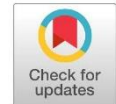


Legal labeling of halal products using the official names of haram products (A case study of halal certification for *tuak*, beer, and wine products)



Muh Nur Ridho Chaerul Firdaus^{1*}, Muh Nur Fithri Dahlan², Elizatun³, Ahmad Muhris³

¹Master of Interdisciplinary Islamic Studies, Faculty of Postgraduate, Universitas Islam Negeri Sunan Kalijaga, Jl. Laksda Adisutjipto, Papringan, Caturtunggal, Depok, Sleman, Special Region of Yogyakarta, 55281, Indonesia

²Faculty of Sharia Economic Law (Mu'amalah), Sekolah Tinggi Agama Islam Yapis Takalar, Jl. H. Abd. Majid Pali, Bajeng, Pattallassang, Takalar, South Sulawesi, 92211, Indonesia

³Master of Sharia Law Program, Faculty of Sharia and Law, Universitas Islam Negeri Sunan Kalijaga, Jl. Laksda Adisutjipto, Papringan, Caturtunggal, Depok, Sleman, Special Region of Yogyakarta, 55281, Indonesia

*Corresponding author: muh.nurridhochaerulfirdaus@gmail.com

ABSTRACT

With Muslims comprising 91% of its populace, Indonesia is home to the world's largest Islamic community. This demographic landscape makes the integrity of halal certification essential for the nation's ambition to become a leading global hub for the halal industry. Consequently, this study offers a critical analysis of the practice of using nomenclature associated with forbidden (haram) items on the labels of halal-certified products. It was found that products containing the names 'tuak', 'beer', and 'wine' received halal certification. According to BPJPH, this issue is only a difference of opinion regarding the naming of the product, while the halal content has been guaranteed. However, in muamalah, the measure is the object of naming, not the name. This study aims to determine the legal status of the use of these names on halal products in Islam. The method used in this research is a descriptive analysis method with the Maqashid Sharia approach. The result of this study is that the legal status of using halal product names for products with names containing those names in Islam is not allowed. The results of this study can serve as a recommendation for the government to establish clear regulations regarding product naming in order to create legal certainty in this matter and prevent similar debates in the future.

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INTRODUCTION

The latest demographic data indicate that the Muslim population in Indonesia reached approximately 245.9 million in mid-2024, accounting for more than 87% of the total national population. This confirms Indonesia's status as a country with one of the largest Muslim populations in the world, making the demand for halal products a basic market condition, rather than a niche segment (Muhamad, 2024). The sheer scale of this demographic has transformed the religious concept of "halal" into a primary macroeconomic variable. With the majority of the population making halal a key factor in purchasing decisions, the integrity of the halal certification system directly affects the marketability of most consumer goods in the country, from food and beverages to pharmaceuticals and cosmetics.

Halal certification has a dual function: as a fulfillment of religious obligations and as a powerful economic tool. For Micro, Small, and Medium Enterprises (MSMEs), certification is an important gateway to accessing a wider market, increasing consumer confidence, and strengthening competitiveness against large companies (Camelia et al., 2024; Ilham, 2024). The economic benefits

are very real. A case study shows that the average monthly turnover of a business can more than double, from IDR 4.5 million to IDR 9.5 million, after obtaining halal certification (Syarifudin & Fahma, 2022).

Furthermore, the process of meeting strict halal standards often encourages companies to improve the quality of their raw materials and refine their production processes (Astiwara, 2025; Camelia et al., 2024). This makes halal certification an added value that benefits not only Muslim consumers but also non-Muslim consumers who prioritize product hygiene, health, and safety (LPHUNISMA, 2024). Thus, halal certification serves as a driver for improving the overall quality of the industry.

The use of names on halal products is only as an identifier for those halal products and is not an object of halal testing. This is because in muamalah, the benchmark for something is the object of the name, not the name or naming itself. This is evidenced by the validity of the sale and purchase transaction process, even though the buyer and seller conduct the transaction with the term hibah (al-Qardhawi, 2010). However, halal certification for products with names that may contain elements of haram does not affect the halal status of the product as long as the halal product has followed all halal certification procedures and has been certified as halal.

Halal certification is the entire process and stages for business actors to obtain a halal certificate. Meanwhile, the halal certificate, Law Number 33 of 2014 concerning Halal Product Guarantee (JPH) Chapter 1 Article 1 defines it as a recognition of the halal status of a product issued by the BPJPH (Halal Product Guarantee Agency) based on a written halal fatwa issued by the MUI (Indonesian Ulama Council) (Undang-Undang Republik Indonesia, 2014).

The management of halal certification in Indonesia has undergone significant changes, including the transition from a non-governmental organisation (MUI) to a government agency (Halal Product Guarantee Agency/BPJPH) established to manage and verify halal product applications with the issuance of Law No. 33 of 2014 concerning Halal Product Guarantee. This process aims to protect Muslim consumers from non-halal products and ensure that products on the market meet halal requirements in accordance with Islamic law (Nahlah et al., 2023).

However, with the development of halal product certification, there are inevitably problems associated with it. Some time ago, a hot topic of discussion in the virtual world was that products containing the names 'tuak', 'beer', and 'wine' had received halal certification. This incident was reported by the Instagram account @dianwidayanti, along with screenshots from the BPJPH website showing products that had been certified as halal. The video stated that products containing the names 'tuak', 'beer', and 'wine' had been certified as halal and were registered as halal products. A year ago, a similar case was also a hot topic in the media, namely, products containing the name 'wine' that received halal certification (Putri & Hardiyanto, 2023).

Several previous studies have discussed topics related to the use of names on halal products. The first is a study entitled 'A Study of "Urf in the MUI's Rejection of Halal Certification for Products Labelled 'Satan' by Siti Nur Faiza.' The results of this study show that products labelled "Satan" fall into the category of 'urf lafzi but fasid, so their use is not justified by Sharia law. This first study focused on products labelled as satanic and was examined using the 'urf approach (Faiza, 2021). Meanwhile, the author's study focused on products that use names related to alcoholic beverages and was examined using the *maqashid syariah* approach.

The second study, entitled An Islamic Legal Review of the Practice of Using Frightening Words in Food Product Labels in Pekalongan, was conducted by Putri Ayu Mayangsari and Karimatul Khasanah. The results of this study show that a product remains halal even if it uses a frightening name, but from the perspective of Islamic business ethics, this is not permissible. Like the first study, the second study focuses on products with frightening names and is located in Pekalongan (Mayangsari & Khasanah, 2021). Meanwhile, the study conducted by the author focuses on products with names related to alcoholic beverages in Indonesia in general.

The last study is by Hasni Arifiah Siregar, entitled Analysis of Food Naming as a Requirement for Halal Certification (Study of MUI Fatwa Number 44 of 2020 concerning Halal Fatwa Standardisation). The results of this study show that naming must follow the relevant fatwa, except for names that have become traditional with certainty that they do not contain anything unlawful. This study only focuses on naming according to the MUI fatwa (Siregar, 2020). This differs from the author's study, which discusses several perspectives and uses a *maqashid syariah* approach. From the three

previous studies relevant to this discussion, the author concludes that this study has not been examined before. Therefore, the novelty that the author can provide in this article is the status of the use of the names “wine”, “tuak”, and “beer” on halal products from an Islamic law perspective.

RESEARCH METHOD

With this issue gaining traction among the Indonesian public and media, understanding the legal status of the use of the names ‘wine’, ‘beer’ and ‘tuak’ on halal products in Islam, as well as examining the reasons why products containing the names ‘tuak’, “beer” and ‘wine’ can obtain halal certification in Indonesia, has become an important research topic. This study aims to explain the status of the use of the names ‘wine’, “tuak”, and ‘beer’ on halal products from an Islamic legal perspective. This study uses a literature review with primary and secondary data references. Primary data is sourced from the official websites of BPJPH, MUI, and related books and publications. Secondary data is sourced from official online news websites and related journal articles. The method used in this research is descriptive analysis with a *maqashid syariah* approach.

RESULT AND DISCUSSION

The Use of Names on Halal Products from Various Perspectives

As the author has mentioned, the issue of using names that contain aspects of haram (unlawful) in halal products or those that have been certified as halal is not new, as it has already surfaced in the virtual world last year. Although this issue is not new, research on the status of using names on halal products in Islamic law is important to study. Based on previous literature reviews, the research conducted by the author has not been studied before, especially using two seemingly contrasting perspectives mediated by the *maqashid syariah* approach.

The use of names on halal products has actually been explained in MUI Fatwa No. 44 of 2020 concerning the Use of Names, Forms, and Packaging of Products that cannot be Certified Halal. The fatwa states that products with names containing prohibited substances cannot be certified as halal. However, there is an exception to this rule, namely names containing prohibited substances that have become traditional (*urf*) and are confirmed not to contain prohibited ingredients (Majelis Ulama Indonesia, 2020).

In the aforementioned fatwa, the MUI presented several arguments for its decision. In relation to this study, these arguments are as follows (Majelis Ulama Indonesia, 2020):

1. The word of Allah SWT:

- a. QS. al-Hujurat verse 11 concerning the prohibition of giving someone a bad name or nickname. This prohibition can be applied to the prohibition of naming products with inappropriate names (*najis*, *haram*, *kekufuran*, etc.):

وَلَا تَلْمِزُوا أَنْفُسَكُمْ وَلَا تَنَابَرُوا بِالْأَلْقَابِ بِئْسَ الْإِسْمُ الْفُسُوقُ بَعْدَ الْإِيمَانِ

“Do not insult one another and do not call each other bad names. The worst name is (the name) of wickedness after faith.”

- b. QS. Al-Baqarah verse 42 about the prohibition of mixing the truth with falsehood

وَلَا تَلْبِسُوا الْحَقَّ بِالْبَاطِلِ وَتَكُنُوا لِلْحَقِّ وَالْحَقِّ وَأَنْتُمْ تَعْلَمُونَ

‘And do not mix the truth with falsehood, nor conceal the truth while you know it.’

2. Hadiths of the Prophet (peace be upon him):

Regarding food and drink consumed by humans, it must not only be halal but also *thayyib* (good and halal). And they are not only in terms of content and health, but also in terms of the name, form, and packaging of the product.

عَنْ أَبِي هُرَيْرَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: " أَيُّهَا النَّاسُ، إِنَّ اللَّهَ طَيِّبٌ لَا يَقْبَلُ إِلَّا طَيِّبًا (رواه مسلم)

'From Abu Hurairah, may Allah be pleased with him, who said: The Messenger of Allah, peace and blessings be upon him, said: 'O people! Verily, Allah is Thayyib (good), He will not accept except what is Thayyib (good and lawful) ... (Narrated by Muslim).'

3. Fiqh principle

الأَصْلُ فِي الْأَشْيَاءِ النَّافِعَةُ الْإِبَاحَةُ، وَفِي الْأَشْيَاءِ الضَّارَّةِ الْحُرْمَةُ

'Basically, the ruling on something beneficial is that it is permissible, and the ruling on something harmful is that it is haram.'

مَا أَدَّى إِلَى الْحَرَامِ فَهُوَ حَرَامٌ

'Something that leads to what is forbidden is forbidden.'

دَرَأُ الْمَفَاسِدِ مُقَدَّمٌ عَلَى جَلْبِ الْمَصَالِحِ

'Preventing harm takes precedence over bringing benefit.'

الضَّرَرُ يُزَالُ

'Harm must be removed.'

From the several arguments mentioned above and presented by the MUI, it is clear that products with names containing forbidden substances (in this case, 'wine,' 'beer,' and 'tuak') cannot be certified as halal. Although this opinion has been supported by arguments that reinforce it, we must remember that in the realm of muamalah, there is a fiqh rule that focuses only on substance, content, intention, or something that is named, and ignores its name or outer appearance, whether the name or outer appearance is related to something that is haram or not at all. The fiqh rule in question is *al-ibrah bi al-maqashid wa al-musammayat la bi al-alfazh wa at-tasmiyat*.

The principle of '*al-ibrah bi al-maqashid wa al-musammayat la bi al-alfazh wa at-tasmiyat*' is mentioned by al-Qardhawi in his book, *al-Qawaid al-Hakimah li Fiqh al-Mu'amalah*. This principle is also known as the principle of *al-umur bi maqashidiha*, which is one of the five universal principles in fiqh. The basis of this principle is the famous sahih hadith narrated by 'Umar bin Khattab, which reads:

عَنْ أَمِيرِ الْمُؤْمِنِينَ أَبِي حَفْصٍ عُمَرَ بْنِ الْخَطَّابِ رَضِيَ اللَّهُ عَنْهُ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: "إِنَّمَا الْأَعْمَالُ بِالنِّيَّاتِ، وَإِنَّمَا لِكُلِّ امْرِئٍ مَا نَوَى" (رواه البخاري ومسلم): "وَسَلَّمَ يَقُولُ

From Amirul Mukminin Abu Hafsh Umar bin al-Khattab, he said: 'I heard the Messenger of Allah, peace and blessings be upon him, say: 'Actions are only by their intentions, and every person will only be rewarded according to what he intended.' (Narrated by Bukhari and Muslim).

This principle is important and in accordance with the general view of the essence of Islam, namely that the main parameter in Islam is its substance, not its form; its essence, not its packaging; and its reality, not its news. Therefore, in Islam, intention and purpose are more important than outwardly visible deeds. This is as stated in the hadith narrated by Abu Hurairah, which reads:

وَعَنْ أَبِي هُرَيْرَةَ عَبْدِ الرَّحْمَنِ بْنِ صَخْرٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: "إِنَّ اللَّهَ لَا يَنْظُرُ إِلَى أَجْسَامِكُمْ، وَلَا إِلَى صُورِكُمْ، وَلَكِنْ يَنْظُرُ إِلَى قُلُوبِكُمْ وَأَعْمَالِكُمْ" (رواه مسلم)

From Abu Hurairah Abdurrahman bin Shakh: The Messenger of Allah, peace be upon him, said: 'Verily, Allah does not look at your forms and your wealth, but Allah looks at your hearts and your deeds.' (Narrated by Muslim).

Nevertheless, in Islam, obedience in the heart is better and more important than obedience in the form of outward actions. Likewise, sins in the heart are more dangerous than outward acts of obedience. Therefore, salvation in the hereafter and entry into Paradise are based on a clean and pure heart (al-Qardhawi, 2010).

However, when looking at the literature related to this rule, the majority of the discussion only focuses on contracts, not on everything, including goods or products. In the book al-Qardhawi, it is also

stated that this rule has a branch rule, namely the rule of *al-ibrah fi al-'uqud li al-maqashid wa al-ma'ani la li al-alfazh wa al-mabani*. This branch rule implies that the contract process should consider and regard the continuity of the contract based on its intent and purpose, not on the wording or terms used by both parties when executing the contract. This is because the essence of a contract is the fulfilment of its intent and purpose, not the wording used. And words are not used except as a means of indicating the meaning and purpose (al-Qardhawi, 2010).

Table 1. Various perspectives on the use of names on halal products.

Perspective	Core argument	Supporting evidence and explanation
1. Prohibition of Haram-Sounding Names (Based on MUI Fatwa No. 44 of 2020)	Products with names that suggest or imitate something haram (unlawful), such as 'wine' or 'beer', cannot be certified as halal. A product must not only be halal in substance but also thayyib (good) in its name, packaging, and form. This is to prevent confusion and block the means to what is forbidden.	<p>Qur'an:</p> <ul style="list-style-type: none"> - QS. al-Hujurat: 11 (Prohibition of giving bad names). - QS. al-Baqarah: 42 (Prohibition of mixing truth with falsehood). <p>Hadith:</p> <p>إِنَّ اللَّهَ طَيِّبٌ لَا يَقْبَلُ إِلَّا طَيِّبًا "Verily, Allah is <i>Thayyib</i> (good), He will not accept except what is <i>Thayyib</i> (good and lawful)."</p> <p>Fiqh Principles:</p> <p>مَا أَدَّى إِلَى الْحَرَامِ فَهُوَ حَرَامٌ (Something that leads to what is forbidden is forbidden).</p> <p>دَرْأُ الْمَقَاسِدِ مُقَدَّمٌ عَلَى جَلْبِ الْمَصَالِحِ (Preventing harm takes precedence over bringing benefit).</p> <p>Exception: Names that are part of tradition ('urf) and are confirmed not to contain unlawful ingredients.</p>
2. Focus on Substance Over Form (<i>al-ibrah bi al-maqashid</i>)	The legal ruling should be based on the actual substance, content, and intention, not on the name or outward appearance. If a product's contents are confirmed to be halal, its name should not render it impermissible. The essence is more important than the label.	<p>Fiqh Principle:</p> <p>الْعِبْرَةُ بِالْمَقَاصِدِ وَالْمُسَمِّيَّاتِ لَا بِالْأَلْفَافِ وَالْتَّسْمِيَّاتِ "Consideration is given to intentions and the things named, not to words and names."</p> <p>Hadith:</p> <p>إِنَّمَا الْأَعْمَالُ بِالنِّيَّاتِ، وَإِنَّمَا لِكُلِّ امْرِئٍ مَا نَوَى "Actions are only by their intentions..." (Narrated by 'Umar bin Khattab).</p>

Perspective	Core argument	Supporting evidence and explanation
		<p>إِنَّ اللَّهَ لَا يَنْظُرُ إِلَى أَجْسَامِكُمْ، وَلَا إِلَى صُورِكُمْ، وَلَكِنْ يَنْظُرُ إِلَى قُلُوبِكُمْ وَأَعْمَالِكُمْ</p> <p>"Verily, Allah does not look at your forms... but looks at your hearts and your deeds." (Narrated by Abu Hurairah).</p> <p>Limitation: The text notes that scholars have primarily applied this principle to contracts ('<i>uqud</i>'), not necessarily to product naming in general.</p>
3. Mediation through <i>Maqashid Syari'ah</i> (Objectives of Islamic Law)	The use of names must be evaluated based on the higher objectives of Islamic law, specifically the Preservation of Religion (<i>Hifz ad-Din</i>). Using names associated with haram items can create confusion, normalize the forbidden, and weaken the sanctity of Islamic principles, thus undermining <i>Hifz ad-Din</i> . Therefore, using good, clear names is a way to preserve the religion.	<p>Maqashid Syari'ah:</p> <ul style="list-style-type: none"> - <i>Hifz ad-Din</i> (Preservation of Religion) is the highest objective. Its purpose is to uphold the foundations of Islam and eliminate things that contradict it, such as deviations and the desacralization of Sharia. <p>Application:</p> <ul style="list-style-type: none"> - Halal certification itself is a means of achieving <i>Hifz ad-Din</i>. - Using good and non-misleading names for halal products protects Muslims from confusion and upholds the clarity and sanctity of what is permissible. - This perspective ultimately supports the conclusion of the first viewpoint by prioritizing the prevention of harm to the religion.

Not only in al-Qardhawi's book, this branch rule is also discussed in several books on the discipline of fiqh rules in the third chapter, in which there are differences of opinion among scholars. As-Suyuthi, in his book *al-Asybah wa an-Nazhair*, clearly emphasises that the difference of opinion regarding whether the wording and *sigah* or the intention and purpose in the heart are the benchmark is only in the execution of the contract, not otherwise (as-Suyuthi, 1983). Similarly, in the book *Idhah al-Qawa'id al-Fiqhiyyah* by Al-Lahji (1969), he mentions the differences of opinion among scholars who debate whether the *sigah* and *lafaz* or the intention and purpose are the benchmark in the contract. These differences of opinion only revolve around the implementation of the contract, not other matters, including the content of the product or goods.

Maqashid syari'ah, as the universal objectives of Islamic law, certainly include discussions related to the use of names on halal products. All forms of responsibility from the Sharia for His creatures will refer to the preservation of the objectives of the Sharia or *maqashid syari'ah*. *Maqashid syari'ah* is divided into three types: *maqashid dharuriyyah*, *maqashid hajiyyat*, and *maqashid tahsiniyyah* (Syathibi, 2004). *Maqashid dharuriyyah* is a definite goal that must be realised for the benefit of religion and the world to bring joy to His servants in this world and the hereafter. *Maqasid al-shari'ah*

dharuriyyah are further divided into five types: *hifz ad-din*, *hifz an-nafs*, *hifz al-aql*, *hifz an-nasl*, and *hifz al-mal*. When considering the use of names on halal products, the appropriate type of *maqashid syari'ah dharuriyyah* is *hifz ad-din* (al-Khadimi, 2001).

Hifz ad-din is the highest and most important of the five types of *maqashid syari'ah dharuriyyah*. The purpose of *hifz ad-din* is to uphold the foundations of the pillars of religion and their laws in human life in this world. *Hifz ad-din* also aims to eliminate things that contradict and oppose the principles of Islam, such as the presence of *bid'ah*, apostasy movements, evil deeds, and deviations from Islamic teachings, and the desacralisation of the implementation of Sharia obligations. Therefore, for *hifz ad-din* as the goal of Islamic law to continue to exist, it is prescribed that Muslims must believe, profess their faith, pray, give zakat, fast, perform the hajj, and perform all deeds and utterances that manifest the existence of Islam in the hearts of Muslims and in this world. Examples include zikr, sunnah, guidance, advice, the construction of mosques and schools, honouring scholars, righteous people, and preachers, and other things (al-Khadimi, 2001).

In my opinion, another example of all deeds and words that embody the existence of Islam in the hearts of Muslims and in this world is halal certification. Therefore, using a good name for halal products is a form of effort to ensure that *hifz ad-din*, as the goal of Islamic law, continues to exist. The purpose of using a good name for halal products is to use names that do not contain elements of haram or things that could damage the sanctity of Islam. The prohibition on giving bad names is clearly stated in the Word of Allah SWT, Surah al-Hujurat, verse 11, as the author has quoted previously.

To facilitate understanding of the various perspectives on the use of names for halal-certified products, I have included Table 1.

Facts Regarding the Halal Certification of 'Tuak', "Beer" and 'Wine' Products

Recently, the Halal Product Guarantee Agency (BPJPH) and the Ministry of Religious Affairs responded to the circulation of a video about products named 'tuak', "beer", and 'wine' that had received halal certification. The Head of the BPJPH Halal Registration and Certification Centre, Mamat Salamet Burhanudin, explained that this issue relates to product naming, not the halal content of the products. Products that have been certified as halal are guaranteed to be halal after undergoing a certification process in accordance with the provisions of the MUI Fatwa Commission or the Halal Product Fatwa Committee (Badan Penyelenggara Jaminan Produk Halal, 2024).

BPJPH also stated on its official website that Mamat emphasised that the naming of halal products is regulated by regulations such as SNI 99004:2021 and MUI Fatwa Number 44 of 2020. These regulations state that businesses cannot register products with names that contradict Islamic law or prevailing social ethics. However, despite these rules, some products with questionable names still receive halal certification. On its official website, BPJPH points out that there are differences of opinion among scholars regarding product naming in the halal certification process. For example, there are 61 products with the name 'wine' and 8 products with the name 'beer' that have received halal certificates from the MUI Fatwa Commission. Mamat emphasised that this difference only relates to the use of names, while the halal aspects of the ingredients and processes have been confirmed as halal (Badan Penyelenggara Jaminan Produk Halal, 2024).

From the perspective of the Indonesian Ulema Council (MUI), they recently rejected the news. They confirmed that several products, including 'tuak', "beer", and 'wine', which received halal certificates from the Halal Product Guarantee Agency (BPJPH), were not in accordance with the MUI fatwa. The Head of the MUI Fatwa Division, Asrorun Niam Sholeh, stated that the certification was carried out through a self-declared process without undergoing an audit by the Halal Inspection Agency (LPH) and did not obtain a halal determination from the MUI Fatwa Commission, so the MUI is not responsible for the halal claims of these products (Junaidi, 2024).

The above statement is based on MUI Fatwa No. 44 of 2020, which stipulates that halal products may not use names or symbols that refer to objects or animals that are haram, including alcohol. MUI emphasises that products with names known to refer to intoxicating beverages cannot be certified as halal, unless they are part of a tradition that has been confirmed to contain no haram elements. With this issue heating up, the MUI plans to coordinate with the BPJPH to prevent similar cases from recurring in the future. Niam emphasised the importance of maintaining public trust in halal certification

and ensuring that the process of determining product halal status is carried out thoroughly and in accordance with established standards (Junaidi, 2024).

From the two news items presented by the author, it can be understood that BPJPH and MUI agree that the naming of halal products must follow MUI Fatwa Number 44 of 2020 concerning the Names, Forms, and Packaging of Products that cannot be certified as halal. The fatwa stipulates that products may not use names or symbols that refer to objects or animals that are haram. Although the two institutions agree on the aforementioned regulation, there is debate regarding the use of product names that contain terms related to alcohol, such as ‘tuak’, ‘beer’, and ‘wine’. The MUI emphasises that products with these names cannot be certified as halal, while the BPJPH points out that some products with these names have obtained halal certification. In addition, BPJPH revealed that all products that have been certified halal must pass through the MUI fatwa commission, but MUI admits that it has never issued a halal fatwa for products containing terms related to alcohol (‘tuak’, ‘beer’, and ‘wine’).

Based on the lengthy explanation above, several points of difference between BPJPH and MUI regarding the use of names on halal-certified products can be concluded, as outlined in the following Table 2.

Table 2. The differences between BPJPH and MUI in the use of names on halal products.

Aspect of Difference	BPJPH (<i>Badan Penyelenggara Jaminan Produk Halal</i>)	MUI (Indonesia Ulema Council)
Primary Basis for Certification	Focuses on the substance of the product, including its ingredients and production process.	Considers the entirety of the product, including its name, branding, and sensory perception, in addition to its substance.
Stance on Product Naming	More lenient. Cites differences of opinion among scholars and past precedents where similar names were certified.	Strict and uncompromising. Adheres firmly to MUI Fatwa No. 44 of 2020, which prohibits names that refer to haram things.
View on the Certification Process	Accepted the "self-declare" method for this certification, viewing it as a valid pathway.	Considers the "self-declare" process used in this case to be flawed and invalid because it bypassed the mandatory LPH audit and the MUI Fatwa Commission hearing.
Final Position on the Certificate	Issued the halal certificate and consider it valid based on their assessment.	Firmly rejects the certification and declares they are not responsible for its issuance.

Halal Certification Process and Regulatory Pathways

BPJPH, as the halal certification agency, collaborates with MUI and the Halal Inspection Agency in the implementation of the halal certification process. The halal certification process is divided into two channels: the regular channel and the self-declare channel. The regular channel refers to the process of applying for a halal certificate. Meanwhile, the self-declare channel refers to the halal certification process with a statement from MSME actors.

Halal certification through the regular pathway consists of the following stages (Badan Penyelenggara Jaminan Produk Halal, 2023; Peraturan Pemerintah Pengganti Undang-Undang RI, 2022):

1. Business actors or applicants must have an active email address and a Risk-Based NIB
2. Business actors or applicants create an account and submit a halal certification application by filling in the data and uploading the required documents
3. BPJPH checks the accuracy of the data and the completeness of the halal certificate application documents
4. Business operators or halal certificate applicants select an LPH after completing the documents
5. BPJPH determines the LPH selected by business operators or applicants based on considerations set out in BPJPH regulations

6. The LPH calculates, determines, and enters the inspection fees in SIHALAL
7. The business operator or applicant makes the payment and uploads proof of payment in SIHALAL
8. BPJPH verifies the payment and issues an STTD (Document Receipt Letter) in SIHALAL
9. The LPH dispatches halal auditors to conduct inspections and tests on the halal status of products based on standards established by the BPJPH
10. The LPH submits the results of the inspection and testing of the halal status of products by its halal auditors to the MUI, with a copy to the BPJPH, and uploads the inspection report to SIHALAL
11. The MUI, through its Fatwa Commission, holds a halal fatwa hearing to determine whether the product is halal or not
12. The MUI Fatwa Commission uploads the Halal Determination to SIHALAL after the product's halal status has been determined
13. The BPJPH issues the Halal Certificate
14. Business operators or applicants download the Halal Certificate on SIHALAL if its status is 'SH Issued'

Halal certification through the self-declare route also consists of several stages, namely (Badan Penyelenggara Jaminan Produk Halal, 2023; Peraturan Pemerintah Pengganti Undang-Undang RI, 2022):

1. Business operators or applicants create an account through ptsp.halal.go.id
2. Business operators or applicants prepare halal certification application data and select a Halal Product Process Assistant (PPH)
3. Business operators or applicants complete the application data together with the PPH Assistant
4. Business operators or applicants submit halal certification applications with business operator statements through SIHALAL
5. The PPH Assistant verifies and validates the business operator's statement
6. BPJPH verifies and validates the halal product process assistance report through the system
7. BPJPH issues an STTD (Document Receipt Letter)
8. The Halal Product Fatwa Committee receives the report on the results of the halal product process assistance that has been verified by the BPJPH system and conducts a fatwa hearing to determine the halal status of the product (according to the official BPJPH website)
9. BPJPH receives the product's halal determination after the fatwa hearing
10. BPJPH issues a Halal Certificate
11. Business operators or applicants download the Halal Certificate through SIHALAL
12. Business operators or applicants download the national halal label to be affixed to the product

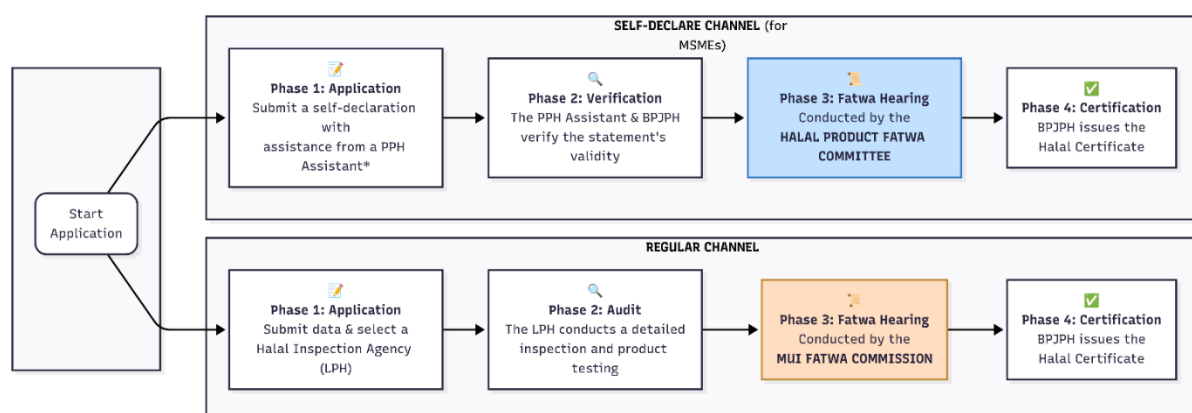


Figure 1. Illustration of halal certification application procedures.

From the two channels above and their three sources, it can be understood that in the regular channel, the fatwa hearing is conducted through the MUI Fatwa Commission, while in the self-declare channel, the fatwa hearing is conducted through the Halal Product Fatwa Committee.

In [Figure 1](#), I present a diagram to facilitate understanding of the halal certification registration procedure through the two channels described above: self-declare and regular.

Analysis of the Use of Names “Tuak”, “Beer”, and “Wine” on Halal Products and Halal Certification Procedures

Referring to the previous subchapter regarding the law on the use of names on halal products, the three perspectives, namely, the MUI fatwa based on the Qur'an, Hadith, and its fiqh rules ([Majelis Ulama Indonesia, 2020](#)), fiqh rules in muamalah and *maqashid syariah dharuriyah* type *hifz ad-din* ([asy-Syatibi, 2004](#)). All of these perspectives lead to the conclusion that the use of names on products is urgent and must be considered, and must comply with Sharia provisions.

MUI Fatwa No. 44 of 2020 explains the Use of Names, Forms, and Packaging of Products that cannot be Certified Halal. The fatwa states that products with names containing prohibited substances (in this study, ‘wine’, ‘beer’, and ‘tuak’) cannot be certified halal. However, the prohibition in this fatwa excludes names that contain prohibited substances but have become traditional (*urf*) and are confirmed not to contain prohibited ingredients ([Majelis Ulama Indonesia, 2020](#)). An example of this exception is Bir Pletok. If we look at products with names containing ‘wine’, ‘tuak’, and ‘beer’, products with these three names are not traditional (*urf*) and therefore need to be excluded from the prohibition in the relevant fatwa. And when these names are not exempted in the MUI fatwa, then naming halal products with names containing the elements ‘tuak’, ‘beer’, and ‘wine’ is considered to violate the MUI fatwa, which is the guiding principle for fatwas for Muslims in Indonesia ([Nadha, 2022](#)).

The fiqh rule in the discussion of muamalah, which states *al-ibrah bi al-maqashid wa al-musammayat la bi al-alfazh wa at-tasmiyat* and is mentioned by al-Qardhawi in his book, *al-Qawaid al-Hakimah li Fiqh al-Mu'amalah*, seems to offer a glimmer of hope for businesses producing halal products with names containing elements such as ‘tuak,’ ‘wine,’ and ‘beer.’ It could even serve as a principle justifying this phenomenon. However, after the author examined the principles of fiqh in muamalah, it is clear that all discussions and examples of the application of these principles boil down to the process of contract and the naming of the contract, not the naming of an item or product ([al-Qardhawi, 2010](#)). Therefore, it is clear that the use of names on halal products is not covered by or a branch of these principles of fiqh.

The maqasid syari'ah, which is always the ultimate reason for Muslim scholars in *ijtihad* regarding the law of events that are not found in the *syarak*, does not justify the use of names on halal products that contain elements of haram. *Hifz ad-din*, as the most important and highest type of *maqashid syari'ah dharuriyah*, clearly prohibits the use of names on halal products that contain elements of haram. This is because this could lead to the desacralisation of Islam. Moreover, in the Qur'an, Surah al-Hujurat, verse 11, clearly prohibits naming with bad names, especially names that contain elements of haram.

CONCLUSION

From the author's analysis of the use of names on halal products in the case of halal certification for products with names containing the elements ‘tuak’, ‘wine’ and ‘beer’ by examining various perspectives, namely the fatwa of the Indonesian Ulema Council (MUI), the principles of muamalah fiqh and the objectives of sharia law, it is clear that the legal status of the use of halal product names for products with names containing the elements ‘tuak’, ‘beer’ and ‘wine’ in Islam is not permitted.

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