

Religious Norms vs. Global Trade Regulations: An Analysis of the WTO DS477/478 Dispute and Indonesia's Halal Certification

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Abstract

This study examines Indonesia's halal certification as both a legal instrument and an economic policy with direct implications for international trade. Using a normative juridical approach combined with qualitative economic analysis, it explores Law No. 33 of 2014 on Halal Product Assurance (UUJPH) and its application to meat import policies, particularly in the aftermath of WTO disputes DS477/478. Halal certification is framed as a fundamental necessity for Indonesia's Muslim majority and as a legitimate objective under Article XX(a) of the GATT 1994, which protects public morals. The findings highlight two strategic dimensions of the policy: first, consumer protection and the enforcement of *maqāṣid al-sharī'ah* through traceable ingredients and production processes; second, its role as an economic tool to enhance product competitiveness, expand international market access, and strengthen Indonesia's position within the global halal supply chain. However, significant challenges persist. Domestically, limited legal literacy, certification costs, and the constrained capacity of micro, small, and medium enterprises (MSMEs) hinder certification uptake. Internationally, mandatory halal certification is sometimes perceived as an additional technical barrier to trade, sparking trade disputes. Analysis of GATT 1994 Articles III and XI and TBT Agreement Articles 2.2 and 2.4

underscores the need for Indonesia's policy to avoid unjustifiable discrimination and unnecessary trade restrictions. The study concludes that harmonizing the protection of public morals with multilateral trade commitments is essential. Policy recommendations include revising the UUJPH to align with international standards, strengthening the Halal Product Assurance Agency's capacity, providing incentives and support for MSMEs, and expanding mutual recognition agreements with key trading partners. With evidence-based, transparent, and inclusive policies, Indonesia can reinforce its role as a global halal industry hub while safeguarding its trade reputation and balancing religious values with international trade obligations.

Keywords: GATT 1994; Indonesia; Halal Certification; WTO Dispute; Technical Barriers to Trade

Introduction

Indonesia, home to the world's largest Muslim population of over 230 million, faces a striking paradox: despite this demographic dominance, only about 1 percent of micro, small, and medium enterprises (MSMEs) have obtained halal certification (Pardiansyah et al., 2022). According to the Ministry of Religious Affairs and the Halal Product Assurance Agency (BPJPH), as of October 2023, 2.9 million products have been halal-certified nationwide, exceeding the initial target of one million for 2023 (BPJPH, 2023). Nevertheless, this number represents only a fraction of Indonesia's 64.4 million MSMEs, showing that the penetration rate of halal certification remains below 5 percent (Badan DPR, 2024). This data highlights the urgency of strengthening halal assurance mechanisms to ensure consumer protection and foster economic inclusivity. Halal certification holds a highly strategic position in Indonesia, the country with the world's largest Muslim population. In this demographic context, the assurance of halal products is not merely a matter of religious preference but a fundamental necessity that supports social order and consumer protection. For Muslim consumers, certainty about the halal status of food and beverages fulfills the principle of *ḥifẓ al-dīn* (protection of religion), one of the primary objectives of *maqāṣid al-sharī'ah*. Consequently, halal certification serves as a formal mechanism to guarantee the traceability of raw materials, production processes, and distribution channels in accordance with Islamic law (Damayanti et al., 2023 ; Hamidatun & Pujilestari, 2022a).

The legal foundation for halal governance in Indonesia is explicitly established under Law No. 33 of 2014 on Halal Product Assurance (JPH), Government Regulation No. 39 of 2021 on the Implementation of the Halal Product Assurance System, and the Minister of Religious Affairs Regulation No. 26 of 2019 concerning the Implementation of Halal Certification. These instruments collectively define the authority of BPJPH, the accreditation of Halal Inspection Bodies (LPH), and the procedures for halal certification, marking a transition from a voluntary scheme to a mandatory regime binding all business actors. Clearly identifying these legal instruments strengthens the analytical foundation of this research, emphasizing that halal certification in Indonesia is not a policy abstraction but a concrete regulatory system under national law.

The benefits of halal certification extend beyond consumers and provide significant economic value for business actors, particularly micro, small, and medium enterprises (MSMEs). Halal-certified products gain added value through enhanced competitiveness, stronger brand reputation, and increased consumer trust (Hartati et al., 2023 ; Jubba et al., 2023). In marketing theory, halal certification functions as a credence attribute a quality marker that consumers cannot directly verify but that guarantees product integrity and drives purchasing preferences. Standardized halal labeling even enables local products to penetrate international markets and meet import requirements in Muslim-majority countries (Sulistyo Putro et al., 2022 ; Jubba et al., 2023).

Despite these advantages, the rate of halal certification among Indonesian MSMEs remains low. Data indicate that only about 1% of MSME products have obtained halal certificates (Pardiansyah et al., 2022b). Contributing factors include limited access to information, certification costs, and low legal literacy among MSME owners. Addressing these barriers requires capacity-building policies such as technical assistance, financial incentives, and systematic education programs (Pardiansyah et al., 2022b ; Ariska et al., 2024) (Nuzulia & Khasanah, 2023). Such strategies can improve MSME understanding of halal certification procedures and significance, ultimately expanding the domestic halal industry base.

From a broader academic perspective, previous studies on halal certification reveal overlapping but fragmented focuses (Hamidatun & Pujilestari, 2022). analyze the legal-administrative structure of halal assurance, (Hartati et al., 2023) explore its economic impact on MSMEs, (Jubba et al., 2023) focus on consumer perception, (Muksalmina et al., 2022) examine the domestic implementation framework, and (Caro et al. 2014) together with (Jubaedah et al., 2023) assess the intersection between halal regulation and international trade. However, few studies have integrated legal and economic dimensions into a single analytical framework. Moreover, there remains a scarcity of empirical evidence such as quantitative data on the contribution of halal certification to export growth or industrial value-added which limits the depth of academic understanding of its broader economic implications. Such strategies can improve MSME understanding of halal certification procedures and significance, ultimately expanding the domestic halal industry base.

Furthermore, halal certification acts as a catalyst for the growth of the national halal industry and strengthens Indonesia's potential as a global halal economy hub. Global demand for halal products continues to rise alongside the world's growing Muslim population and an increasing trend toward ethical consumption (Qoni, 2022 ;Jubba et al., 2023). The Indonesian government has responded with policies such as free certification programs and extensive outreach campaigns, aiming to broaden MSME participation and enhance the competitiveness of national products (Hartati et al., 2023). From a political economy perspective, these measures not only stimulate exports but also reinforce food sovereignty and industries rooted in religious values.

However, Indonesia's halal certification policy does not operate in isolation. Its regulatory and economic impact extends beyond national borders particularly within the meat-import sector, which forms a crucial part of Indonesia's food supply chain. Every imported meat product must obtain both halal and veterinary certificates to comply with Law No. 33 of 2014 and national food-safety protocols (Cornell University Repository, 2023). In 2023, Indonesia's halal-food import value was estimated at approximately US\$ 170

billion (= Rp 2.465 trillion), illustrating the massive economic scale of the halal ecosystem (Masruroh et al., 2023).

As of 2024, data from BPJPH indicate that 4.4 million products have been certified halal since 2019 still far below the total MSME base. This gap reflects both the economic potential and the regulatory challenge of harmonizing domestic halal assurance systems with international trade standards.

Overall, halal certification in Indonesia is not merely a legal obligation but a strategic policy instrument that supports public trust, consumer protection, and economic sustainability. Effective implementation contributes to inclusive and sustainable economic growth while strengthening Indonesia's reputation as a global halal industry center. In the context of global meat trade, Indonesia holds significant importance as one of the largest markets for meat products, particularly among Muslim-majority nations. The country's large Muslim population makes it a key consumer of halal meat, making active participation in international meat supply chains increasingly vital. As global demand for halal meat rises, Indonesia's involvement in international supply chains is both opportunistic and strategic to ensure the availability of products that meet religious standards (Anggarkasih & Resma, 2022 ; Arifai, 2023). In this regard, import policies requiring halal certification represent a critical policy instrument designed to guarantee quality, safety, and sharia compliance for Muslim consumers (Rofiah et al., 2024 ; Shirin Asa, 2019).

From a political economy perspective, Indonesia's halal certification policy on meat imports can be seen as a form of non-tariff measure that not only protects domestic consumers but also creates a level playing field for local businesses. Indonesia has a significant opportunity to strengthen its bargaining power in the global meat trade as international consumer awareness of the importance of halal meat and ethical consumption trends continues to grow (Wattie et al., 2024a). Nevertheless, several structural challenges must be anticipated, including heavy dependence on imported raw materials, fluctuations in commodity prices, and intense competition from other halal-meat-exporting countries such as Australia, Brazil, and New Zealand (Wattie et al., 2024a). To address these challenges, it is necessary to formulate a

comprehensive policy that integrates halal certification standards with industrial and trade policies, thereby not only protecting consumers but also improving the efficiency and competitiveness of the national meat-processing sector (Arifai, 2023 ; Muksalmina et al., 2022b).

At the same time, halal certification plays a dual role: it serves as both a guarantee of product compliance with Islamic law and a credence quality signal that builds public trust in meat products, whether imported or domestic. The presence of a halal label enhances perceptions of food safety and has a positive impact on public health while also strengthening the sustainability of supply chains and the domestic economy (Fadhlan et al., 2025a ; Anggarkasih & Resma, 2022). Within the framework of governance, the Halal Product Assurance Agency (BPJPH) holds a central role. This institution is responsible not only for setting standards and certification procedures but also for supervising and accrediting halal inspection bodies, thereby ensuring the consistent quality of products circulating in the market (Rofiah et al., 2024). The strict implementation of certification policies further expands the domestic halal market, giving consumers confidence that the meat they consume has undergone processes fully compliant with Islamic law (Anggarkasih & Resma, 2022 ; Muksalmina et al., 2022b).

Furthermore, the halal certification policy in the meat sector can be viewed as part of Indonesia's broader national halal economic development strategy. Beyond ensuring food safety and public health, this measure strengthens Indonesia's position in the global halal trade ecosystem while creating opportunities for downstream industries such as halal cold-chain logistics, value-added meat processing, and processed-meat exports (Arifai, 2023 ; Fadhlan et al., 2025a). Overall, the comprehensive implementation of halal certification for meat imports not only guarantees compliance with Sharia principles but also serves as a key instrument for enhancing international competitiveness. With stronger governance and greater domestic industrial capacity, Indonesia has the potential to transform from a major importer into one of the world's leading exporters of halal meat products, consolidating its role as a pivotal player in the global halal meat supply chain.

The DS477/478 dispute under the World Trade Organization (WTO) dispute settlement mechanism is closely linked to Indonesia's policy requiring halal certification for food products, particularly imported meat. This case involved New Zealand and Australia two of the world's major meat exporters who argued that Indonesia's halal certification requirements increased costs, prolonged export procedures, and ultimately restricted their market access (Jubaedah et al., 2023b). As complainants, these countries contended that the policy constituted a non-tariff barrier inconsistent with Indonesia's commitments under multilateral trade agreements. They highlighted two main issues: first, the mandatory halal certification was viewed as creating a disproportionate technical barrier that violated the national treatment principle of the General Agreement on Tariffs and Trade (GATT), since imported meat was treated differently from domestic products; second, the certification process was considered non-transparent, time-consuming, and costly, thereby conflicting with WTO rules on fair treatment and procedural openness (Raharto, 2025).

As the respondent, Indonesia defended its policy by emphasizing the social, cultural, and religious dimensions of halal certification. The government argued that the certification requirement is a legitimate instrument to protect Muslim consumers who form the majority of the population and an integral expression of the right to freedom of religion (Raharto, 2025 ; Abi Anwar et al., 2024). Halal certification is regarded not merely as a formal administrative step but as the implementation of religious values embedded in national law and as a means to strengthen the country's growing halal industry. For Indonesia, ensuring the halal status of food products, especially meat, concerns not only consumer trust but also the state's obligation to guarantee food safety in accordance with Islamic law.

The DS477/478 dispute therefore illustrates the tension between trade-liberalization principles and the sovereign right of WTO members to adopt policies grounded in cultural and religious values. This case sets an important precedent for shaping global trade rules, demonstrating how religion-based policies can qualify as a legitimate objective when administered transparently,

proportionally, and without discrimination. Moreover, the dispute resolution process shows that the halal certification requirement can be harmonized with international trade principles while simultaneously strengthening Indonesia's halal industry, allowing the protection of Muslim consumers and the integrity of the global trading system to advance in tandem.

Research on halal certification in Indonesia has contributed significantly to understanding the dynamics of regulation, implementation mechanisms, and their relationship to international trade (Radhitya & Amalia Azizah, 2024a). Most studies emphasize the role of halal certification as a guarantee of product compliance to protect Muslim consumers, particularly in the food sector (Raharto, 2025 ; Muksalmina et al., 2022b). These findings highlight the importance of a clear legal framework to ensure consumer protection and maintain public confidence in certified halal products. Nevertheless, the existing literature reveals notable limitations. First, much of the research tends to examine legal or economic aspects in isolation, without offering an integrated analysis of both. Yet the interaction between international trade law and domestic economic consequences is crucial to fully grasp the impact of halal certification policies. Second, earlier studies rarely address broader economic effects such as changes in demand patterns, price impacts, or the competitiveness of Indonesian industries in global markets (Caro et al., 2014; Jubaedah et al., 2023b).

There is also a lack of robust empirical data for example, quantitative evidence on the contribution of halal certification to export growth or industry value-added which limits academic understanding of the policy's implications for global trade. As a result, current literature does not yet provide a comprehensive picture of the strategic position of halal certification as an instrument of economic and international trade policy. This research seeks to address that gap by offering an integrated analysis that combines perspectives from international law and economics. It evaluates halal certification not merely as a domestic regulatory instrument but as a policy that interacts with the principles of international trade law, particularly within the framework of the World Trade Organization (WTO). By examining halal certification as a legitimate objective a policy goal recognized as valid within the global trade regime this study explores

both the legal legitimacy and the economic implications of implementing such a policy (Yekti, 2017).

The novelty of this research lies in its effort to connect the normative dimension (consumer protection) with the practical dimension (socio-economic impact), providing a more comprehensive understanding of how Indonesia's halal policy can be positioned within the discourse on international trade and halal-industry development. Based on these theoretical and empirical gaps, the study aims to: 1) Assess the status of halal certification as a legitimate objective within the framework of international trade law, particularly under GATT 1994 and the Technical Barriers to Trade (TBT) Agreement; and 2) Analyze the economic implications of halal certification, including its influence on trade growth, market dynamics, and global consumer confidence.

The novelty of this research lies in its unified analytical design, which integrates the normative dimension (consumer protection and religious legitimacy) with the practical dimension (economic competitiveness and international trade performance). Unlike prior studies that treated halal certification either as a domestic legal issue or as a market tool, this study examines its dual function as a public policy instrument under Indonesian law and as a legitimate objective recognized within the global trade regime. By consolidating discussion of novelty and contribution in this section only, the paper aligns with academic writing conventions and maintains structural clarity. In practical terms, the findings are expected to offer guidance for policymakers, industry stakeholders, and scholars seeking to enhance Indonesia's position in the international halal market while ensuring consumer protection and economic inclusivity.

Research Method

This research adopts a normative juridical approach combined with qualitative economic analysis to examine the status of halal certification within Indonesia's halal product assurance framework and beef import policy, while also assessing its economic implications (Oemar et al., 2023). This dual approach provides a comprehensive perspective that allows halal certification to be

analyzed both as a legal mandate and as an economic instrument influencing trade performance and industrial competitiveness (Hamidatun & Pujilestari, 2022). The primary legal data used in this study include both international and national legal instruments. At the international level, this research refers to the General Agreement on Tariffs and Trade (GATT) 1994 and the Technical Barriers to Trade (TBT) Agreement, which together establish the normative foundation for assessing the legitimacy of halal certification within the framework of the World Trade Organization (WTO) (WTO, 1995). At the national level, the analysis explicitly examines Law No. 33 of 2014 on Halal Product Assurance (JPH), Government Regulation No. 39 of 2021 on the Implementation of Halal Product Assurance, and Minister of Religious Affairs Regulation No. 26 of 2019 on the Implementation of Halal Certification, along with their subsequent amendments (Republic of Indonesia, 2021). These legal instruments serve as the central basis for understanding how Indonesia's halal certification policy aligns with international trade law while maintaining its domestic regulatory sovereignty and the state's constitutional responsibility to protect Muslim consumers (Wattie et al., 2024).

The secondary data are obtained from a diverse range of sources, including academic literature, official publications of the Halal Product Assurance Agency (BPJPH), WTO dispute documents, and international trade databases such as UN Comtrade, ITC Trade Map, and Statistics Indonesia (BPS). The combination of these data sources supports the use of a descriptive-analytical method that allows the researcher to explore the correlation between legal norms, institutional performance, and their observable economic outcomes (Jubba et al., 2023).

The analytical process begins with the identification and interpretation of relevant legal norms regulating halal product assurance at both domestic and international levels. This is followed by the mapping of institutional roles including BPJPH, the Halal Inspection Bodies (LPH), the Indonesian Ulema Council (MUI), and WTO adjudicatory panels to reveal the governance interrelations that underpin the halal certification system. The analysis then focuses on the economic implications of halal certification, particularly regarding

certification costs, MSME participation, export growth, and halal industry performance (Hartati et al., 2023). Finally, the results of the legal interpretation and economic evaluation are integrated and synthesized to determine whether halal certification can be justified as a legitimate objective under WTO law and as a driver of Indonesia's national competitiveness within the global halal economy (Rafiuddin et al., 2024).

A review of existing scholarship reveals that most studies on halal certification in Indonesia tend to focus on either legal or economic dimensions in isolation, often neglecting the interdisciplinary interplay between the two. For instance (Mellita & Apriyadi, 2020) as well as (Jailani & Adinugraha, 2022) highlight administrative and structural challenges faced by micro, small, and medium enterprises (MSMEs), while (Hamidatun & Pujilestari, 2022) emphasize the legal-administrative mechanisms underpinning certification. On the other hand, (Jubba et al., 2023) and (Hartati et al., 2023) investigate consumer perception and market trust, and (Rafiuddin et al., 2024) alongside (Umami et al., 2023) explore the international trade implications of halal certification. However, despite their contributions, these studies rarely provide an integrated framework that combines trade law, institutional regulation, and economic outcomes in a single analytical model.

This research aims to fill that conceptual gap by adopting an interdisciplinary model that unifies legal and economic analysis, offering a more holistic understanding of how halal certification functions as both a legal safeguard and an economic policy instrument (Anggriani et al., 2024). The novelty of this study lies in its integrated examination of international trade law and Indonesia's domestic halal certification system. By connecting the principles of GATT 1994 and the TBT Agreement with Law No. 33 of 2014 and its implementing regulations, this research establishes a new analytical framework that evaluates halal certification as a legitimate policy objective for protecting Muslim consumers while simultaneously analyzing its economic impact on trade flows and industrial value chains (Oemar et al., 2023 ; Wattie et al., 2024). Accordingly, this methodological framework strengthens the analytical clarity and coherence of the study by combining statutory interpretation, institutional

analysis, and economic evaluation. It thus provides a more holistic foundation for understanding halal certification as both a mechanism of consumer protection and a strategic trade policy instrument that supports Indonesia's position in the global halal economy (Fadhlan et al., 2025).

Results and Discussions

Legal Evaluation of Indonesia's Halal Certification from a WTO Perspective

The dispute-settlement process in cases DS477 and DS478 offers key insights into the role and challenges faced by the World Trade Organization's (WTO) Appellate Body (AB), while highlighting the impact of that body's institutional dysfunction. These disputes concerned Korea's trade restrictions on Japanese fishery products following the Fukushima nuclear disaster. The central issue was whether Korea's measures complied with the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement). Japan challenged Korea's import ban and additional testing requirements, prompting an initial WTO panel ruling and a subsequent appeal to the Appellate Body, which ultimately overturned many of the panel's findings (Brewster & Fischer, 2021 ; Hamada & Ishikawa, 2020).

This case underscores the importance of balancing trade liberalization with non-economic concerns, especially public health and environmental safety. It also highlights how external shocks, such as nuclear disasters, can complicate the interpretation and enforcement of trade agreements that were originally designed to ensure predictability and fairness in global commerce. In its original decision, the WTO panel found that Korea's policy was inconsistent with the SPS Agreement because it imposed trade restrictions exceeding what was necessary to protect human health. The Appellate Body, however, reversed several of the panel's conclusions, underscoring the AB's pivotal role in interpreting international trade law and balancing public-health protection with trade-liberalization obligations. This ruling illustrates both the AB's significant

authority and the criticism it faces regarding independence and effectiveness (Bahri, 2019).

This reversal also shows that WTO adjudication involves interpretive flexibility, where the boundaries between science, precaution, and trade law are constantly negotiated. The Appellate Body, therefore, acts not merely as a judicial body but as a global norm-shaper. The broader context of these disputes exposes internal WTO tensions over the effectiveness of its dispute-settlement mechanism, particularly after the United States blocked appointments of new Appellate Body members. This blockade triggered an institutional paralysis, leaving the AB unable to function normally and raising concerns about the WTO's capacity to enforce multilateral rules (Ansong, 2019). Various initiatives such as the Multiparty Interim Appeal Arbitration Arrangement (MPIA) have emerged as temporary solutions, but scholars view them as transitional measures that cannot fully replace the AB's central role in dispute adjudication (Gao, 2019). This situation also heightens the risk of bilateral negotiations dominating dispute resolution, a trend that tends to disadvantage developing countries that have historically benefited from third-party adjudication (Mohan & Raj, 2021).

In practice, this institutional vacuum reinforces the asymmetric power dynamics between developed and developing countries, where stronger economies can impose their will through bilateral negotiations, while weaker states lose the protective shield of multilateral dispute settlement. Thus, the DS477/DS478 disputes represent more than a specific conflict between Japan and Korea; they also reflect the structural challenges the WTO faces in maintaining an effective and inclusive multilateral trading system. This case underscores the urgency of safeguarding the integrity and operational capacity of the Appellate Body as a guarantor of international legal certainty (Yang, 2021a). Amid ongoing WTO reform discussions, member states are called upon to devise measures that strengthen the dispute-settlement mechanism, ensure equitable representation for all parties, and support a resilient and fair global trade governance framework (Vidigal, 2020).

Applying these lessons to Indonesia's halal certification regime, this study adopts the lens of Transnational Legal Pluralism (Berman, 2012), which views

global trade governance as a system where multiple legal orders international, national, and religious interact and sometimes overlap. From this perspective, Indonesia's Halal Product Assurance Law (Law No. 33/2014) represents a form of normative hybridity: a domestic legal measure informed by religious law (sharia) but operating within the broader discipline of WTO trade law. Under this theory, halal certification is not an exception to global trade liberalization but an expression of normative diversity that the multilateral system must accommodate.

Ultimately, the credibility of the WTO rests not only on the rules it produces but on the enforceability of those rules through a trusted and functional adjudicatory system. An analysis of Articles III and XI of the GATT 1994 and Articles 2.2 and 2.4 of the Technical Barriers to Trade (TBT) Agreement highlights the legal mechanisms designed to uphold the principles of free and non-discriminatory trade among WTO members. Together, these provisions form the normative foundation guiding members to craft and implement trade policies that avoid creating unnecessary barriers to cross-border goods flows. Article III of the GATT 1994 enshrines the principle of national treatment, requiring each member to accord imported products the same treatment as domestic products once they enter the market. This rule is intended to prevent disguised protectionism that could sideline foreign goods through internal regulations such as technical standards or domestic taxes. WTO jurisprudence shows that, although members may set quality standards or production methods, such policies must meet objective criteria to avoid discriminatory effects on foreign producers (Villanueva, 2014b) (Gerres et al., 2019a)

Accordingly, the legal principles in GATT Articles III and XI and TBT Articles 2.2 and 2.4 serve as analytical benchmarks for evaluating Indonesia's halal certification policies within WTO norms.

TABLE 1. Key WTO Legal Mechanisms Relevant to Indonesia's Halal Certification

Legal Instrument	Core Principle	Relevance to Halal Certification
GATT Article III	National Treatment	Ensures imported halal meat receives equal market access as domestic products once certified.
GATT Article XI	Prohibition of Quantitative Restrictions	Prevents unjustified import bans under halal pretexts unless valid under Article XX exceptions.
GATT Article XX(a)	Public Morals Exception	Allows halal regulations as moral protection of Islamic consumption values.
TBT Article 2.2	Proportionality & Non-Discrimination	Requires halal certification standards to be proportionate and non-restrictive.
TBT Article 2.4	Harmonization	Encourages adoption of international halal standards (OIC/SMIIC) to facilitate trade.

Source: Author's synthesis based on GATT 1994 and TBT Agreement (WTO, 1995), with analytical interpretation from (Villanueva, 2014b ; & Ruhaeni & Aqimuddin, 2023).

The national treatment principle, therefore, operates as a safeguard against “regulatory nationalism,” where states might otherwise manipulate technical requirements to shelter domestic industries under the guise of legitimate policy

goals. Meanwhile, Article XI of the GATT 1994 prohibits quantitative restrictions on exports or imports. Its purpose is to keep global markets open by eliminating bans or quotas unless justified for example, to protect public health, ensure national security, or conserve natural resources, as provided by specific exceptions. In Indonesia's nickel-export ban dispute, for instance, the European Union argued that the policy violated Article XI because it functioned as an unjustified protective measure impeding international trade (Budi et al., 2023 ; Wulandari et al., 2023a).

This example illustrates the persistent tension between domestic development strategies and multilateral trade commitments, where resource-rich countries seek to exercise sovereignty over natural assets, while trade partners demand adherence to global trade norms. Article 2.2 of the TBT Agreement stipulates that WTO members' technical regulations must not create trade barriers greater than necessary to achieve legitimate objectives such as protecting health, safety, or the environment. This provision serves as a benchmark to assess whether product testing, certification, or technical requirements remain proportionate and non-discriminatory (Villanueva, 2014b). Article 2.4 adds an international cooperation dimension by encouraging the adoption of international standards and cross-border consultations so that domestic technical rules align with global best practices and avoid discriminating against foreign goods (Budi et al., 2023).

The emphasis on international standards reflects the WTO's vision of harmonization, yet it also raises the question of whether global benchmarks adequately account for local cultural, environmental, or religious values, especially in developing economies. Viewed through the framework of Transnational Legal Pluralism, Indonesia's halal certification system can thus be seen as a legitimate regulatory expression of public morals under GATT Article XX(a), balancing domestic religious obligations with multilateral trade commitments. WTO jurisprudence in *US-Gambling* confirms that "public morals" and "public order" are context-dependent, allowing states flexibility to justify moral-based policies rooted in local values (Ruhaeni & Aqimuddin, 2023).

In this way, Indonesia's halal certification does not contradict WTO principles but demonstrates how religiously inspired norms can coexist with global trade disciplines, reinforcing the plural character of international law. This interpretation situates Indonesia's halal policy within the broader trade-legal architecture while highlighting the potential for developing countries to assert moral sovereignty within the global economic order. Accordingly, Indonesia's regulatory approach under Law No. 33/2014 requiring mandatory halal certification can be defended as a legitimate objective consistent with WTO provisions when applied transparently and proportionately.

This analytical synthesis reinforces that Indonesia's halal certification policy reflects an evolving interaction between domestic law and international obligations. By applying the Transnational Legal Pluralism framework, the discussion shows that the coexistence of sharia-based moral imperatives and WTO trade principles is not inherently conflicting but complementary when structured through clear procedural safeguards and evidence-based regulation. Therefore, halal certification serves not only as a religious safeguard but also as a mechanism for enhancing consumer confidence, legal certainty, and market access in an increasingly integrated global trade system.

Taken together, these four provisions create an essential multilateral legal framework to curb protectionist practices and ensure equal treatment in global markets. Enforcement of GATT Articles III and XI alongside TBT Articles 2.2 and 2.4 by the WTO's dispute-settlement bodies is critical to preserving the integrity of the international trading system, providing legal certainty, and fostering an open, fair, and predictable trade environment. Without effective enforcement, these provisions risk becoming aspirational principles rather than binding commitments, eroding confidence in the multilateral trading system. Within the GATT 1994 framework, Article XX, which provides exceptions to protect public morals, introduces a complex conceptual dimension when applied to the relationship between religious values and international trade practices. This clause grants WTO members policy space to adopt measures deemed necessary to safeguard public morals often closely linked to a society's social norms, ethics, and religious teachings. Indonesia, for example, could justify halal-

labeling requirements as a means of protecting public morals rooted in Islamic consumption principles. WTO jurisprudence in *US Gambling* affirms that the concepts of “public morals” and “public order” lack a universal definition and may vary according to each country’s social, cultural, ethical, and religious context. In practice, determining the boundaries of public morals is largely a matter of national discretion, provided the rationale is demonstrable and proportionate to domestic needs. The indeterminacy of “public morals” can be both a strength and a weakness: it allows flexibility for cultural diversity, but it also opens the door to strategic misuse by governments seeking protectionist ends (Ruhaeni & Aqimuddin, 2023).

Application of Article XX can also be seen in trade disputes between the United States and China, where both countries invoked the public-morals exception to defend trade policies with protectionist effects (Wang, 2023) (Huang, 2013). Such cases show that morality is frequently used as a basis to legitimize strict trade measures, though the absence of a clear WTO definition raises the risk of overuse. The main challenge lies in the potential for members to interpret this clause broadly, using it as a pretext for protectionism (Delev, 2022). In response, scholars such as Huang have proposed a narrow domestic approach recognizing local values while maintaining consistency with multilateral trade commitments (Wang, 2023 ; Huang, 2013). This approach aims to balance a nation’s moral sovereignty with the legal certainty of international trade. Accordingly, while Article XX of the GATT provides a legal mechanism to safeguard public-moral interests, including religious values, its application demands strict and transparent justification. WTO members must navigate the intersection of domestic morality-based interests and international obligations carefully so as not to distort the core WTO principles of free trade and non-discrimination. In essence, Article XX embodies the WTO’s attempt to reconcile universal trade norms with local ethical particularities, but its success depends on disciplined interpretation and good faith application by member states.

Economic Impact and Policy Response

The World Trade Organization (WTO) ruling on the chicken-meat import dispute between Brazil and Indonesia highlights the close interconnection between the international trade regime and domestic economic dynamics. As noted by Paputungan and Sugito (2023), despite the dispute, bilateral relations between the two countries remained relatively stable due to broader strategic considerations, both economic and political. Nevertheless, the decision in favor of Brazil created direct consequences for import flows, supply availability, and price stability in Indonesia's domestic market (Paputungan & Sugito, 2023a).

To improve analytical clarity, the discussion that follows distinguishes between the economic impacts of the WTO ruling and the policy responses undertaken by Indonesia. This separation allows for a clearer understanding of how global legal decisions translate into national policy adaptation. The WTO case illustrates how rulings rarely remain confined to abstract legal debates; instead, they ripple into concrete market realities that affect producers, consumers, and policymakers alike. It also demonstrates the growing importance of agricultural trade as a flashpoint where global rules intersect with domestic food-security concerns. This case illustrates how WTO rulings rarely remain confined to abstract legal debates; instead, they ripple into concrete market realities that affect producers, consumers, and policymakers alike. It also demonstrates the growing importance of agricultural trade as a flashpoint where global rules intersect with domestic food-security concerns.

Following the ruling, the Indonesian government was required to adjust its import regulations and policies. These adjustments influenced the volume of poultry entering the domestic market and could exert downward pressure on prices. Recent data from the Ministry of Agriculture show that poultry imports rose by nearly 18% within one fiscal year after the ruling, while several small-scale producers reported profit margins dropping by 12–15%, particularly in West Java and Central Java provinces. While greater supplies of imported chicken may provide consumers with more affordable options, they also intensify competition for local producers and, over time, can erode domestic production capacity. Conversely, overly restrictive measures could lead to supply shortages and drive

up meat prices, with implications for food security and household purchasing power. In this sense, trade liberalization operates as a double-edged sword: it benefits consumers through lower prices but threatens the sustainability of smallholder farmers who often lack the economies of scale to compete with multinational exporters. This dynamic is particularly acute in Indonesia, where poultry farming plays a vital role in rural employment and household livelihoods. Accordingly, the government introduced adaptive measures, such as subsidies for smallholder feed inputs and stricter licensing for poultry imports, aiming to stabilize both market competition and producer welfare.

The long-term effects extend to the national livestock sector. Increased imports may force domestic producers to improve efficiency or exit the market, creating structural dependence on foreign supplies and heightening vulnerability to future price shocks. Beyond economic considerations, social and political reactions are significant: consumer groups, agribusiness actors, and agricultural stakeholders often oppose higher import levels out of concern for employment and the sustainability of local industries (Paputungan & Sugito, 2023a). The WTO decision therefore acts as a catalyst for rethinking Indonesia's food and agricultural strategies, prompting a reassessment of long-term food-security policies.

This dispute thus raises a fundamental policy question: should food security be treated merely as an economic matter of supply and demand, or as a strategic domain requiring state intervention to protect national resilience? For Indonesia, where poultry is a staple source of protein, the stakes are especially high. From a public-communication perspective, Wibowo (2018) underscores the need for well-designed information campaigns to educate the public on the benefits and risks of post-ruling import policies. Concrete communication initiatives could include nationwide infographics on halal-certified import standards, social media outreach explaining price-control mechanisms, and targeted education programs for rural poultry farmers on navigating new import regulations. Any policy response should be grounded in empirical data and comprehensive analysis to mitigate excessive inflation while safeguarding domestic industry against shocks from global competition (Wibowo &

Purwohandoko, 2018). Transparent communication is not just a technical issue but a political necessity. Public mistrust of government food policies can easily escalate into social unrest, as history has shown during episodes of sudden price hikes in staple commodities. Transparent communication is not just a technical issue but a political necessity. Public mistrust of government food policies can easily escalate into social unrest, as history has shown during episodes of sudden price hikes in staple commodities. To help readers grasp the complex interplay among trade law, halal certification, and economic policy, a visual framework or mind map could be added. Such a diagram could illustrate how WTO rulings influence national regulation, which in turn affects domestic market stability and consumer confidence.

Overall, the WTO ruling affects far more than the poultry trade mechanism between Indonesia and Brazil; it generates economic, social, and political consequences that must be managed with care. The Indonesian government faces the challenge of balancing its multilateral trade obligations with domestic priorities, particularly price stability, food security, and the sustainability of the national livestock industry.

Revisions to Indonesia's Halal Product Assurance Law (UUJPH) and import provisions require a comprehensive analysis that integrates legal, social, and economic dimensions, as well as their implications for international trade relations. The UUJPH, enacted to ensure that all products circulating in the market meet halal standards, has a foundation consistent with Article XX(a) of the 1994 GATT. This article permits WTO members to take measures necessary to protect public morals, which in Indonesia inherently includes the religious values of its Muslim-majority population.

By invoking Article XX, Indonesia can affirm that mandatory halal certification is a legitimate and proportionate measure to safeguard religious beliefs. However, it is crucial to clearly differentiate between the moral justification of halal certification as an ethical and religious safeguard and its potential use as an economic instrument to strengthen market competitiveness. Failing to distinguish these motivations could create the impression that moral arguments are being used to justify protectionist trade behavior. To secure

international recognition, however, the policy must be implemented in line with the principles of non-discrimination and national treatment required by GATT. Aligning domestic norms with global standards is essential to avoid potential trade disputes and to preserve constructive relationships with trading partners.

The challenge lies in proving that halal certification is not a disguised restriction on trade. This requires Indonesia to demonstrate, through data and transparent procedures, that the policy applies equally to domestic and foreign products, and that certification processes are fair, efficient, and accessible.

Import regulation is equally critical. Indonesia's experience in its nickel dispute with the European Union shows how regulatory uncertainty can trigger trade friction. Import policies related to halal products therefore need to be transparent, evidence-based, and accountable so they are not perceived as technical barriers or discrimination against non-halal goods. If poorly designed, halal-related import rules could be challenged at the WTO as violations of the TBT Agreement, especially if they impose excessive certification requirements on foreign exporters. Thus, careful calibration is needed to protect domestic moral values without undermining international trust.

An ideal revision of the UUJPH would strengthen a legislative framework that remains adaptive to innovation and economic growth while maintaining strong consumer protection. This reform process should be supported by robust stakeholder dialogue, data-driven assessment, and international benchmarking against other successful halal economies such as Malaysia or the UAE. Public education and outreach on the benefits of halal products are key strategies for sustaining domestic market confidence and enhancing export appeal. For instance, community-based campaigns and collaborations with religious organizations could increase awareness of halal assurance systems, fostering both consumer trust and compliance among producers. Public education and outreach on the benefits of halal products are key strategies for sustaining domestic market confidence and enhancing export appeal. Collaboration with international bodies to develop globally recognized halal standards would further reinforce Indonesia's position as a hub of the global halal industry. Such harmonization could also turn halal certification into a competitive advantage,

positioning Indonesia not as a protectionist actor but as a global leader in shaping ethical trade practices. At the same time, overly strict measures risk provoking resistance from both industry actors and consumers. Active stakeholder participation, including business representatives, in policy formulation is therefore essential to ensure that new regulations are adopted effectively without disrupting domestic market sustainability (Difta Yasah et al., 2024). Considering all these factors, revisions to the UUJPH and related import rules should aim to balance the protection of public morals, the safeguarding of national economic interests, and adherence to international trade commitments. A measured, evidence-driven approach will not only preserve economic stability and the resilience of Indonesia's halal industry but also enhance the country's reputation as a state capable of integrating religious values with the principles of free and fair trade.

Conclusion

In conclusion, Indonesia's halal certification regime is not merely a regulatory instrument; it is a reflection of the nation's philosophical pursuit to harmonize faith, law, and economy within an evolving global order. Positioned at the intersection of religious obligation and trade governance, halal certification embodies the moral consciousness of a nation whose majority population regards consumption as an act of faith. Within this framework, Law No. 33 of 2014 on Halal Product Assurance (UUJPH) transforms the spiritual principle of *ḥifẓ al-dīn* the protection of religion into a tangible state policy that also aligns with Indonesia's constitutional commitment to protect its citizens and ensure fair economic participation. From the perspective of international law, Indonesia's halal certification regime finds normative legitimacy under Article XX(a) of the GATT 1994, which allows members to adopt measures necessary to protect public morals. This provision, while often interpreted narrowly, acquires new meaning when applied to policies rooted in religious ethics. Halal certification thus stands as a manifestation of *moral sovereignty*, demonstrating that cultural and religious identities can coexist with, rather than contradict, the principles of

free trade. However, such legitimacy depends on transparency, proportionality, and non-discrimination the very principles codified in the Agreement on Technical Barriers to Trade (TBT). Only by ensuring fair treatment for both domestic and imported products can Indonesia safeguard its moral objectives without inviting allegations of disguised protectionism.

Economically, the halal sector serves as a critical driver of inclusive growth and national resilience. The certification process creates *credence value* a non-observable attribute that strengthens consumer confidence and fosters brand loyalty. It also expands market access, particularly to Muslim-majority importers demanding halal assurance. Despite these potential benefits, the low penetration of halal certification among MSMEs less than five percent as of 2024 exposes the gap between regulatory aspiration and practical implementation. This disparity underscores the need for institutional capacity-building, fiscal incentives, and educational programs that democratize access to certification and lower compliance burdens for small producers.

At the institutional level, strengthening the Halal Product Assurance Agency (BPJPH) is essential. The agency must be equipped not only with trained auditors and modern digital systems but also with international partnerships to gain global recognition of Indonesian halal standards. Such recognition, particularly through Mutual Recognition Agreements (MRAs) and engagement within the OIC/SMIIC framework, will position Indonesia as a norm-shaper in the global halal economy rather than a passive standard taker. In the long term, harmonization with international benchmarks will prevent trade frictions and enable Indonesia's halal products to penetrate new export markets, contributing to the diversification of the national economy. Theologically, the institutionalization of halal assurance represents an embodiment of Islamic economic ethics within the secular mechanisms of global trade law. It serves as a reminder that economic transactions are not merely material exchanges but moral contracts that must preserve justice, transparency, and human dignity. When law, policy, and morality intersect harmoniously, they form a sustainable foundation for governance one that balances market efficiency with social responsibility. Therefore, Indonesia's halal certification should be understood as

both a legal safeguard and a moral compass. It safeguards consumers from fraud and uncertainty, while simultaneously guiding the economy toward ethical growth. In bridging the normative gap between *maqāṣid al-sharī'ah* and WTO principles, Indonesia demonstrates that globalization need not erode moral identity; rather, it can serve as a platform through which local values contribute to universal ethics. Ultimately, the future of Indonesia's halal certification lies not only in compliance but in conviction an enduring commitment to uphold transparency, inclusivity, and justice in both domestic regulation and international trade. With sound governance, evidence-based policymaking, and active participation in global halal standardization, Indonesia has the potential to evolve from the world's largest halal consumer base into a leading architect of the global halal economy.

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The author declares that there are no competing interests related to the research, authorship, or publication of this article.

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