. Producers are encouraged to adapt their business practices to specific standards, while consumers are directed to trust products that halal authorities have legitimised. This process reflects what Michel Foucault calls governmentality, namely the way power works through regulation, normalisation, and the production of truth, rather than through direct coercion.¹⁶ Halal has become part of the technology of power that regulates the body, consumption, and economic choices of society, while still appearing as an expression of piety and moral concern.

The political dimension of the halal label is increasingly apparent when it is used as a narrative in policy and power contests. The issue of halal has strong resonance because it touches on collective identity, security, and moral concerns in society. Therefore, political actors often promote halal as a symbol of commitment to religious values and to protecting the people. In this context, the halal label is not only a matter of technical product regulation, but also a tool for mobilising public support. Halal policies can be presented as a moral alignment, while criticism of them risks being framed as anti-religious or insensitive to people's interests.

On the one hand, consumers do gain a sense of security and certainty that the products they consume are in accordance with their religious beliefs. However, this sense of security does not come for free. It comes with a set of control mechanisms, standards, and dependence on certain authorities that have the power to define what is halal and what is not. This dependence creates an asymmetrical relationship between consumers, producers, and certification bodies. Halal authorities are in a strategic position as symbolic gatekeepers, while producers and consumers are in a position where they must accept the definitions and decisions that are made.¹⁷

In the retail business arena, the conversion of symbolic halal capital into economic capital is evident in marketing strategies and product placement. Halal-labelled products often obtain more strategic space in the market, both physically on store shelves and symbolically in promotions. The halal label becomes part of the brand, adding value and enabling more competitive pricing. In some cases, halal is combined with other ethical narratives, such as sustainability, health, and social responsibility,

¹⁵ Jonathan A J Wilson and Jonathan Liu, "Shaping the Halal into a Brand?," *Journal of Islamic Marketing* 1, no. 2 (2010): 107-23, <https://doi.org/10.1108/17590831011055851>.

¹⁶ Daniele Lorenzini, "Foucault, Governmentality, and the Techniques of the Self," in *Handbook on Governmentality* (Edward Elgar Publishing, 2023), 22-37, <https://doi.org/10.4337/9781839108662.00008>.

¹⁷ Mohamed Syazwan Ab Talib et al., "Emerging Halal Food Market: An Institutional Theory of Halal Certificate Implementation," *Management Research Review* 39, no. 9 (2016): 987-97, <https://doi.org/10.1108/MRR-06-2015-0147>.

forming a powerful symbolic package.¹⁸ This package attracts not only Muslim consumers, but also non-Muslim consumers who interpret halal as a higher standard of quality and safety. However, this symbolic universality actually strengthens halal's position as a contested capital.

When halal becomes the gold standard, the battle is no longer about whether a product is halal, but about who has the right to determine, oversee, and claim its halal status. This is where the power negotiations between the state, religious authorities, and corporations take place. The state has an interest in setting standards to maintain market stability and political legitimacy; religious authorities have an interest in maintaining moral and epistemic authority; and corporations have an interest in ensuring business continuity and regulatory certainty. The halal label becomes both a meeting point and a point of conflict for these interests.

By viewing halal as symbolic capital, the analysis shifts from normative questions of right or wrong to structural questions of power distribution. Who can transform religious values into socially and legally recognised assets? Who benefits most from the institutionalisation of halal, and who is pushed to the margins? This perspective unveils the power relations often hidden behind the language of goodness, the protection of people, and Sharia. Such language functions as doxa, assumptions that are accepted without question, allowing exclusive and hierarchical practices to continue without significant resistance.

In the context of policy politics, the halal label also functions as an effective bargaining tool. Large corporations can use halal compliance as a pretext to request incentives, regulatory leniency, or state support, claiming it contributes to the community's economy and social stability. Conversely, the state can use halal policies to discipline the market, regulate production flows, and extend its reach into areas previously under religious authority. This process shows that halal is not only consumed, but also negotiated, exchanged, and politicised in the public policy sphere.

Negotiating Islamic Law with State Law and Corporate Logic

Negotiations among Islamic law, state law, and corporate logic are among the most decisive dynamics in contemporary religious regulatory practices, particularly in the context of halal certification. Islamic law, which historically developed through a pluralistic, contextual, and *ijtihad*-based fiqh tradition, has never operated in a vacuum. It has always interacted with the power, economic, and cultural structures in which it is applied. In modern societies characterised by nation-states, market economies, and rational bureaucracies, these interactions have transformed into intense and multi-layered negotiations. Halal certification has become the most concrete arena in which these negotiations take place, as it is there that religious norms, state regulatory interests, and corporate efficiency demands come together in everyday practice.

Within the framework of legal theory, this condition can be read through the lens of legal pluralism, which holds that various normative systems coexist and influence one another. Islamic law is neither replaced by state law nor completely autonomous. It is negotiated, translated, and adapted to meet the needs of modern administration.¹⁹ This process is clearly seen when fiqh concepts such as halal, *najis*, or *istihalah* must be

¹⁸ Iddrisu Mustapha and Abdul-Hamid Mustapha, "Sustainable Halal Management, Branding, and Marketing Strategies for Blue and Green Products," in *Green and Blue Economy Frameworks for Halal Industry Sustainability* (Springer, 2025), 171–204, https://doi.org/10.1007/978-981-96-1729-6_10.

¹⁹ Suud Sarim Karimullah et al., "The Concept of Nāfaqah in Islamic Law and Women's Right to Financial Support," *El-Izdiwaj: Indonesian Journal of Civil and Islamic Family Law* 5, no. 2 (2024): 222–42, <https://doi.org/10.24042/el-izdiwaj.v5i2.23534>.

operationalised in the form of laboratory standards, audit procedures, and technical documents. What, in the fiqh tradition, is debated through arguments based on evidence and social context, must be formalised into measurable, standardised, and monitorable parameters in the state and corporate regimes.

This negotiation is essentially a process of epistemic transformation. Discursive and open fiqh knowledge is transformed into procedural and closed administrative knowledge. Islamic law is simplified into a set of steps that can be reviewed, verified, and sanctioned.²⁰ Checklists replace debates, forms replace diverse fatwas, and single decisions often replace a spectrum of *madhhab* opinions. This transformation is not merely technical; it concerns a change in how religious truth is produced and recognised. The certainty that results is no longer moral certainty in an ethical-spiritual sense, but rather the administrative certainty required by the state and the market.

The state, in this context, has a strong interest in promoting standardisation. A single halal standard facilitates supervision, law enforcement, and integration with national and global trading systems. Standardisation also allows the state to position itself as both the guarantor of the people's interests and the regulator of the market. From an administrative law perspective, the plurality of fiqh opinions is seen as a potential uncertainty that could disrupt regulatory stability. Therefore, the state tends to choose the operational interpretation considered the safest, most moderate, or most compatible with international practices. This choice, although often framed as a technical necessity, is in essence a political decision that determines which opinions are legitimised and which are set aside.

Corporate logic reinforces this tendency. For industry players, especially those operating on a large scale and across regions, certainty is a key prerequisite. Certainty of raw materials, production processes, distribution, and the law determines the smoothness of the supply chain and price stability. Within this logic, differences in fiqh opinions are viewed as risks rather than as intellectual wealth. Corporations need a clear, consistent definition of halal that can be applied uniformly across various production locations. Negotiations with Islamic law also take place within the framework of efficiency and risk management, solely within the search for normality.²¹

Tensions arise when the demands of the state and corporations clash with the diverse social realities of Muslims. Religious practices at the local level often do not fully align with national or international standards. Culinary traditions, production methods, and interpretations of specific communities may be valid according to fiqh, but difficult to translate into modern documentation regimes. This raises a fundamental question about the meaning of halal certainty. Does certainty mean conformity with the ethical and religious values that exist in society, or conformity with the administrative procedures established by the central authorities? This question reveals the normative dimension that is often hidden behind the technical language of regulations.

The negotiation, shof laclash with the state law and corporate logic, becomes increasingly problematic when halal certification is positioned as an instrument of consumer protection and market regulation. Normatively, consumer protection is an undeniable goal. However, in practice, halal regulations often produce differential effects that are not neutral. Large industry players have the resources to meet compliance demands, ranging from certification testing and the development of raw traceability

²⁰ Sumiyati Beddu et al., "From Doctrine to Action: Islamic Law's Journey towards Social Change," *Jurnal Wawasan Yuridika* 8, no. 1 (2024): 1-24, <https://doi.org/10.25072/jwy.v8i1.4177>.

²¹ Suud Sarim Karimullah, "Humanity and Justice: Exploring Human Rights in the Context of Islamic Law," *TAJDID* | 30, no. 2 (2023): 166-87, <https://doi.org/10.36667/tajdid.v30i1.1497>.

systems to the provision of experts and consultants.²² In contrast, micro, small, and medium enterprises often face structural barriers. Their products may be halal in substance, but cannot unambiguously meet the established documentation and audit standards.

This situation shows that legal negotiations not only produce certainty but also exclusion. Islamic law, which ethically emphasises justice and benefit, in its administrative form has the potential to widen economic disparities.²³ When halal compliance is set in the form of expensive costs and procedures, access to the halal market becomes uneven. From a political economy perspective, this type of regulation can be read as a mechanism for structuring competition that indirectly benefits dominant actors.²⁴

This process also has an impact on religious authority. When fiqh is translated into a governance tool, the role of scholars and religious institutions shifts. They no longer function solely as interpreters of norms, but also as part of the regulatory machinery. Scientific authority is mixed with administrative authority. In these conditions, the space for *ijtihad* tends to narrow because decisions must be compatible with the state's legal framework and market needs. Differences of opinion, which were once accepted as scientific inevitability, are now often considered a disturbance to certainty. As a result, there is a process of centralisation of fiqh authority that can erode the diversity of Islamic legal traditions.

This negotiation does not take place in the abstract, but is present in everyday practice. It occurs in factories when raw materials are assessed as halal or not, according to specific standards, in laboratories when chemical elements are tested and classified, in auditors' offices when documents are verified, in SME kitchens when business actors try to adapt traditional practices to administrative requirements, and in minimarket display cases when halal labels determine consumer acceptance of products. Each of these points is a location where Islamic law interacts with technology, bureaucracy, and the market, resulting in compromises that are often not fully realised by the public.

From a socio-legal perspective, it is essential to view these negotiations as an ongoing process rather than outcomes. The state does not simply enforce Islamic law. It is also a state, but reconstructed through interactions with non-state actors, including corporations and technical consultants. The state is not entirely sovereign; economic pressures, global standards, and investment needs shape its policies. In this situation, the law becomes an arena for bargaining that reflects a broader configuration. An analysis that focuses only on the text of considering practices at the height of their movement will lose the critical dimensions of this process.

Contestation of Authority and the Political Economy of Certification

The contestation of authority in halal certification is one of the most crucial nodes in the political economy of contemporary Islamic law, because it simultaneously brings together normative, institutional, and material interests. The halal label is never a simple symbol, as it always carries a claim of authority to determine who has the right to set the

²² Henrik Anders Ringsberg, "Implementation of Global Traceability Standards: Incentives and Opportunities," *British Food Journal* 117, no. 7 (2015): 1826-42, <https://doi.org/10.1108/BFJ-10-2014-0353>.

²³ Nur Insani et al., "Islamic Law and Local Wisdom: Exploring Legal Scientific Potential in Integrating Local Cultural Values," *Kanun Jurnal Ilmu Hukum* 26, no. 1 (2024): 101-24, <https://doi.org/10.24815/kanun.v26i1.32930>; Suud Sarim Karimullah, "From Tradition to Mainstream: Understanding the Integration of Islamic Law in Various Global Settings," *Justicia Islamica* 20, no. 2 (2023): 214-40, <https://doi.org/10.21154/justicia.v20i2.6478>.

²⁴ Cahaya Rembulan et al., "The Impact of the Digital Economy on Economic Empowerment Models for Muslim Youth in Indonesia," *Jurnal Lentera Insani* 1, no. 1 (2025): 48-63, <https://doi.org/10.65586/jli.v1i1.17>.

boundaries between what is permissible and what is forbidden, between what is lawful and what is unlawful.²⁵ The question of who has the right to declare something halal is not only theological, but also political and economic, as this decision has direct consequences for the flow of commodities, the distribution of profits, and market structures. In this context, halal certification becomes an arena in which various actors, such as the state, religious scholars, religious institutions, auditors, laboratories, companies, and technical consultants, compete with each other to obtain strategic positions in the high-value chain.

From the perspective of the sociology of authority, as argued by Max Weber, authority derives not only from traditional legitimacy or personal charisma but also from legal-bureaucratic rationality. Modern halal certification is moving intensely towards rational-legal authority, where validity is no longer determined by scientific depth alone, but by one's position in a state-recognised institutional structure. In this context, religious scholars no longer stand as independent figures whose authority stems solely from community recognition. They have become part of a broader system in which fatwas, administrative procedures, audits, and halal decisions bind them. Religious authority has thus transformed into a technocratic authority that must speak in the language of standards, indicators, and documents.

This transformation opens up space for new actors to enter the field of halal authority. Auditors, laboratories, and technical personnel gain a central role because they provide the empirical evidence and verification needed in the certification regime. Knowledge of chemicals, industrial processes, and quality assurance systems becomes as necessary, and sometimes even more decisive, than mastery of fiqh principles. Thus, halal authority is no longer monopolised by scholars, but distributed among various professions and institutions. This distribution creates a new configuration of power, in which claims of halal status arise from the collaboration and competition between religious and technical knowledge. However, this collaboration is never economically neutral.

Halal certification creates its own economic ecosystem, involving various paid services, including registration fees, audits, laboratory testing, human resource training, and consulting for halal assurance systems.²⁶ This ecosystem generates a significant, sustainable flow of money because certification is not a one-time event; it must be renewed periodically. In a political economy framework, halal certification can be understood as a mechanism for creating new markets that are legitimised by religious morality and facilitated by the state.²⁷ Morality is the entry point, while bureaucracy is the infrastructure that sustains these markets.

This is where the conventional but crucial debate about the commodification of certification arises. When certification is positioned as a public service to protect Muslim consumers, it has strong ethical legitimacy. However, when halal certification functions as a ticket to enter the market, the certification authority is in a position to determine the price of that ticket. At this point, the line between public service and commodity becomes

²⁵ Maharatna Shifa Nurizka, Mohamad Sobrun Jamil, and Badrus Sholeh, "Analysis of the Impact of Sharia Regulations on Halal Trade in Southeast Asia," *Jurnal Lentera Insani* 1, no. 1 (2025): 32-47, <https://doi.org/10.65586/jli.v1i1.16>.

²⁶ Mohammad Nabil Almunawar et al., "Modelling Business Ecosystem of Halal Industry-Case Halal Food Industry in Indonesia," *Journal of Islamic Marketing*, 2025, <https://doi.org/10.1108/JIMA-06-2024-0221>.

²⁷ Maharatna Shifa Nurizka et al., "Criticism of the Neoclassical Approach in Islamic Economic Policy in Indonesia," *Jurnal Pelita Raya* 1, no. 1 (2025): 17-30, <https://doi.org/10.65586/jpr.v1i1.9>; Ngurah Wisnu Murthi et al., "Indonesia's Inclusive Economic Diplomacy Based on the Pancasila Ideology," *Jurnal Pelita Raya* 1, no. 3 (2025): 152-65, <https://doi.org/10.65586/jpr.v1i3.30>.

blurred. Certification, which should guarantee access and protection, can create barriers to entry, especially for small and medium-sized businesses with limited capital and administrative capacity. This commodification does not always appear as overt exploitation, but often operates through the language of professionalism, quality standards, and regulatory compliance.

The contestation of authority becomes even more acute when the public begins to shift from the normative question of whether something is halal to the political question of who makes it halal.²⁸ This shift signals a growing awareness of the role of institutions and actors behind the halal label. Authority is no longer accepted as a reflection of religious truth, but is beginning to be understood as the result of a particular configuration of power.²⁹ However, this awareness does not always lead to emancipatory criticism. In many cases, the public remains submissive to formal authority because it lacks socially and legally recognised alternatives.³⁰

The relationship between authority and the political economy of certification is also reflected in the closeness between certification bodies and the state and industry. Access to the state provides legal legitimacy and institutional protection, while proximity to industry ensures financial sustainability. Under these conditions, the best religious arguments are not always the determining factor. Institutional structures, political networks, and the ability to adapt to market needs often have a greater bearing on authoritative positions. This creates the risk of conflicts of interest, whereby halal decisions are not entirely free from economic and political considerations. Although these conflicts are rarely expressed openly, they form the backdrop to many certification policies and practices.

From the consumer's perspective, halal labelling has an ambivalent social effect. On the one hand, it creates a sense of security and trust, as consumers feel protected by a system that guarantees compliance with religious teachings. This sense of security is vital in modern societies where production chains are long and opaque. On the other hand, however, halal labelling also produces new anxieties. Unlabelled products, although traditionally considered normal and trustworthy, are increasingly perceived as dubious.³¹ Trust standards are shifting from social relations and local knowledge towards formal, institutionalised symbols. This shift strengthens the position of certification authorities while eroding consumers' autonomy in assessing halal status based on context and experience.

In a business context, halal labelling is a highly flexible strategic tool. It can be used to expand into global Muslim markets, as a product differentiator, and as part of a company's ethical narrative.³² However, this flexibility also opens the door to opportunistic use. Halal can be reduced to an image, while broader production practices, such as labour justice, environmental sustainability, and distribution ethics, do not

²⁸ Rizal Al Hamid et al., "Political Conflict between Islamic Law and National Law in Indonesia," *Insani: Jurnal Pranata Sosial Hukum Islam* 1, no. 1 (2025): 48–62, <https://doi.org/10.65586/insani.v1i1.4>.

²⁹ Mark Haugaard, "What Is Authority?," *Journal of Classical Sociology* 18, no. 2 (2018): 104–32, <https://doi.org/10.1177/1468795X17723737>.

³⁰ Colin Scott, "Private Regulation of the Public Sector: A Neglected Facet of Contemporary Governance," *Journal of Law and Society* 29, no. 1 (2002): 56–76, <https://doi.org/10.1111/1467-6478.00211>.

³¹ Laila A H F Dashti et al., "Enhancing Halal Food Traceability: A Model for Rebuilding Trust and Integrity in Muslim Countries," *Journal of Islamic Marketing* 15, no. 12 (2024): 3382–3408, <https://doi.org/10.1108/JIMA-06-2023-0167>.

³² Moh Rizal Riandi, Ayu Safitri, and Koyyimahtul Munawaroh, "Indonesian Diaspora Halal Cuisine as Cultural Diplomacy," *Jurnal Lentera Insani* 1, no. 1 (2025): 64–79, <https://doi.org/10.65586/jli.v1i1.18>.

always receive the same attention.³³ Under these conditions, the meaning of halal risks is reduced in meaning, from comprehensive ethics to a mere marketing attribute. This reduction does not occur naturally but results from interactions between market logic and certification structures that emphasise procedural compliance.

To fully understand this complexity, research needs to examine the contestation of authority and the political economy of certification at three interrelated levels. At the discursive level, it is necessary to analyse how halal is produced and disseminated through moral narratives, religious nationalism, and consumer protection. These discourses shape public perceptions of the urgency and legitimacy of certification, while closing the space for criticism by framing objections as threats to noble values. At the institutional level, it is essential to map how essentiality is built and maintained through rules, licences, procedures, and oversight mechanisms. This level shows how power is institutionalised and normalised within formal structures. At the material level, analysis must focus on the flow of money, compliance costs, and changes in market structure resulting from the certification regime, so that its economic impact can be measured and critically evaluated.

This layered approach allows for analytical distinctions between halal as a value, halal as a system, and halal as an industry. Halal, as a value, refers to the ethical and normative principles in Islamic teachings that aim to promote public welfare. Halal, as a system, refers to the regulatory framework and institutions that translate these values into observable practices. Halal, as an industry, refers to the economic activities that have grown up around this system, complete with its interests, incentives, and power relations. These three dimensions are interrelated but not identical. Failure to distinguish between them will result in analytical confusion and problematic policies.

Conclusion

Halal labelling goes beyond its normative function as a marker of religious compliance, operating as symbolic capital that can be converted into market and political power through negotiation mechanisms involving Islamic law, state law, and corporate logic. When fiqh is translated into governance tools such as standards, audits, documentation, and supervision, halal certainty tends to shift from moral certainty to administrative certainty, supporting supply chain efficiency, price stability, and distribution certainty. At the same time, this process opens up space for contestation over who has the right to declare something halal, while also producing a political economy of certification that generates flows of value, services, compliance costs, and opportunities for technical knowledge monopolies. The law does not merely make the conceptualisation of the halal label a form of political capital. It also shapes the law by converting religious values into legitimacy, regulatory access, and policy bargaining power.

The theoretical implications encourage a reading of Islamic law as a social practice constantly negotiated in the field of power. In contrast, the practical and policy implications demand a more equitable, proportional, and transparent certification design, such as differentiation of compliance schemes for MSMEs, cost subsidies and assistance, openness of standards and institutional accountability mechanisms, and strengthening of conflict of interest oversight so that halal does not fall into becoming an exclusive commodity that locks market access. The limitations of critical studies lie in

³³ Eka Fitriyanti et al., "Analysis of the Lerner Index of the Halal Food Industry in Bangka Belitung from the Perspective of Ibn Khaldun's Price Concept," *Asy Syar'iyah: Jurnal Ilmu Syari'ah Dan Perbankan Islam* 10, no. 1 (2025): 1-23, <https://doi.org/10.32923/asy.v10i1.5101>.

potential sources of bias (the dominance of formal documents or institutional narratives), limited access to internal audit data and to the certification of economic transactions, and the difficulty of capturing informal negotiations that often determine decisions. Therefore, further research needs to expand cross-case and cross-sector readings, combine document analysis with more granular policy-process and market-data tracking, and comparatively test the impact of certification regimes on the distribution of economic opportunities and public trust.

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