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**MAQASHID SHARIA PROGRESSIVE:
Anatomical and Transformational of Halal Institutions in UIN KHAS Jember**

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ABSTRACT

The research discussed the Audit Institutions Halal (LPH) at the State Islamic University Kiai Haji Achmad Siddiq Jember (UIN KHAS Jember) regarding the halal industry movement. However, the existence of a halal institution for the halal certification movement is still not effective in implementing local social and customary communities since the LPH, in substance, mostly does not work properly. Meanwhile, the university only acts as a tool. The research aimed to analyze the anatomical and transformational importance of halal institutions at UIN KHAS Jember which is studied using maqashid sharia progressive. It used an empirical legal research method with a descriptive qualitative data approach. The research shows that the existence of LPH, which is affiliated with universities, especially UIN KHAS Jember, provides space for good dissemination of information in the community, supported by academics in halal genealogy in Indonesia. LPH contributes positively to the institutional dimension and outreach to the community. However, the dimensions of the law of Halal Product Certification still provide room for polemics, for example, halal localities in indigenous communities in Indonesia, which should receive legal recognition. The aim is to avoid the statement of Jasser Auda that worried things about maqashid sharia, namely a feature about the absence of a halal monopoly, which is only in the hands of the government but also exists within existing customary institutions.

Keywords: Maqashid Sharia; Halal Institution; Halal Certification;

ABSTRAK

Penelitian ini membahas Lembaga Pemeriksa Halal (LPH) di Universitas Islam Negeri Kiai Haji Ahmad Siddiq Jember tentang gerakan industri halal, tetapi pada faktanya hadirnya lembaga halal tentang gerakan sertifikasi halal masih belum efektif dalam penerapan terhadap lokalitas sosial adat masyarakat, karena hadirnya LPH secara substansi kebanyakan tidak berjalan sebagaimana semestinya dan kampus hanya sebagai alat. Tujuan penelitian untuk menganalisis anatomi dan transformasi pentingnya lembaga halal

di UIN KHAS Jember yang dikaji menggunakan maqasid syariah progresif. Penelitian ini menggunakan metode penelitian hukum empiris dengan pendekatan data kualitatif deskriptif. Hasil penelitian menunjukkan bahwa adanya LPH yang berafiliasi dengan perguruan tinggi khususnya UIN KHAS Jember memberikan ruang untuk melakukan sosialisasi dengan sangat baik di tengah-tengah masyarakat, apalagi dengan hadirnya akademis dalam menopang genealogi halal di Indonesia. LPH memberikan kontribusi positif dalam dimensi kelembagaan dan sosialisasi terhadap masyarakat, tetapi dimensi Undang-Undang Jaminan Produk Halal masih memberikan ruang polemik, misalnya terkait dengan halal lokalitas yang ada di masyarakat adat di Indonesia yang seharusnya mendapat pengakuan secara undang-undang, agar apa yang di khawatirkan oleh Jasser Auda dalam maqasid syariah yaitu satu fitur tentang tidak adanya monopoli halal yang hanya di tangan pemerintah, tetapi juga ada di dalam lembaga adat yang ada.

Kata Kunci: Maqashid Syariah; Lembaga Halal; Sertifikasi Halal;

Introduction

In 2022, several food products in Indonesia experienced controversy, including Mixue Ice Cream and Gacoan Noodles. These two foods have gone viral and are demanded by young people in Indonesia. The conflict and controversy in the mixue are that the product has not received halal certification because the raw materials are imported from China. Here, it takes a long time for the checking process.¹ Mixue received a halal certificate on February 16, 2023. Mie Gacoan is a noodle phenomenon and is in great demand among the public. The problem is that the noodles have not received halal certification because the names listed on the menu represent bad names, such as devil noodles, satan noodles, *es tuyul*, and *es pocong*.² Likewise, AYCE (all-you-can-eat) restaurants cannot be guaranteed to be halal. The restaurant follows the Japanese style by serving a menu of dishes, for example, meat, seafood, and other preparations. A restaurant concept with a dining style using grills, stoves, and saucepans. Even though many restaurants state "no pork, no lard." It means they do not serve pork or pork fat, but the customers need to pay attention to the ingredients. In Japanese cuisine, the ingredients and spices used are *sake* and *mirin*, which are still classified as *khamr*. It is crucial to

¹Amel Salda Naskhila and Toto Tohir Suriaatmaja, "Perlindungan Konsumen Terhadap Produk Halal Dalam Memenuhi Kenyamanan Dan Keselamatan Dihubungkan Dengan Undang-Undang Jaminan Produk Halal (UU JPH)," *Bandung Conference Series: Law Studies* 3, no. 1 (2023): 264–69, <https://doi.org/10.29313/bcsls.v3i1.4953>.

²Muhammad Nafis Ilyasa et al., "Memberi Nama Buruk Terhadap Makanan Dan Minuman Mempengaruhi Status Halal," *IJM: Indonesian Journal of Multidisciplinary* 1, no. 1 (2023): 401–405, <https://journal.csspublishing.com/index.php/ijm/article/view/138>.

know the use of ingredients and spices in AYCE restaurants in Indonesia and, the focal point of the meat slaughtering followed with sharia.³

The previous case is some of the favorite foods of Indonesian people. However, the product lacks transparency in the information regarding halal products. Moreover, they have no halal certificate. Therefore, the main problem is certification for halal products in Indonesia, which is predominantly Muslim with a population of 209.1 million people who want to achieve global halal products by requiring the government to require halal certification for products, both from within the country and abroad. Even though food ingredients or products such as chicken noodles, *soto*, rice, and other beverages are halal products, they must be registered. Then, the phenomenon of the urgency of halal certification in Indonesia is crucial as a locomotive of halal certification to protect the values of maqashid sharia or only act as a halal industry towards halal certification among the majority of the Muslim community.⁴

Previous studies examining halal certification issues in several countries are Hakiye Aslan,⁵ Hamzah Ali Al-Shami,⁶ Yuhanis Abdul Aziz,⁷ Sharifah Zannierah Syed Marzuki,⁸ and Abdalla Mohamed Bashir.⁹ Meanwhile, research in the Indonesian context

³Chairunnisa Nadha, "Klaim 'No Pork No Lard', Benarkah Restoran AYCE Sudah Pasti Halal?," LLPOM MUI, 2022, <https://halalmui.org/klaim-no-pork-no-lard-benarkah-restoran-ayce-sudah-pasti-halal/>.

⁴Mastuki, "Update Sertifikasi Halal Di Indonesia: Ekspektasi Dan Kenyataan," Kemenag Republik Indonesia, 2021, <https://kemenag.go.id/opini/update-sertifikasi-halal-di-indonesia-ekspektasi-dan-kenyataan-hqk7g0>.

⁵Hakiye Aslan, "The Influence of Halal Awareness, Halal Certificate, Subjective Norms, Perceived Behavioral Control, Attitude and Trust on Purchase Intention of Culinary Products Among Muslim Costumers in Turkey," *International Journal of Gastronomy and Food Science* 32 (2023): 100726, <https://doi.org/10.1016/j.ijgfs.2023.100726>.

⁶Hamzah Ali Al-Shami and Shariman Abdullah, "Halal Food Industry Certification and Operation Challenges and Manufacturing Execution System Opportunities. A Review Study from Malaysia," *Materials Today: Proceedings* 80 (2023): 3607–14, <https://doi.org/10.1016/j.matpr.2021.07.331>.

⁷Yuhanis Abdul Aziz and Nyen Vui Chok, "The Role of Halal Awareness, Halal Certification, and Marketing Components in Determining Halal Purchase Intention Among Non-Muslims in Malaysia: A Structural Equation Modeling Approach," *Journal of International Food & Agribusiness Marketing* 25, no. 1 (January 1, 2013): 1–23, <https://doi.org/10.1080/08974438.2013.723997>.

⁸Sharifah Zannierah Syed Marzuki, Colin Michael Hall, and Paul William Ballantine, "Restaurant Manager and Halal Certification in Malaysia," *Journal of Foodservice Business Research* 15, no. 2 (April 1, 2012): 195–214, <https://doi.org/10.1080/15378020.2012.677654>.

⁹Abdalla Mohamed Bashir, "Applying the Institutional Theory at the Level of Halal Consumers: The Case of Cape Town in South Africa," *Journal of Food Products Marketing* 25, no. 5 (June 13, 2019): 527–48, <https://doi.org/10.1080/10454446.2019.1607645>.

includes Warto,¹⁰ Menur Kusumaningtyas,¹¹ Azzah Azimah Assagaf,¹² Diky Faqih Maulana,¹³ Akhmad Khalimy,¹⁴ and Agus Waluyo.¹⁵ Previous studies support this research regarding halal certification in the context of community needs, especially in Indonesia by establishing LPH. The academic anxiety of this research is the establishment of LPH, especially in the Jember area, which is located at UIN KHAS Jember. It was established by the administrative requirements of state regulations. But, in substance, the presence of LPH mostly does not work properly. Meanwhile, the university only acts as a tool. The research aimed to analyze the anatomical and transformational importance of halal institutions at UIN KHAS Jember which is studied using maqasid sharia progressive.

Method

The research used the empirical legal research method¹⁶ with descriptive qualitative data.¹⁷ The Empirical Method is objective field research that occurs on symptoms, events

¹⁰Warto and Samsuri, "Sertifikasi Halal Dan Implikasinya Bagi Bisnis Produk Halal Di Indonesia," *Al-Maal: Journal of Islamic Economics and Business* 2, no. 1 (2020): 98–112, <https://doi.org/10.31000/almaal.v2i1.2803>.

¹¹Menur Kusumaningtyas and Sri Lestari, "Model Pengembangan Makanan Dan Pariwisata Halal Di Indonesia," *Media Mahardhika* 19, no. 1 (2020): 44–49, <https://doi.org/10.29062/mahardhika.v19i1.195>.

¹²Azzah Azimah Assagaf, Juajir Sumardi, and Winner Sitorus, "The Effect of Cost Determination in the Provision of Halal Certificates on Traded Products in Makassar City," *Khazanah Hukum* 4, no. 3 (2022): 192–204, <https://doi.org/10.15575/kh.v4i3.19945>.

¹³Diky Faqih Maulana, Makhrus, and Hamidatul Hasanah, "The Urgency of MUI Halal Fatwa about Food, Beverage, Medicine and Cosmetic Products for the Consumer Protection," *Volkgeist: Jurnal Ilmu Hukum Dan Konstitusi* 5, no. 2 (2022): 199–214, <https://doi.org/10.24090/volkgeist.v5i2.6421>.

¹⁴Akhmad Khalimy et al., "The Intersection of the Progressive Law Theory and the Self-Declaration Concept of MSEs Halal Certification," *Journal of Indonesian Legal Studies* 8, no. 1 (2023): 159–98, <https://doi.org/10.15294/jils.v8i1.66087>.

¹⁵Agus Waluyo, "The Developmental Policy of Halal Product Guarantee in The Paradigm of Maqāṣid Sharī'ah in Indonesia," *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 20, no. 1 (2020): 41–60, <https://doi.org/10.18326/ijtihad.v20i1.41-60>.

¹⁶David Tan, "Metode Penelitian Hukum: Mengupas dan Mengulas Metodologi dalam Menyelenggarakan Penelitian Hukum," *Nusantara: Jurnal Ilmu Pengetahuan Sosial* 8, no. 8 (December 2021): 2463–78, <https://doi.org/10.31604/JIPS.V8I8.2021.2463-2478>; Sabarudin Ahmad, *Transformasi Hukum Pembuktian Perkawinan Dalam Islam* (Surabaya: Airlangga University Press, 2020), https://books.google.co.id/books?hl=id&lr=&id=vQvyDwAAQBAJ&oi=fnd&pg=PP1&ots=ctXR-KXFDi&sig=V9F3_1JOuRwhc2tdGDt-pvPaoCE&redir_esc=y#v=onepage&q&f=false.

¹⁷Sugiyono, *Metode Penelitian Kuantitatif, Kualitatif Dan R & D* (Bandung: Alfabeta, 2014); Sonny Engelbert Palendeng, Merry E Kalalo, and Deasy Soeikromo, "Penyelesaian Sengketa Merek Dagang Dikaitkan Kepastian Hukum Hak Kekayaan Intelektual," *Supremasi: Jurnal Pemikiran, Penelitian Ilmu-Ilmu Sosial, Hukum dan Pengajarannya* 16, no. 2 (2021): 274–86, <https://ojs.unm.ac.id/supremasi/article/view/21434>.

and phenomena that occur in society.¹⁸ Data collecting techniques on primary data sources used observations and interviews at LPH UIN KHAS Jember. Primary data sources is a data taken directly by researchers from the source without any intermediaries by exploring the original sources directly through respondents. More specifically, an interview is a plan prepared with several questions, while the observation technique is a process of collecting information about objects or events that are visible or detected with the five senses. The analytical method uses the content analysis method¹⁹ and Jasser Auda's maqashid sharia analysis.²⁰

Finding and Discussion

Maqashid Sharia Progressive

Maqasid sharia is a goal that establishes law. This goal must be met to achieve the wisdom, contained in every legal instrument. Both policies addressed a general audience or specific laws and all topics related to the part of the law. However, it is important to understand that Allah SWT creates every law to benefit human life.²¹

In history, many scholars have developed the maqashid theory. They are ulama; Imam al-Haramain al-Juwaini, al-Ghazali, Izzuddin ibn Abd al-Salam, al-Syathib, Wahbah alZuhaili, Jasser Auda and others. Jasser Auda is a famous contemporary scholar who contributed to developing the maqashid theory. Jasser Auda contributed by developing the maqashid view as a philosophy of Islamic law with a systemic approach. Jasser Auda believes Islamic law must be oriented towards maqashid sharia or human benefit. There is no justification for ignoring maqashid sharia as a legal goal, even though it has deviated from the generally correct understanding. Jasser corroborates this statement by using Ibn Qayyim's statement:

Shariah is based on the wisdom and well-being of individuals in this life and the Hereafter. Shariah is all about justice, kindness, and wisdom. Thus, any rule that replaces justice with tyranny, mercy with its opposite, good with bad, or wisdom

¹⁸Suyanto, *Metode Penelitian Hukum Pengantar Penelitian Normatif, Empiris dan Gabungan* (UNIGRESS Press, 2023).

¹⁹Ida Bagus Gede Pujaastawa, *Teknik Wawancara dan Observasi untuk Pengumpulan Bahan Informasi* (Denpasar: Universitas Udayana, 2016).

²⁰Ahmad Faris and A Washil, "Memahami Maqashid Syariah Perspektif Jaser Auda," *JPIK: Jurnal Pemikiran dan Ilmu Keislaman* 2, no. 1 (2019): 19–42, <https://jurnal.instika.ac.id/index.php/jpik/article/view/98>.

²¹Maisyarah Rahmi, *Maqasid Syariah Sertifikasi Halal* (Palembang: Bening Media Publishing, 2021).

with cradle, is not Shari'ah law, even if it is claimed to do so with the same interpretation.²²

Efforts to understand maqashid require a systemic approach. Islamic law does not stand alone but is related to other sciences. Consequently, interdependent relationships are influential in the study of Islamic law to build human law (*fiqh*). A limited and literal interpretation of *ijtihad* will result in a mismatch between legal aspirations and legal reality. Jasser Auda's maqashid theory is a basic methodology in *ushul fiqh*,²³ which is supported by Auda's explanation of *Maqasid Sharia* using systemic theory, methodology, and analysis to build Islamic legal epistemology. In general, the systemic approach in maqashid sharia consists of six components,²⁴ namely:

First, the cognitive nature. In the view of Islamic doctrine, *fiqh* is a manifestation of the results of human *ijtihad* towards the *nash* (text) in an effort to understand its hidden meaning and practical application. Scholars of *fiqh* and *kalam* (*mutakallim*) believe that God should not be called a jurist because God knows everything and nothing is hidden from him. As a result, since the *fiqh* is a component of human understanding and cognition, it may have shortcomings and limitations. In the contemporary philosophy of science, all information, including religious scientific ideas and theories produced by jurists or ulama, is susceptible to misinterpretation and misunderstanding. Then, *fiqh* knowledge, educational attainment, human literacy levels in a particular era, and progress in science will change and be subject to debate.²⁵

Traditional epistemology still has difficulty distinguishing verses from the Quran as a revelation from legal experts' interpretations to the verses from the Quran which are not revelation. Jasser Auda gives an example in the issue of *ijma'*. Although there are significant differences in individual *ijma* decisions, some scholars call it a *dalil qat'i* (certain). In contrast, those who reject *ijma'* are called infidels (*kafir*). For Jasser Auda,

²²Maulidi, "Maqasid Syariah Sebagai Filsafat Hukum Islam: Sebuah Pendekatan Sistem Menurut Jasser Auda," *Al-Mazaahib: Jurnal Perbandingan Hukum* 7, no. 1 (2019): 113–32, <https://doi.org/10.14421/al-mazaahib.v7i1.2860>.

²³Faris and Washil, "Memahami Maqashid Syariah Perspektif Jasser Auda."

²⁴Ari Murti and Toufan Aldian Syah, "Menelaah Pemikiran Jasser Auda dalam Memahami Maqasid Syariah," *Citizen: Jurnal Ilmiah Multidisiplin Indonesia* 1, no. 2 (2021): 60–67, <https://doi.org/10.53866/jimi.v1i2.9>.

²⁵Khusniati Rofiah, "Teori Sistem Sebagai Filosofi dan Metodologi Analisis Hukum Islam yang Berorientasi Maqashid Al-Syari'ah: Telaah Atas Pemikiran Jasser Auda," *Istinbâth: Jurnal Hukum Dan Ekonomi Islam* 15, no. 1 (2016): 83–106, <https://doi.org/10.20414/ijhi.v15i1.138>.

ijma' is a system that considers policies carried out by various parties but is not a source of law.²⁶ So, this cognitive feature can provide a distinction between revelation as knowledge of God and *fiqh* as perception of revelation.²⁷

Second, wholeness. The wholeness feature is an aspect that aims to improve traditional jurisprudence statements, which are reductionist and atomical in nature. The reason is the formation of the law only relies on one *nash* (text), without considering other related *nash*. With this, Jasser Auda provides a solution to apply the principles as a whole by using interpretations of themes from all verses of the Quran as considerations in determining the law, and not just limited to legal verses.²⁸ In systemic theory, every cause-and-effect relationship is only part of the big picture of reality. A comprehensive and systematic pattern of thinking if applied as a basis for understanding Islamic law is beneficial because it can develop the ability to think to reach, consider, and include things that have not been thought outside the context of the consequences of a law.²⁹

Jasser Auda's systemic theory says that causality must be understood as part of a comprehensive picture. The relationships between these parts have their respective functions in the system. Interconnections between interwoven parts are built and active as a whole, not as a collection of static components. According to Jasser Auda, holistic thinking ideas and methods are very important in *ushul fiqh* because they can play a role in modern reform. This type of thinking will produce a holistic understanding that can be used as a permanent principles in Islamic law. Auda's goal is to bring and expand maqashid sharia from the individual dimension to the global dimension. As a result, it can be accepted by the entire population and is called *maqasid alamiyah*, which includes concepts such as justice, freedom, and so on.³⁰

Third, openness (self-renewal). The third system of openness and self-renewal is a form of change from openness in decisions in the Islamic legal system in the form of changing the opinion of legal experts or the culture of knowledge with an open system

²⁶Murti and Syah, "Menelaah Pemikiran Jasser Auda Dalam Memahami Maqasid Syariah."

²⁷Faris and Washil, "Memahami Maqashid Syariah Perspektif Jaser Auda."

²⁸Faris and Washil.

²⁹Retna Gumanti, "Maqasid Al-Syariah Menurut Jasser Auda (Pendekatan Sistem dalam Hukum Islam)," *Al-Himayah* 2, no. 1 (2018): 109–10, <https://journal.iaingorontalo.ac.id/index.php/ah/article/view/582>.

³⁰Gumanti.

and openness to philosophy as a means of self-improvement in the Islamic legal system. This renewal refers to Jasser Auda's principle that laws change due to changes in time and place. Jasser Auda's notion that there is an acceptance of Islamic law can be questioned at any time. In this situation, Jasser Auda stated, legal changes were driven by the transformation of the *fuqaha's* worldview and cultural insight. Thus, it supports the notion that Islamic law is an open system.³¹

This renewal begins with the thinking tradition of classical jurisprudence scholars, which is still exclusive. One example is the scholars' view who believe that Arabs are of a higher rank than non-Arabs, so that discrimination arises. So, the view of legal experts must be broad in considering *'urf* to achieve universality in legal objectives. Another effort, according to Jasser Auda, is to use the tradition of philosophical thought in Islamic law. The reason was that classical scholars were anti-Greek philosophical thought, which did not originate from Islam. For example, Al-Gazali strongly protested against Greek philosophy, although on other occasions, he agreed with Aristotle's thinking.³² The existence of this mechanism is an active process that encourages Islamic law to continuously renew itself to create a comprehensive system that is appropriate to time and place.

Fourth, interrelated hierarchy. Referring to cognitive science, there are two theories of categorization by humans, namely feature-based categorizations and concept-based categorizations. Then, Jasser Auda uses the phrase concept-based categorizations and chooses a concept-based classification to be applied to *ushul al-fiqh*. This concept has the advantage of being an integrative and systemic method. This concept is not just a feature of right and wrong but is multidimensional which can produce categories simultaneously for related items.³³

The existence of the interrelated hierarchy feature brings changes to two aspects of maqashid. First, initially, the scope of maqashid law was specific and particular. As a

³¹M. Sholihin, "Maqasid As-Shariah dan Pendekatan Filosofis Hukum as-Shariah as Philosophy of Islamic Law," *Turast: Jurnal Penelitian & Pengabdian* 1, no. 1 (2013): 95–101, <https://ejournal.uinib.ac.id/jurnal/index.php/turast/article/view/476>.

³²Matnin, Kasuwi Saiban, and Misbahul Munir, "Analisis Pendekatan Sistem dalam Ekonomi Islam (Sebuah Pemikiran Maqashid Al-Syariah as Philosophy of Islamic Law Jasser Auda)," *Jurnal Ekonomi Syariah Pelita Bangsa* 7, no. 1 (2022): 12–24, <https://doi.org/10.37366/jespb.v7i01.262>.

³³Murti and Syah, "Menelaah Pemikiran Jasser Auda dalam Memahami Maqasid Syariah."

result, the reach of maqashid law was limited. However, there have been improvements, namely maqashid has become hierarchical, including universal maqashid (*al-ammah*) covering all *maslahah* in *tasyri'* behavior which is universal, specific maqashid (*khassah*) relating to *maslahah* on certain issues, and partial maqashid (*juz'iyah*) in the form of *Maslahah* wisdom or secret. This is the essence of *maqasid*. The following figure is an illustration of a maqashid building in a hierarchical context.³⁴

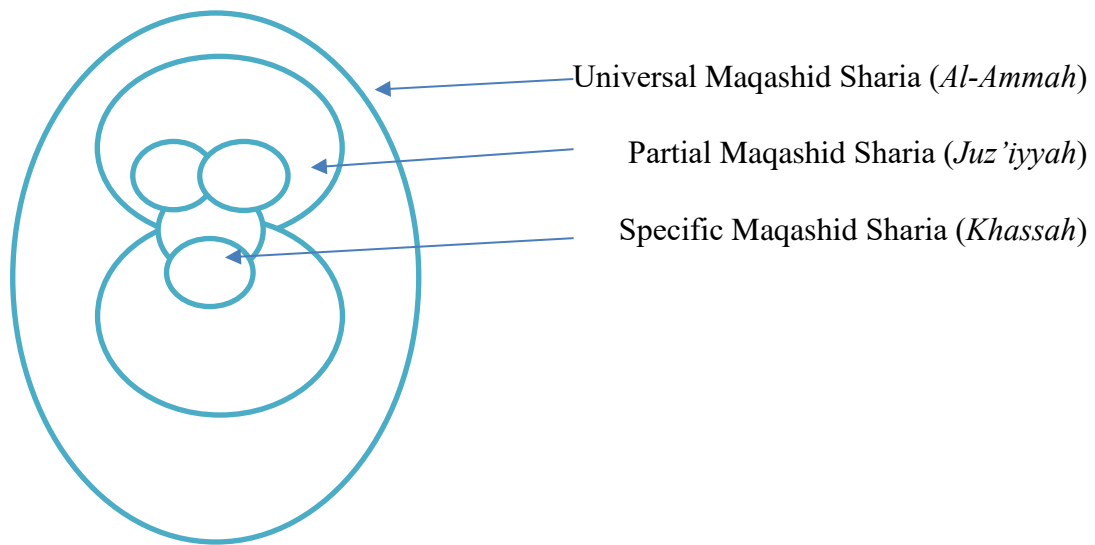


Figure 1. Concept of Maqashid Sharia

Figure 1 shows the very basic things that are universal values (*al-ammah*) of very broad dimensions and have unlimited range and scope. In this case, for example, is the values of justice, equality and so on. Meanwhile, partial maqashid sharia (*juz'iyah*) follows the commensate which has general rules that exist in society. Thus, there are exceptions, but they are very rare. Third, maqashid sharia *al-khassah* is more for specific cases and has special dimensions and scope.

³⁴Gumanti, "Maqasid Al-Syariah Menurut Jasser Auda (Pendekatan Sistem Dalam Hukum Islam)."

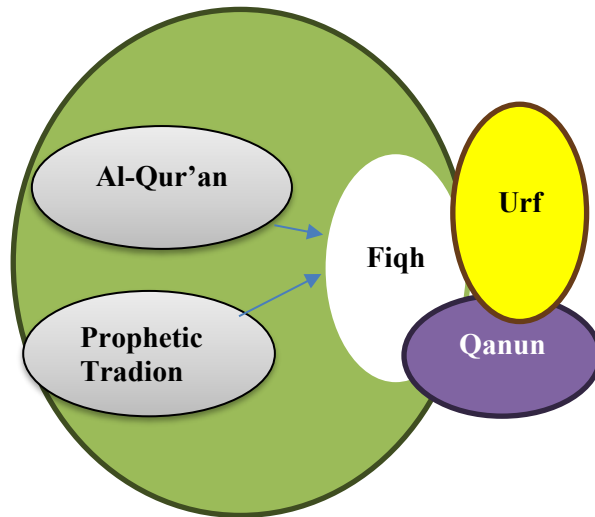


Figure 2: Relationship among the concepts of Sharia, *Fiqh*, '*Urf* and *Qanun* (Traditional Era).

Figure 2 shows that Jasse Auda stated the *fiqh* and sharia, which were built in the early days of Islam or the formation of Islamic law during the Umayyad and Abasyiah dynasties, still did not provide a meaningful distinction between *fiqh* as a product and the Quran as a source of law, as well as the prophetic tradition as a source and prophetic culture. There are no clear boundaries. It shows that this dimension blurs the thing that is called a source of Islamic law and *fiqh* as a product of Islamic law.³⁵

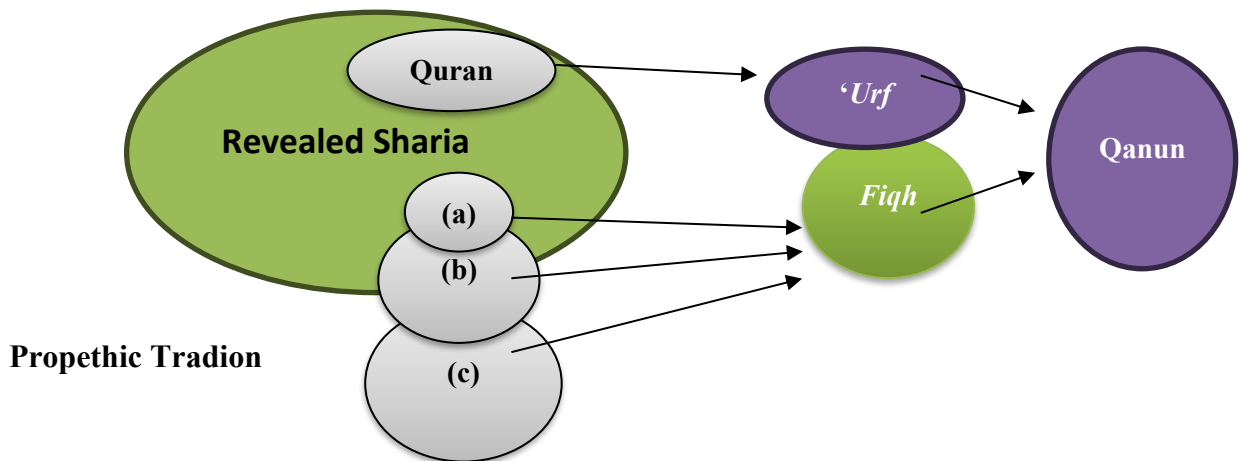


Figure 3: Relationship among Sharia, *Fiqh*, '*Urf* and *Qanun* (Modern Era)

³⁵Jasser Auda, *Maqasid Al-Shariah: An Introductory Guide* (London: London Office, 2018), <https://iiit.org/en/book/maqasid-al-shariah-a-beginners-guide/>; Jasser Auda, *Maqasid Al-Shari'ah as Philosophy of Islamic Law* (International Institute of Islamic Thought, 2008), https://books.google.co.id/books/about/Maqasid_Al_shariah_as_Philosophy_of_Isla.html?id=5sKQF16gdWgC&redir_esc=y.

Figure 3 shows the development between *fiqh* and legal sources, both the Quran and hadith. However, the problem is that this maqashid sharia-based *ijtihad* does not consider the worldview and developments of other scientific results that are also developing. As a result, it contributes to and often raises a conflicting argument. Moreover, when connected to technological developments, *fiqh* is still considered *qat'i* and more correct than technological developments, even though both are human products. *Fiqh* is produced from the thoughts and *ijtihan* of *ulama*, while technology is the *ijtihad* of scientific clerics.³⁶

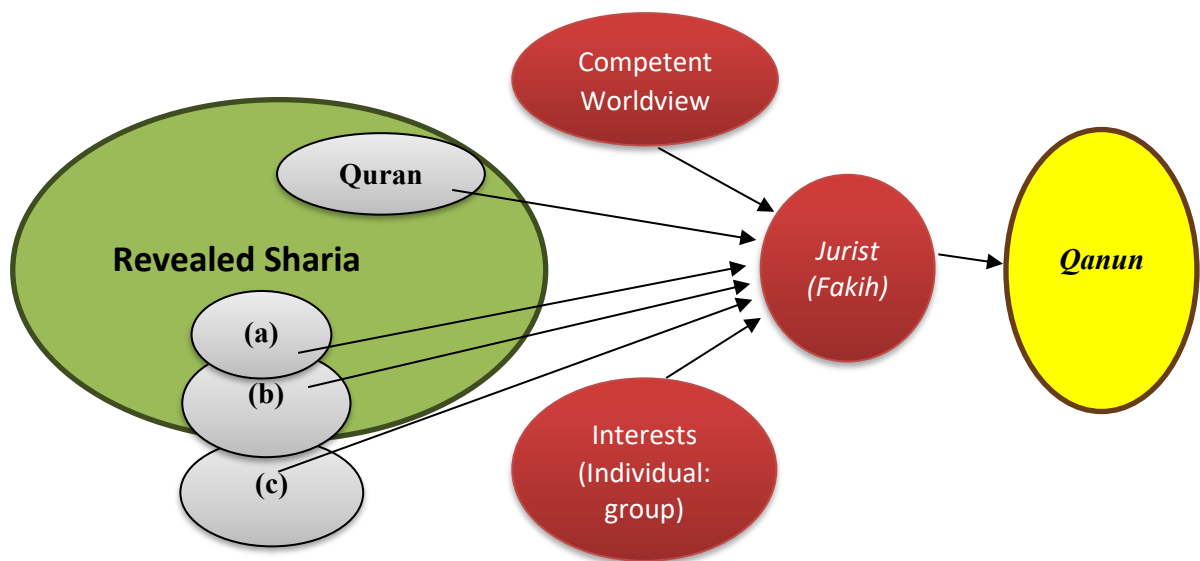


Figure 4: Relationship among Sharia, *Fiqh*, *'Urf* and *Qanun* (Postmodern Era)

Figure 4 is a role model carried out by Jasee Auda, that *fiqh* and *qanun* are one sub-system with all developing components. It means that Islamic law must also synergize with scientific developments. Also, it needs to consider the developing worldview today. In this dimension, the continuity of systemic theory in maqasid sharia works well and harmoniously.³⁷

The interrelated hierarchy feature provides dimensions related to the social and public so it can reach society, government, and humanity. This feature brings change by expanding the reach which was previously individual.³⁸ An example of the application of

³⁶Auda, *Maqasid Al-Shari'ah as Philosophy of Islamic Law*.

³⁷Auda.

³⁸Faris and Washil, "Memahami Maqashid Syariah Perspektif Jaser Auda."

this feature is the three levels of *maqasid* from *daruriyyat*, *hajiyyat*, and *tahsiniyyat* which are considered equally important.³⁹

Fifth, multi-dimensionality. A system is not single but has complex and interrelated parts. Islamic law is equated with a system because it has a system in all aspects or dimensions. This feature was used by Jasser Auda when commenting on the notion of binary opposition in Islamic law. According to Jasser Auda, *qat'i* and *zanni* dominate the Islamic law methodology. As a result, it emerged *qat'iyyu al-dilalah* namely propositions that have one meaning and no other meaning. *Qat'iyyu as-subut* means the truth of the source. And, *qat' iyyu al-mantiq* is related to logic. Therefore, the binary opposition view needs to be eliminated to prevent methodological reduction and resolve arguments that conflict with the *maqasid* dimension as the ultimate goal in law.⁴⁰ The same thing also means that systematic analysis in traditional schools of thought is still confined to thinking that favors one dimension. So, it only sides with one argument when giving a *fatwa*. To overcome this problem, Jasser Auda provides a solution with a framework of thinking with the *maqashid* aspect, namely using a priority scale for texts to consider the existing social conditions and not consider one text to conflict with another. This situation encourages to truly consider a multidimensional approach to avoid a reductionist point of view.⁴¹

So, the multidimensionality features can be a mediator in conflicting existing arguments. For example, a series of seemingly contradictory arguments regarding various acts of worship, all the arguments are attributed to prophets in authentic history. This contradiction has led to different opinions among Muslims.⁴² Looking at the differences in these narrations from a *maqashid* perspective, it is clear that the Prophet's intention to carry out worship in various ways was for the convenience of Muslims.

Sixth, purposefulness. In a system, it will definitely produce an output or goal. This goal is divided into two, namely goal (*al-hadad*) and goal (*al-ghayah*). A system will achieve a goal when it only achieves a goal in certain situations, is mechanistic, and can

³⁹Matnin, Saiban, and Munir, "Analisis Pendekatan Sistem dalam Ekonomi Islam (Sebuah Pemikiran Maqashid Al-Syariah as Philosophy of Islamic Law Jasser Auda)."

⁴⁰Gumanti, "Maqasid Al-Syariah Menurut Jasser Auda (Pendekatan Sistem dalam Hukum Islam)."

⁴¹Murti and Syah, "Menelaah Pemikiran Jasser Auda dalam Memahami Maqasid Syariah."

⁴²Murti and Syah.

only produce one goal. Alternatively, a system will gain popularity (*al-ghayah*) when achieves multiple goals in complex situations.⁴³ Maqashid sharia is not one size fits all and may change depending on the scenario and circumstances. Jasser Auda notions the position of maqashid sharia as an essential concept and basic technique in current Islamic legal reform. While, the efficacy of a system is assessed on the achieved objectives. And, the effectiveness of an Islamic legal system is measured by the fulfilled maqashid sharia. In other words, the development of problem-solving for certain problems is: more effective, efficient, and beneficial for individuals and humanity. For Jasser Auda, the application of maqashid is an important foundation in the Islamic legal system. Research on maqashid must be linked to the core texts (the Quran and Hadith), neither the opinions nor views of the *faqih*. As a result, achieving the goal (maqashid) becomes a measure of the legitimacy of any *ijtihad* without being linked to a particular tendency or school of thought. The aim of returning Islamic law must be for human benefit.⁴⁴

The purposefulness feature is the final system in Jasser Auda's theory. However, the five previous theories of cognition, wholeness, openness, interrelated hierarchical relationships, and multidimensionality still have a connection, in terms of purposefulness.⁴⁵ The features in Jasser Auda's systems approach are designed to complement purposefulness in the Islamic legal system, which is emphasized as the most fundamental characteristic of systemic thinking. In this understanding, the maqashid approach elevates legal concerns to a higher philosophical level, transcending political divisions among schools of Islamic law and advocating the importance of a culture of peace. Furthermore, the achievement of goals (maqashid) must be the main goal of all basic linguistic and rational *ijtihad* processes,⁴⁶ regardless of their many names and approaches. Consequently, the legitimacy of *ijtihad* must also be determined by the degree of unity.

⁴³Matnin, Saiban, and Munir, "Analisis Pendekatan Sistem dalam Ekonomi Islam (Sebuah Pemikiran Maqashid Al-Syariah as Philosophy of Islamic Law Jasser Auda)."

⁴⁴Gumanti, "Maqasid Al-Syariah Menurut Jasser Auda (Pendekatan Sistem dalam Hukum Islam)."

⁴⁵Murti and Syah, "Menelaah Pemikiran Jasser Auda dalam Memahami Maqasid Syariah."

⁴⁶Gumanti, "Maqasid Al-Syariah Menurut Jasser Auda (Pendekatan Sistem dalam Hukum Islam)"; Auda, *Maqasid Al-Shari'ah as Philosophy of Islamic Law*.

The Urgency of Halal Institutions in Indonesia

Based on the phenomenon of halal institutions in Indonesia, in general, determining whether an item is a halal product or not, either within or outside, is indeed necessary to create a just, prosperous, peaceful and prosperous society for all Indonesian people following the nation's dream for every citizen in national and state life. It is a driving force for halal institutions in Indonesia, we know, that the *hisbas* (supervisory) institution has a function as a community control in a significant role since it continues to control the community. The aim is to make them more aware and careful in their actions. Then, they do not conduct actions that are contrary to the values of Islamic teachings. Therefore, this institution as the Indonesian state system is referred to as a non-governmental institution in enforcing government programs and functions as a Security Agency Halal Products (BPJPH) with the aim of supervising halal products with a vision of Islamic teachings as upholding moral values and principles of *amar ma'ruf nahi munkar*, as known as *hisbah* institutions such as BPOM (The Indonesian Food and Drug Authority), LPPOM (Institute for the Study of Food, Medicines, and Cosmetics), MUI (Indonesian Ulema Council), and the Ministry of Religion.⁴⁷ The Indonesian government continues to strengthen the halal ecosystem in the country with the aim of increasing the capacity and quality of the halal industry in providing added value for Indonesia's economic growth. The halal industrial ecosystem includes all terms of overall improvement, such as suppliers (supply), demand, and enablers. From this perspective, it also requires the availability of infrastructure and human resources and the effectiveness of distribution as support to guarantee and certification of the halal product production process.⁴⁸

This halal institution has a significant role in terms of the halal industry as Indonesia's economic growth. The industries that have great opportunities in developing the halal industry are food, pharmaceutical, fashion, and tourism. In developing this sector, there are studies to develop halal institutions in the financial sector, namely through sharia banking. With this role, Sharia banking can develop Sharia debit cards and

⁴⁷Sujarwo and Siti Ngainur Rohmah, "Urgensi Lembaga Hisbah dalam Melakukan Tugas Pengawasan Terhadap Produk Halal," *Salam: Jurnal Sosial Dan Budaya Syar'i* 10, no. 2 (2023): 295–310, <https://doi.org/10.15408/sjsbs.v10i2.31501>.

⁴⁸Eva Tsurayya and Khairana Izzati, "Urgensi Peningkatan Jumlah LPH Untuk Mendorong Sertifikasi Halal Indonesia," KNEKS, 2021, <https://kneks.go.id/berita/396/urgensi-peningkatan-jumlah-lph-untuk-mendorong-sertifikasi-halal-indonesia?category=1>.

Sharia cards as a collaboration with companies that issue products with halal labeling. This institution - to make it easier to access sharia tourist attractions and guarantee the safety of halal products- assists companies in developing their business in the fields of sharia tourism, fashion or pharmaceutical products, and other things to increase the halal industry in Indonesia.⁴⁹ This is indeed an important role, especially for the government which has the highest policy in safeguarding and protecting people's rights following the state constitution. To protect and maintain the security of halal products, the government launched a halal certification as a way to certify halal through an institution, which is usually called BPJPH. This institutional position is under the Ministry of Religion to provide halal certification.⁵⁰

A halal certificate acts as a halal product certification in maintaining security and protecting the rights of people, which is issued by halal institutions. Producing halal products must fulfill Islamic law such as cleanliness, quality, and safety. Then, halal institutions are necessary to assist the public with the importance of halal certification to facilitate business actors as standards for halal food production and a halal guarantee system for food quality in society as a goal of community welfare.⁵¹ In performing the task of halal certification on products, halal auditors can be carried out by the Institute for the Study of Food, Medicine, and Cosmetics, the Indonesian Ulema Council (LLPOM MUI). It is seen from the important role of auditing or selecting food and beverages whose products have been registered as suitable or not in obtaining certificates and distributing them to the public. After completing the audit process, this institution hands over all supervision to the internal halal auditor in implementing the halal certification system. Here is the important role of halal institutions in their authority and position in certifying the halal of products before they are distributed to the public.⁵² Apart from that, halal

⁴⁹Saiful Bakhri, Kasuwi Saiban, and Misbahul Munir, "Peran Lembaga Keuangan Syariah dalam Industri Halal Sudut Pandang Maqosid Syariah," *Tasharruf: Journal of Islamic Economics and Business* 3, no. 2 (2022): 11–29, <https://doi.org/10.55757/tasharruf.v3i1.88>.

⁵⁰Amita Fayzia Handyani and Ninuk Wijiningsih, "Peranan dan Kedudukan Badan Penyelenggara Jaminan Produk Halal dalam Kelembagaan Negara," *Reformasi Hukum Trisakti* 5, no. 1 (2023): 182–90, <https://doi.org/10.25105/refor.v5i1.15292>.

⁵¹Ita Ulfin et al., "Sosialisasi Halal dan Pendampingan Sertifikasi Halal untuk UMKM Kelurahan Simokerto," *Sewagati* 6, no. 1 (2022): 10–17, <https://doi.org/10.12962/j26139960.v6i1.14>.

⁵²Chairunnisa Nadha, "LPPOM MUI Sebagai Lembaga Pemeriksa Halal, Inilah Peran Lengkap Stakeholder Halal Di Indonesia," LPPOM MUI, 2021.

institutions in launching halal certification play as a goal of halal guarantees. This reflects the phenomenon in the study of halal product guarantees in the halal food industry in Taiwan that the role of halal institutions in Taiwan is increasing and has positive implications such as promoting the halal industry becoming more massive and the halal certification system being more effective. As the impact, the number of certified halal restaurants is increasing with the New Southbound Policy (NSP). This has made many achievements with the implementation of SWOT in the halal food industry to increase halal food in Taiwan.⁵³ By studying this phenomenon, it may be seen the role of halal institutions - both domestic and foreign- to maintain the halal industry as a goal for the benefit and welfare of society following the teachings of Islamic values.

The role of this institution in Jasser Auda's maqashid sharia in research that the implementation of halal product certification aimed at providing comfort, security, and certainty of the availability of halal products for the public in consuming and using. It is also included in the general objectives in Jasser Auda's maqashid sharia, which must be prioritized, such as *hifz al-nafs* (protecting the soul) and *hifz al-mal* (protecting property). There is also a specific aim for halal institutions to carry out a specifically halal certification (*maqasid al-khassah*), namely protecting consumers from *haram* products and increasing economic growth and welfare for business actors. Meanwhile, in partial (*maqasid al-juz'iyah*) is with a work ethic with full responsibility, obtaining blessings in producing and consuming halal products.⁵⁴ Based on the previous study statement, the urgency is in general. This *halal* institution is presented in the illustration in the following figure:⁵⁵

⁵³Tazkia Noor El-Houda, "Analisis Sistem Jaminan Produk Halal pada Industri Makanan Halal di Taiwan" (Universitas Jambi, 2023), <https://repository.unja.ac.id/45608/>.

⁵⁴Moh. Aqil Musthofa, "Aturan Sertifikasi Produk Halal Dalam Tinjauan Maqāsid Al-Syarī'ah Jasser Auda," *Al-Faruq: Jurnal Hukum Ekonomi Syariah Dan Hukum Islam* 1, no. 1 (2022): 13–26, <https://ejournal.iai-tabah.ac.id/index.php/alfaruq/article/view/1030>.

⁵⁵Maulidi, "Maqasid Syariah Sebagai Filsafat Hukum Islam: Sebuah Pendekatan Sistem Menurut Jasser Auda"; Faris and Washil, "Memahami Maqashid Syariah Perspektif Jaser Auda."

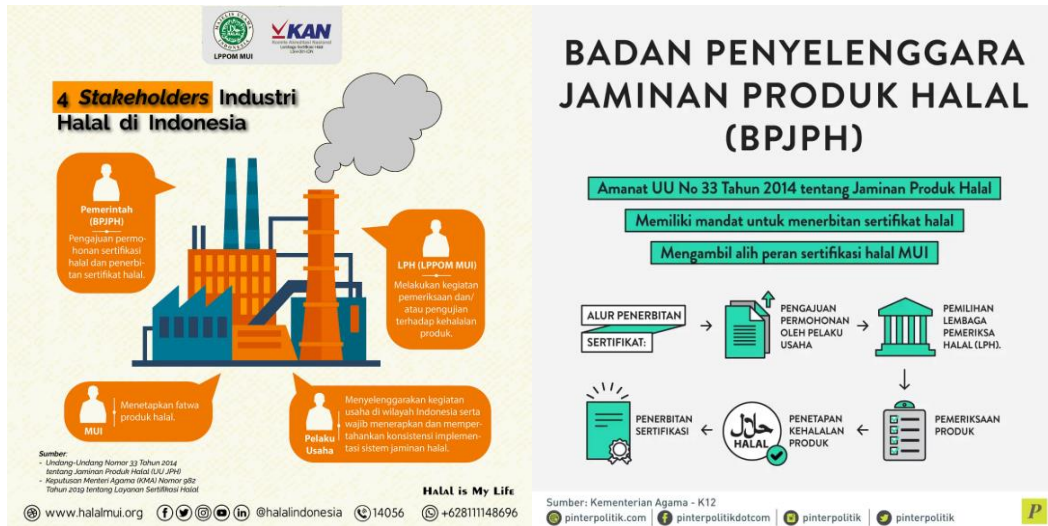


Figure 5: Structure of Halal Institutions in Indonesia towards BPJPH in Issuing Halal Certification.⁵⁶



Figure 6: Illustration of the Benefits and Advantages of the Role of Halal Institutions in Implementing the Halal Certification System.⁵⁷

⁵⁶Nadha, “LPPOM MUI Sebagai Lembaga Pemeriksa Halal, Inilah Peran Lengkap Stakeholder Halal di Indonesia.”

⁵⁷Chairunnisa Nadha, “Manfaat Dan Keuntungan Implementasi Sistem Jaminan Halal (SJH)/SJPH,” LPPOM MUI, 2022, <https://halalmui.org/manfaat-dan-keuntungan-implementasi-sistem-jaminan-halal-sjh-sjph/>.

Maqashid Sharia Progressive: Anatomical and Transformational of Halal Institutions in UIN KHAS Jember

This discussion describes the Halal Institution at UIN KHAS Jember. First, two institutions work under the Halal Center at UIN KHAS Jember. Halal Product Accompany Process Assistance Institution (LP3H) is an institution that assists micro and small-scale MSMEs in carrying out the halal certification process for free. LPH (Audit Institutions Halal) is an institution that handles activities paid and independent for halal certification. LP3H started with only 9 accompanying staff. They firstly follow training by both lecturers and students before becoming accompanying staff. Today, they have more than 500 accompanying staff. It has a big contribution to universities, namely lecturers and students carrying out community service activities by assisting and accompanying business actors in processing halal certification. A big contribution to the campus is also provided by the intensive care provided to the assistants and institutions on a big scale. Thus, it contributes to providing large funds to the BNU campus. Large financial contributions to the campus also come from halal institutions. The product inspection process is seen in terms of materials, processes, and packaging. The halal product certification system is the part that manages the mechanism for fulfilling halal standards for entrepreneurs.⁵⁸

Second, LPH UIN KHAS Jember has the Setapal Kuda (an area in East Java that is similar to Horseshoe) working area from Probolinggo-Banyuwangi. LPH is built for the East Java province entirely, but LPH UIN KHAS Jember only collaborates with the Setapal Kuda area. LPH only focuses on food and beverage products because the human resources (staff) only handles food and beverages. For other products, such as cosmetics and medicines, it is a future work plan to add human resources that match these fields, such as pharmacists and doctors. Currently, there are only three main LPH institutions that have the authority to inspect and audit cosmetics, namely LPPOM, SUPERINDO, and SUPPLIER Indonesia. Meanwhile, the other LPHs only is limited to food and drinks. LPH UIN KHAS Jember has 13 staffs. At the Halal Center, there is a structure of Head of the Halal Center, Secretary, Treasurer, and Members. Meanwhile, LPH UIN KHAS

⁵⁸Suhardi, *Interview* (Jember, 2023).

Jember has a Head of LPH, Secretary, Treasurer, three staff in the Auditor sector, and one Laboratory analyst.⁵⁹

Meanwhile, the profile and structure of the Halal Institutions and administrators at UIN Khas Jember are described as follows. The halal institutions at UIN KHAS have two institutions, namely LPH and LP3H. This institution is located at Jl. Mataram No. 1 Mangli, Jember Regency. Halal Product Accompany Process Assistance Institution (LP3H) is an institution that assists micro and small-scale MSMEs in carrying out the halal certification process for free. LPH (Audit Institutions Halal) is an institution that handles activities paid and independent for halal certification. LP3H Jember was formed in 2021 with a Rector's Decree. LPH Jember accredited in 2022.



Figure 3: Audit Institutions Halal UIN KHAS Jember

Look at the profile and data search at the Audit Institutions Halal at UIN Khas Jember with Jasser Auda's maqashid sharia view by looking at several things, cognitive nature, in the view of Islamic doctrine, *fiqh* is a form of human *ijtihad* towards the texts in an effort to understand the hidden meaning and its practical application, that understanding of verses related to the concept of halal has been interpreted in such a way as to create and legitimize halal institutions in Indonesia. In this context, the understanding and institution of halal in Indonesia is experiencing development by being

⁵⁹Suhardi, *Interview* (Jember, 2023).

taken over from the MUI to the Ministry of Religion.⁶⁰ This dimension provides legal certainty, but there is one drawback, namely whether state institutions such as the Ministry of Religion and other institutions have the authority to provide halal legitimacy in Indonesia and halal legitimacy like local communities. In the sense that halal localities that have developed do not need to carry out halal certification, and traditional institutions also have authority over existing halal localities.⁶¹

Second, wholeness. The feature is an aspect that aims to improve traditional *fiqh* statements, which are reductional and atomical. The reason is that the formation of laws only relies on one text without looking at other related texts. In this dimension, LPH at UIN Khas Jember has made progress because it considers the medical dimension by collaborating with the Tarbiyah Faculty of Biology (Biology Education) and others to carry out laboratory tests on food that will be registered in the halal scheme. The dimension of openness and acceptance of other texts on medical science is part of understanding *halalan* and *tayyiban* in the language of the Quran by giving meaning and interpretation of the development of existing science.⁶²

Third, openness (self-renewal). This third system is a form of change from openness in decisions in the Islamic legal system. This also occurs in LPH UIN KHAS Jember. This dimension should be open so that the public is able and see directly the process of halal certification in the community. This openness, in terms of institutional, provides space for public trust in state institutions. This openness should not be dominated by halal institutions that monopolize the state as the holder of power, but should also give space to the local community because many local foods have Islamic history, such as *Rendang*

⁶⁰Lies Afroniyati, "Analisis Ekonomi Politik Sertifikasi Halal Oleh Majelis Ulama Indonesia," *JKAP: Jurnal Kebijakan dan Administrasi Publik* 18, no. 1 (2014): 37–52, <https://journal.ugm.ac.id/jkap/article/view/6870>; Asep Saepudin Jahar and Thalhah, "Dinamika Sosial Politik Pembentukan Undang-Undang Jaminan Produk Halal," *Al-Ihkam: Jurnal Hukum dan Pranata Sosial* 12, no. 2 (2017): 385–404, <https://doi.org/10.19105/al-lhkam.v12i2.1232>.

⁶¹Jamal Makmur, "Peran Fatwa MUI dalam Berbangsa dan Bernegara (Talfiq Manhaji Sebagai Metodologi Penetapan Fatwa MUI)," *Wahana Akademika* 5, no. 2 (2018): 41–52, <https://doi.org/10.21580/wa.v5i2.3226>.

⁶²Auda, *Maqasid Al-Shari'ah as Philosophy of Islamic Law*; Auda, *Maqasid Al-Shariah: An Introductory Guide*; Ralang Hartati, "Peran Negara dalam Pelaksanaan Jaminan Produk Halal," *Adil: Jurnal Hukum* 10, no. 1 (2019): 72–92, <https://doi.org/10.33476/ajl.v10i1.1066>.

as typical of Padang food. This dimension should become an indigenization in the halal sector in Indonesia.⁶³

The fourth feature is an interrelated hierarchy. There are two theories of categorization by humans, according to cognitive science, namely feature-based categorizations and concept-based categorizations. Then, Jasser Auda uses the phrase concept-based categorizations and chooses a concept-based classification to be applied to *ushul al-fiqh*. This concept has the advantage of being an integrative and systemic method. This concept is not just a feature of right and wrong but is multidimensional, which can produce categories simultaneously for related items. In this dimension, LPH UIN KHAS Jember should collaborate with local communities since the dimensions of tradition and locality also have a role in maintaining the concept of halal genealogy that is developing in Indonesia.⁶⁴

The fifth feature is multi-dimensionality. A system is not single but has complex and interrelated parts. Islamic law is equated with a system because it has a system in all aspects or dimensions. With this dimension, LPH UIN KHAS Jember cannot monopolize halal by giving space to other halal institutions that exist and live in Indonesian society. However, this dimension has not been regulated in the Halal Certification Law in Indonesia. So, the halal audit process in Indonesia still creates a binary opposition in the existing dimensions of understanding. The state should, through halal institutions, guarantee and secure this process.⁶⁵

The sixth feature is purposefulness. In a system, it will definitely produce an output or goal. This goal is divided into two, namely goal (*al-hadad*) dan porpuse (*al-ghayah*). A system will achieve a goal when it only achieves a goal in certain situations, is mechanistic, and can only produce one goal. Alternatively, a system will gain popularity

⁶³Auda, *Maqasid Al-Shariah: An Introductory Guide*; Syafiq Hasyim, "Fatwa Aliran Sesat dan Politik Hukum Majelis Ulama Indonesia (MUI)," *Al-Ahkam* 25, no. 2 (2015): 241–66, <https://doi.org/10.21580/ahkam.2015.25.2.810>.

⁶⁴Afifatul Munawiroh, "Rethinking Halal: Telaah Konsep dan Pengaturan Halal Di Indonesia" (UIN KHAS Jember, 2022).

⁶⁵Auda, *Maqasid Al-Shari'ah as Philosophy of Islamic Law*; Jahar and Thalbah, "Dinamika Sosial Politik Pembentukan Undang-Undang Jaminan Produk Halal."

(*al-ghayah*) when it can achieve multiple goals in complex situations.⁶⁶ With this feature, the largest Muslim country provides services and protection to its citizens by providing a Halal Audit Institution (LPH). However, halal institutions in Indonesia have not provided space for Halal Locality because this refers to Indonesia which has the dimensions of a democratic country and has diverse dimensions and heterogeneity in cultures.

Conclusion

This paper finds the existence of LPH UIN KHAS Jember with Jasser Auda's maqashid sharia approach. First, the existence of an affiliated Halal Auditor Institute (LPH) at the university provides space for significant communication in the community, especially with the presence of academics supporting halal genealogy in Indonesia. Second, Jasser Auda's progressive sharia maqashid has six important features, namely cognitive nature, wholeness, openness (self-renewal), interrelated hierarchy, multi-dimensionality, and purposefulness. Third, LPH can make a positive contribution in the dimension of institutional and outreach to the community. On the other hand, the dimensions of the Halal Product Certification Law still provide polemic space, and this is not fulfilled. For example, halal localities in indigenous communities in Indonesia should receive legal recognition. The purpose is to avoid Jasser Auda's statement of the worried things about a feature of the absence of a halal monopoly, which is only in the hands of the government but also exists within existing customary institutions since they are also the ones who have maintained the halal genealogy from generation to generation.

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⁶⁶Jaser Auda, *Maqasid Al-Syariah A Beginner's Guide* (London: Cromwell Press, 2008); Nadha, "LPPOM MUI Sebagai Lembaga Pemeriksa Halal, Inilah Peran Lengkap Stakeholder Halal Di Indonesia"; Hasyim, "Fatwa Aliran Sesat Dan Politik Hukum Majelis Ulama Indonesia (MUI)."

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