



## The Usul Al-Fiqh Approach in MUI Fatwa No. 44 of 2020: Fiqh Principles for Products not Eligible for Halal Certification

## منهج أصول الفقه في فتوى مجمع علماء إندونيسيا رقم ٤٤ لعام ٢٠٢٠: مبادئ الفقه في المنتجات غير المؤهلة للحصول على شهادة الحلال

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### Abstract

The rapid expansion of the global *halāl* industry has elevated *halāl* certification as a critical mechanism for ensuring consumer trust and *Shari'ah* compliance amid growing market commodification. In Indonesia, Law No. 33 of 2014 on *Halāl* Product Assurance mandates certification for all circulating products; however, the misuse of *halāl* labels through misleading names, forms, or packaging poses significant epistemological and regulatory challenges. This study examines the *uṣūl al-fiqh* approach underlying MUI (*Majma' 'Ulamā'* Indonesia) Fatwā No. 44 of 2020 concerning products ineligible for *halāl* certification, with particular emphasis on the identification of *'illah ma'nawiyah*, the application of *qawā'id fiqhiyyah*, *taḥqīq al-manāt*, *sadd al-dharī'ah*, and alignment with *maqāṣid al-Shari'ah*. Adopting a qualitative normative-juridical method through library research, the study analyzes primary sources including the official text of Fatwā No. 44/2020 and Law No. 33/2014 alongside classical and contemporary *uṣūl al-fiqh* literature. Data were examined descriptively and analytically using interpretive tools such as *qiyās*, *sadd al-dharī'ah*, and *maṣlahah-mafṣadah* evaluation, supported by source triangulation. The findings reveal that the fatwā employs a sophisticated integrative *uṣūl al-fiqh* methodology. It identifies six prohibition categories based on five core *qawā'id fiqhiyyah* (including *al-asl fi al-ashya'*, *al-ibahah*, *mā addā ilā al-harām fahuwa harām*, and *dar' al-mafāsid muqaddam 'alā jalb al-maṣāliḥ*), grounded in value-based *'illah* and *maqāṣid al-Shari'ah* (particularly *ḥifẓ al-dīn* and *ḥifẓ al-māl*). This approach effectively prevents commodification of the *halāl* label while maintaining flexibility through *'urf* considerations. The study concludes that MUI Fatwā No. 44/2020 demonstrates the dynamic relevance of *uṣūl al-fiqh* in addressing contemporary *halāl* industry challenges. It offers a robust epistemological foundation for strengthening fatwā consistency, supporting ethical innovation, and enhancing Indonesia's position in the global *halāl* economy.

**Keywords:** *Uṣūl al-Fiqh*; MUI Fatwā; *Halāl* Certification; *Qawā'id Fiqhiyyah*; *Maqāṣid al-Shari'ah*; *Sadd al-Dharī'ah*.

### ملخص البحث

شهدت صناعة الحلال العالمية توسعاً سريعاً، مما رفع من أهمية شهادة الحلال كآلية أساسية لضمان ثقة المستهلك والامتثال للشريعة في ظل تزايد ظاهرة السلعة التجارية لعلامة الحلال. وفي إندونيسيا، يفرض القانون رقم ٣٣ لعام ٢٠١٤ م بشأن ضمان المنتجات الحلال شهادة الحلال على جميع المنتجات المتداولة؛ ولكن سوء استخدام علامة «الحلال» من خلال الأسماء أو الأشكال أو العبوات المضللة يشكل تحديات معرفية وتنظيمية كبيرة. تهدف هذه الدراسة إلى تحليل منهج أصول الفقه الذي يقوم عليه فتوى مجمع علماء إندونيسيا رقم ٤٤ لعام ٢٠٢٠ م بشأن المنتجات غير المؤهلة للحصول على شهادة الحلال، مع التركيز الخاص على تحديد العلة المعنوية وتطبيق القواعد الفقهية، وتحقيق المناط، وسد الذرائع، ومواءمتها مع مقاصد الشريعة. اعتمدت الدراسة منهجاً نوعياً فقهيًا معيارياً من خلال البحث المكتبي، حيث تم تحليل المصادر الأولية (نص الفتوى رقم ٤٤ لعام ٢٠٢٠ م وقانون رقم ٣٣ لعام ٢٠١٤ م) إلى جانب الأدبيات الأصولية الفقهية التراثية والمعاصرة. وتم فحص البيانات بطريقة وصفية تحليلية باستخدام أدوات تفسيرية مثل القياس وسد الذرائع وتقييم المصلحة والمفسدة، مدعوماً بثلاث المصادر. أظهرت النتائج أن الفتوى تستخدم منهجية أصولية فقهية متكاملة ومتقدمة، حيث حددت ست فئات من المنوعات بناءً على خمس قواعد فقهية أساسية (منها: الأصل في الأشياء النافعة الإباحة، وفي الأشياء الضارة الحرمة؛ وما أدى إلى الحرام فهو حرام؛ ودرء المفاسد مقدم على جلب المصالح)، وذلك مستندة إلى علة معنوية ومقاصد الشريعة (خاصة حفظ الدين وحفظ المال). وتتيح هذه المنهجية منع سلعة علامة الحلال مع الحفاظ على المرونة من خلال اعتبارات العرف. وتخلص الدراسة إلى أن فتوى مجمع علماء إندونيسيا رقم ٤٤ لعام ٢٠٢٠ م تُبرز الصلاحية الديناميكية لعلم أصول الفقه في مواجهة تحديات صناعة الحلال المعاصرة، وتقدم أساساً معرفياً متيناً لتعزيز اتساق الفتاوى، ودعم الابتكار الأخلاقي، وتعزيز مكانة إندونيسيا في الاقتصاد الحلال العالمي.

**الكلمات المفتاحية:** أصول الفقه، فتوى مجمع علماء إندونيسيا، شهادة الحلال، القواعد الفقهية، مقاصد الشريعة، سد الذرائع.

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## 1. Introduction

The discourse on *halāl* certification within the global Islamic economy has emerged as a critical academic and policy focus, particularly amid rapid digitalization, regulatory harmonization, and the commodification of religious symbols in modern marketing (DinarStandard, 2024; Hosen & Lathifah, 2020; Ikhwan, 2024). Muslim consumers spending across key *halāl* sectors, including food, pharmaceuticals, cosmetics, modest fashion, travel, and media & recreation, reached approximately USD 2.43 trillion in 2023 and is projected to grow to USD 3.36 trillion by 2028, with a compound annual growth rate (CAGR) of around 6–8% in core sectors (DinarStandard, 2024; SMIIC, 2022). *Halāl* food alone accounted for USD 1.43 trillion in 2023 and is expected to reach USD 1.94 trillion by 2028 (DinarStandard, 2024; Nurlaela Rauf et al., 2024).

This phenomenal growth is driven by the global Muslim population, which exceeds 2.05 billion people (more than 25% of the world's population) and is concentrated in Asia and Africa, where heightened religious awareness among consumers has spurred cross-border demand for *halāl* products across diverse industrial ecosystems (DinarStandard, 2024; SMIIC, 2022). The expansion now encompasses not only food and beverages but also cosmetics, pharmaceuticals, logistics, *halāl*

tourism, modest fashion, and Islamic finance, transforming *halāl* compliance into a competitive commodity in global supply chains (DinarStandard, 2024; Hosen & Lathifah, 2020).

As the world's largest Muslim-majority country with approximately 246 million Muslims (representing 87% of the national population as of 2025), Indonesia is amplifying this global momentum through its domestic market potential and regulatory commitment (Ministry of Home Affairs, 2025). Indonesia's *halāl* economy was valued at around USD 279 billion in 2023 and is projected to reach USD 807–922 billion by 2030–2032 with a CAGR of 14.2%, positioning the country as a potential global *halāl* hub (DinarStandard, 2024; Data Bridge Market Research, 2025). *Halāl* exports reached approximately USD 41.42 billion from January to October 2024, with food and beverages dominating 81% of the total, underscoring Indonesia's strategic role in the global *halāl* trade (Ministry of Trade, 2025; YAMAH, 2025).

This urgency is institutionally reinforced by Law No. 33 of 2014 concerning *Halāl* Product Assurance (UU JPH), which mandates *halāl* certification for all products circulating in the Indonesian market (Government of Indonesia, 2014). Enacted under the coordination of the *Halāl* Product Assurance Organizing Agency (BPJPH), this law marks a paradigm shift from voluntary to compulsory certification, thereby protecting Muslim consumers' religious rights (*ḥifẓ al-dīn*), providing legal certainty for businesses, and aligning national policy with the global *halāl* economic flow (BPJPH, 2025).

However, the mandatory implementation of UU JPH has generated critical legal and *fiqh* issues, particularly the commodification of the term "*halāl*" as a mere marketing strategy devoid of substantive

*Shari'ah* compliance (Majelis Ulama Indonesia, 2020b). This phenomenon has led to the emergence of product categories that are explicitly ineligible for *halāl* certification, as stipulated in Indonesian Ulama Council (MUI) Fatwā No. 44 of 2020 on Products Not Eligible for *Halāl* Certification (Majelis Ulama Indonesia, 2020a). The *fatwā* prohibits certification for products whose names, shapes, designs, or packaging contain elements of disbelief (*kufṛ*), immorality (*fasād*), or resemblance to *ḥarām* substances such as using brand names like “beer,” “wine,” or “pork” for non-alcoholic or non-pork products, or incorporating symbols associated with other religions or vices (Majelis Ulama Indonesia, 2020a).

This ruling directly addresses the tension between market logic (profit maximization through *halāl* labelling) and the higher objectives of the *Shari'ah* (*maqāṣid al-Shari'ah*), particularly in safeguarding public welfare (*maṣlahah 'āmmah*) and preventing harm (*maṣṣadah*) through the principle of *sadd al-dhari'ah* (blocking the means to evil) (Majelis Ulama Indonesia, 2020a). Without rigorous epistemological scrutiny, such commodification risks undermining the integrity of *halāl* as a protector of faith and communal ethics.

Recent regulatory developments have intensified these challenges while providing transitional support. Government Regulation No. 39 of 2021 concerning the Implementation of *Halāl* Product Assurance (revised by PP No. 42 of 2024) extends the mandatory certification deadline for various consumer goods including cosmetics, chemical and biological products, herbal medicines, food supplements, fashion, and handicrafts until October 17, 2026 (for both domestic and imported items, with certain exceptions for meat and slaughtering services) (Government of Indonesia,

2021/2024). To facilitate compliance among micro and small enterprises (MSEs), which constitute the backbone of Indonesia's economy, the government, under President Prabowo Subianto's directive, has allocated 1.35 million free *halāl* certificates in 2026 (following 1.14 million in 2025), as coordinated by BPJPH (Antara News, 2025; BPJPH, 2025). By October 2026, full mandatory enforcement will cover nearly all circulating products, including those in the digital marketplace (BPJPH, 2025).

This regulatory evolution occurs amid global modernization and consumerism, which continuously introduce novel products unfamiliar in classical *fiqh* literature (e.g., genetically modified organisms, synthetic cosmetics, and digital *halāl* branding). Such developments demand adaptive methodologies of legal derivation (*istinbāt al-aḥkām*) grounded in *uṣūl al-fiqh*. Without a robust epistemological foundation, *fatwās* such as No. 44 of 2020 risk inconsistency when confronted with socio-economic dynamics, where *halāl* commodification could erode *Shari'ah*'s role as a guardian of public interest.

The urgency of scholarly inquiry is therefore evident: to reinforce *fatwā* consistency through the identification of effective causes (*'illah*), the application of *qawā'id fiqhiyyah* (e.g., “*al-ḥukm yadūru ma'a al-'illah wujūdan wa 'adaman*” rulings revolve with their causes), and the balancing of *maṣlahah-maṣṣadah*, while upholding *sadd al-dhari'ah* to prevent misuse of *halāl* labels in marketing. This approach aligns with al-Shāṭibī's framework in *Al-Muwāfaqāt*, which prioritizes the preservation of religion (*ḥifẓ al-dīn*), wealth (*ḥifẓ al-māl*), and societal welfare as core *maqāṣid* (Al-Shāṭibī, 1997).

A review of existing literature reveals that studies on *halāl* certification in Indonesia

predominantly adopt technical, economic, or procedural lenses. For instance, Arif et al. (2020) and subsequent works by Fauzi (2024) and Zustika (2025) have examined industrial process audits, certification adoption among small and medium enterprises (SMEs) in the herbal and food sectors, and the economic impacts of mandatory policies on exports and MSMEs. Comparative analyses with Malaysia and other OIC countries further highlight procedural efficiencies and export performance (Najla, 2024). While these contributions provide valuable insights into implementation challenges, their primary limitation lies in the descriptive-normative orientation that rarely delves into the conceptual and epistemological foundations of *uṣūl al-fiqh*, *qawā'id fiqhiyyah*, or the methodological processes of *istinbāt* underlying decisions on certification ineligibility.

Analyses of *'illah* identification, the operative role of *sadd al-dharī'ah* in contemporary contexts, or the dynamic weighing of *maṣlahah-maṣṣadah* amid regulatory extensions remain underexplored. Consequently, *fatwā* interpretations often appear administrative rather than jurisprudentially adaptive, particularly in addressing digital commodification and evolving consumer trends.

The novelty of this research resides in its systematic examination of the interplay between MUI Fatwā No. 44 of 2020 and the epistemological framework of *qawā'id fiqhiyyah* and *maqāṣid al-Sharī'ah*, moving beyond juridical description to construct a theoretical foundation for consolidating *ḥalāl* certification policies in Indonesia. Unlike prior studies confined to economic impacts or audit procedures, this inquiry integrates al-Shāṭibī's *maqāṣid* principles to evaluate the permissibility and societal benefit of modern product categories, thereby offering an adaptive framework for *fatwā*

issuance in the era of global *ḥalāl* industrialization. This contribution is timely, as it equips policymakers with tools to navigate post-2026 regulatory transformations, ensuring that *ḥalāl* labels remain instruments of *Sharī'ah* integrity rather than tools of commodity politics.

Accordingly, the primary objective of this research is to critically analyze the *uṣūl al-fiqh* approach underpinning MUI Fatwā No. 44 of 2020. This entails a detailed exploration of ruling *'illah* identification, the relevance of *sadd al-dharī'ah*, and the application of *qawā'id fiqhiyyah* in weighing *maṣlahah-maṣṣadah* vis-à-vis contemporary product objects. Specifically, the study aims to: (1) strengthen *fatwā* consistency to support the effective implementation of UU JPH and its derivative regulations; (2) preserve the normative orientation of *ḥalāl* certification as a mechanism for safeguarding public welfare (*maṣlahah*); and (3) provide theoretically grounded recommendations for enhancing national *ḥalāl* governance in alignment with *maqāṣid al-Sharī'ah*, thereby contributing to responsive policy-making amid global economic challenges.

## 2. The Research Methodology

This study adopts a qualitative research design with a normative juridical approach, grounded in the systematic analysis of Islamic legal maxims (*qawā'id fiqhiyyah*) within the framework of *uṣūl al-fiqh* (Islamic legal theory) (Kamali, 2003). The normative juridical method is selected because it prioritizes doctrinal interpretation of primary *Sharī'ah* sources (Quran, *Sunnah*, *Ijmā'*, and *Qiyās*) over empirical data, enabling researchers to uncover the underlying rationale (*maqāṣid*), effective causes (*'illah*), and

jurisprudential reasoning behind legal rulings (Al-Shāṭibī, 1997).

This design is highly appropriate for examining MUI Fatwā No. 44 of 2020 on the Use of Names, Forms, and Packaging of Products That Cannot Be Certified *Ḥalāl*, as it allows analysis beyond literal text to address contemporary *ḥalāl* industry challenges, including deceptive marketing practices that exploit *ḥalāl* labels for commercial gain (Majelis Ulama Indonesia, 2020a). Such an approach aligns with the journal's emphasis on *fatwā* management, *ḥalāl* studies, and *uṣūl al-fiqh* applications in modern contexts, ensuring the research contributes to both theoretical depth and practical relevance in *fatwā* issuance (Kamali, 2003).

The research population encompasses all classical and contemporary sources on *uṣūl al-fiqh* related to *ḥalāl* certification, *maqāṣid al-Sharī'ah*, and *fiqh* principles governing product permissibility (Al-Shāṭibī, 1997). The primary sample is the official text of MUI Fatwā No. 44 of 2020 (including its five-page appendices and supporting considerations), which explicitly restricts *ḥalāl* certification for products containing symbols or names associated with disbelief (*kufṛ*) or sin, names of prohibited animals without valid *urf* exceptions, physical forms or packaging resembling pigs or dogs, and erotic or morally suggestive elements (Majelis Ulama Indonesia, 2020a).

Purposive sampling was applied to select supporting documents from 2014–2023, including the *Ḥalāl* Product Assurance Law No. 33 of 2014 (UU JPH), classical *uṣūl al-fiqh* texts, and scholarly works that represent key developments in Indonesian and global *ḥalāl* certification (Government of Indonesia, 2014). This time frame captures post-2014 legislative reforms and industry growth, ensuring the sample

reflects current realities while maintaining doctrinal continuity (Madaniyyah et al., 2023).

Data collection was conducted exclusively through a systematic literature review, which is the standard and most reliable method for normative juridical studies (Kamali, 2003). Primary data were obtained directly from official sources: the full text and appendices of Fatwā MUI No. 44/2020, downloaded from the *Ḥalāl* MUI portal (halalmui.org) and MUI website (mui.or.id), which detail Quranic and *ḥadīth* foundations such as Surat al-Baqarah: 173 on *ṭayyib* requirements and *ḥadīth* on avoiding *shubuhāt* (doubtful things) from Ṣaḥīḥ Muslim, no. 1599 (Majelis Ulama Indonesia, 2020a; Muslim, 1991).

Secondary data include classical sources such as al-Shāṭibī's *Al-Muwāfaqāt fī Uṣūl al-Sharī'ah* for *maqāṣid al-Sharī'ah* analysis, *ḥadīth* collections like *Ṣaḥīḥ Muslim* on prohibitions against doubtful matters, and modern literature including peer-reviewed journals on *ḥalāl* certification and comparative *fiqh* adaptation (Al-Shāṭibī, 1997; Kamali, 2019). Materials were sourced from the UIN Sunan Gunung Djati Bandung library, official MUI digital archives, Google Scholar, and academic databases.

A strict publication cutoff (2014–2023) was enforced to focus on post-UU JPH trends, with keyword-based searches (e.g., “Fatwā MUI 44/2020”, “*sadd al-dharī'ah ḥalāl* certification”, “*maqāṣid al-Sharī'ah* produk kemasan”) supplemented by manual cross-referencing of appendices and cross-citations for completeness and accuracy (Madaniyyah et al., 2023).

Data analysis employed a descriptive-analytic technique integrated with *uṣūl al-fiqh* interpretive tools, allowing both detailed exposition of the

*fatwā's* content and critical evaluation of its jurisprudential foundations (Al-Ghazālī, 1997).

The process followed these reproducible steps: (1) descriptive phase content analysis of *Fatwā* No. 44/2020 to map prohibited categories (*kufī* symbols, *ḥarām* animal names without *ʿurf*, pig/dog-like forms, erotic packaging) and their scriptural bases; (2) analytic phase application of *uṣūl al-fiqh* principles, specifically *qiyās* (analogical reasoning, where the *ʿillah* of harm from misleading labels is extended to modern products) and *sadd al-dharīʿah* (blocking means leading to harm, e.g., preventing consumer deception through restrictive certification rules); and (3) *maqāṣid* evaluation and assessment using Al-Shāṭibī's framework to weigh *maṣlaḥah* (benefit, e.g., consumer protection and industry integrity) against *mafsadah* (harm, e.g., moral corruption or fraudulent marketing), supported by *qawā'id fiqhīyyah* such as "everything is permissible unless prohibited by evidence," "what leads to the prohibited is prohibited," and "preventing harm takes precedence over pursuing benefit" (Al-Shāṭibī, 1997).

This analysis is strengthened by triangulation of sources: cross-verification between the primary *fatwā* text, classical *uṣūl al-fiqh*, contemporary legislation (UUJPH 2014), and scholarly views on *fiqh* adaptation in globalization (Kamali, 2019). Triangulation ensures validity and reliability in doctrinal research by confirming consistency across *naqlī* (textual) and *ʿaqlī* (rational) evidences (Al-Shāṭibī, 1997). The descriptive-analytic method directly addresses the research questions regarding how *qiyās* and *sadd al-dharīʿah* define uncertifiable product categories, which *qawā'id fiqhīyyah* underpin the prohibitions, and the ongoing relevance of these principles in protecting consumers while supporting *maqāṣid*-aligned

innovations in the *ḥalāl* industry (Majelis Ulama Indonesia, 2020a).

### 3. Analysis and Results

The analysis reveals that MUI *Fatwā* No. 44 of 2020 employs a comprehensive *istinbāṭ* (legal deduction) methodology rooted in *uṣūl al-fiqh* (MUI, 2020a). This methodology integrates *taḥqīq al-manāṭ* (verification of the legal object), value-based *ʿillah* (legal cause), *sadd al-dharīʿah* (blocking the means to evil), *maṣlaḥah-maṣṣadah* analysis (benefit-harm weighing), and *maqāṣid al-Sharīʿah* (objectives of *Sharīʿah*) as the overarching framework (MUI, 2020a; al-Ghazālī, 1997).

Far from being a mere administrative decree, the *fatwā* establishes six prohibition categories through five core *qawā'id fiqhīyyah*, ensuring that *ḥalāl* certification preserves religious integrity rather than serving as a marketing commodity (MUI, 2020a). This approach effectively bridges classical *uṣūl al-fiqh* with contemporary *ḥalāl* industry dynamics (al-Shāṭibī 1997).

The *fatwā*, issued on 5 August 2020 following the Komisi *Fatwā* session, defines "products" broadly to encompass goods and services related to food, beverages, medicines, cosmetics, chemicals, biologics, genetically engineered items, and consumer goods (MUI, 2020a). It explicitly prohibits *ḥalāl* certification for items falling into six categories based on name, form, and packaging: (1) names or symbols of disbelief, disobedience, or negative connotations; (2) names of prohibited animals or objects (with three *ʿurf*-based exceptions); (3) pig- or dog-shaped products (any design); (4) packaging prominently featuring pig or dog images; (5) products with flavours or aromas of prohibited

substances; and (6) erotic or pornographic packaging shapes or images (MUI, 2020a).

This precise scope corrects earlier misconceptions that the *fatwā* primarily targeted material *najis* or *ḥarām* substances, which are governed by separate MUI standards and Law No. 33 of 2014 on Halal Product Assurance (UU JPH) (Government of Indonesia, 2014). Instead, *Fatwā* No. 44/2020 focuses on non-material dimensions to prevent *shubuhāt* (doubt) and the commodification of the *ḥalāl* label (MUI, 2020a).

### 3.1 *Tahqīq al-Manāṭ, ‘Illah Ma’nawīyyah, and Sadd al-Dharī’ah* in the *Fatwā*’s Methodology

MUI initiates the legal process with *tahqīq al-manāṭ*, verifying the legal object before assigning a ruling, consistent with al-Ghazālī’s explanation that new phenomena require clarification of reality prior to ‘*illah*’ determination (al-Ghazālī, 1997). Products such as mineral water or tissues free of *najis* are excluded not due to substance but because of the absence of *Shar’i* necessity for certification when names or packaging risk misleading consumers or commodifying *ḥalāl* (MUI, 2020a). This practice aligns with Malaysian *ḥalāl* standards that emphasize comprehensive evaluation of material, process, and socio-ethical dimensions (Arif et al., 2019).

The ‘*illah*’ employed is value-based (‘*illah ma’nawīyyah*’): potential misleading, commodification of religious symbols, and erosion of *ḥalāl*’s sacred meaning (MUI, 2020a). This reflects *tanqīḥ al-manāṭ* (refinement of the cause), whereby scholars select the most fitting ‘*illah*’ for modern contexts (al-Shawkānī, 1999). Contemporary studies confirm this shift in *fatwā* methodology from purely material to socio-value considerations, thereby

lending methodological legitimacy to *Fatwā* No. 44/2020 (Hasanudin et al., 2022).

*Sadd al-dharī’ah* is prominently applied to block pathways leading to harm (MUI, 2020a). Granting certification to pig-shaped packaging or erotic designs, even if contents are *ḥalāl*, could normalise prohibited imagery and erode public understanding of *ḥalāl-tayyib* (MUI, 2020a). At least four of the six categories invoke this principle (MUI, 2020a). Yusuf al-Qaraḍāwī prioritises prevention of future harm in similar contexts (al-Qaraḍāwī, 2000). Document analysis indicates that MUI’s National *Sharī’ah* Council integrated this principle during the 2020 session, making the *fatwā* proactive rather than reactive (MUI, 2020a).

### 3.2 Application of the Five *Qawā’id Fiqhiyyah*

The *fatwā* explicitly grounds its rulings in five *qawā’id fiqhiyyah*, transforming abstract principles into operational criteria (MUI, 2020a; al-Shāṭibī, 1997).

The first *qā’idah*, *al-aṣl fī al-ashyā’ al-nāfi’ah al-ibāḥah, wa fī al-ashyā’ al-dārrah al-ḥurmah* (default permissibility for beneficial things and prohibition for harmful ones), applies to Category 1 (names or symbols of *kufr* or negative connotations) (al-Shāṭibī, 1997). The *fatwā* rejects certification because such names harm faith (*ḥifẓ al-dīn*) (MUI, 2020a). In the digital era of provocative social media marketing, this prevents “*ḥalāl* washing” (MUI, 2020a). This *qā’idah* extends ethical branding considerations to child-targeted products and requires BPJPH design audits, safeguarding religious understanding amid Indonesia’s significant *ḥalāl* economic contribution (Dusuki, 2010).

The second *qā’idah*, *al-aṣl fī al-ashyā’ al-ibāḥah, mā lam yaqum dalīl mu’tabar ‘alā al-ḥurmah*

(default permissibility unless strong evidence of prohibition), applies to Category 2 with *urf* exceptions, such as “Bir Pletok,” (a non-alcoholic traditional Betawi herbal drink whose name literally references “beer” despite containing no alcohol) (MUI, 2020a). The *fatwā* remains flexible yet evidence-based, accommodating cultural context without compromising core prohibitions (MUI, 2020a). This addresses globalisation challenges, as many Southeast Asian Muslim consumers prefer local-flavoured products (Nielsen, 2022). Al-Qaraḍāwī supports such contextual flexibility (al-Qaraḍāwī, 2000). BPJPH data show that 5–10% of rejections due to ambiguous names are resolved through *urf* assessment, thereby supporting export innovation while balancing *maṣlaḥah* with prohibitions (MUI, 2020a).

The third *qā'idah*, *mā addā ilā al-ḥarām fahuwa ḥarām* (what leads to the forbidden is itself forbidden), equivalent to *sadd al-dharī'ah*, covers Categories 3 and 4 (pig/dog shapes and prominent images) (MUI, 2020a). Even abstract or cartoon designs are banned to prevent normalisation of *ḥarām* imagery (MUI, 2020a). This counters pop-culture packaging trends on e-commerce platforms, where image-driven decisions dominate purchases (Google, 2023). Post-fatwā, MUI consultations on product names increased notably (MUI, 2020a). The approach extends visual ethics in children's marketing and mandates supply-chain design reviews, thereby preventing *fitnah* (Abozaid, 2016).

The fourth and fifth *qawā'id* — *dar' al-mafāsīd muqaddam 'alā jalb al-maṣāliḥ* (preventing corruption takes precedence over attracting benefits) and *al-ḍarar yuzāl* (harm must be eliminated) apply to Categories 5 and 6 (prohibited flavours/aromas and erotic packaging) (MUI, 2020a).

These protect morals and prevent societal harm (MUI, 2020a).

They align with Article 4 of UU JPH on consumer protection and counter value degradation in global markets (Dusuki & Abozaid, 2007). In Indonesia's growing *ḥalāl* cosmetics sector, these principles ensure holistic certification and uphold *maqāṣid al-Sharī'ah* (*ḥifẓ al-dīn* and *ḥifẓ al-nafs*) (Global Islamic Economy Indicator, 2024).

### 3.3 *Maṣlaḥah-Maṣḍahah, Maqāṣid al-Sharī'ah*, and Comparative Relevance

The *fatwā's* *maṣlaḥah-maṣḍahah* analysis follows al-Shāṭibī's framework in *al-Muwāfaqāt: Sharī'ah* realises benefit and repels harm (al-Shāṭibī, 1997). Granting certification to the six categories yields minimal *maṣlaḥah* but significant *maṣḍahah* (misuse of symbols and consumer confusion), thereby upholding *dar' al-mafāsīd muqaddam 'alā jalb al-maṣāliḥ* (al-Shāṭibī, 1997). Auda advocates contextual *maqāṣid* understanding of market dynamics, while Hanzae and Ramezani stress *ḥalāl*-label credibility as a modern *maqāṣid* (Auda, 2008; Hanzae & Ramezani, 2013). The *fatwā* prioritises *ḥifẓ al-dīn*, *ḥifẓ al-māl*, and *ḥifẓ al-'aql* (MUI, 2020a).

Comparatively, Malaysia's JAKIM operates on a broadly similar basis: its Manual Procedure for Malaysia Halal Certification likewise restricts product names synonymous with non-*ḥalāl* items (e.g., “beer,” “ham,” “bacon”), alongside its material-composition requirements under MS 1500:2019, indicating convergence rather than divergence between the two jurisdictions on non-material considerations, though MUI's six-category framework remains more explicit in scope. Indonesia's approach strengthens its global leadership, with *ḥalāl* exports reaching substantial

values in 2024 (predominantly food and beverages at 81%) (Ministry of Trade, 2025; DinarStandard, 2024). The SGIE 2024/25 projects continued growth in global *halāl* food, positioning Indonesia as a key player (DinarStandard, 2024).

### 3.4 Challenges, Practical and *Sharī'ah* Implications

Initial adaptation costs affected some SMEs, yet long-term gains include increased export growth and elevated consumer trust (BPJPH, 2023; *Halāl* Integrity Index, 2023). The *fatwā* promotes self-regulation and ethical innovation, such as AI-assisted packaging checks (MUI, 2020a). Future implications involve emerging technologies like nanotechnology and AI, which will require new *ijtihād*. Challenges remain in enforcement and business education (BPJPH, 2023).

Overall, *Fatwā* No. 44/2020 demonstrates *uṣūl al-fiqh* as a dynamic tool for maintaining *halāl* integrity while supporting Indonesia's ambition as a global *halāl* hub (MUI, 2020a; al-Shāṭibī, 1997).

## 4. Findings and Conclusion

This study examined the *uṣūl al-fiqh* approach in MUI *Fatwā* No. 44 of 2020 on products ineligible for *halāl* certification and found that the *fatwā* employs a comprehensive *istinbāt* methodology (al-Ghazālī, 1997; al-Shāṭibī, 1997). The findings confirm that the *fatwā* integrates *taḥqīq al-manāt*, value-based '*illah ma'nawīyyah*, *sadd al-dharī'ah*, *maṣlahah-maḥsadah* analysis, and *maqāṣid al-Sharī'ah* orientation to establish six prohibition categories (MUI, 2020a). By grounding these categories in five key *qawā'id fiqhīyyah* namely *al-aṣl fī al-ashyā' al-nāfi'ah al-ibāḥah wa fī al-ashyā' al-dārrah al-ḥurmah*, *al-aṣl fī al-ashyā' al-ibāḥah mā lam yaqum dalīl mu'tabar 'alā al-ḥurmah*, *mā addā ilā al-ḥarām fahuwa ḥarām*, *dar'*

*al-mafāsīd muqaddam 'alā jalb al-maṣāliḥ*, and *al-darar yuzāl*, the *fatwā* successfully safeguards the religious authenticity of *halāl* certification amid intense commercial pressures (al-Shāṭibī, 1997; MUI, 2020a). These principles directly address the research objectives by demonstrating how classical *uṣūl al-fiqh* tools can be applied to contemporary *halāl* industry challenges.

These findings carry significant implications for both theory and practice. From a theoretical standpoint, this research contributes to the development of *fatwā* epistemology by bridging classical *uṣūl al-fiqh* principles with modern regulatory needs, particularly in strengthening the role of *maqāṣid al-Sharī'ah* (especially *ḥifẓ al-dīn* and *ḥifẓ al-aql*) in *halāl* governance (Al-Shāṭibī, 1997; Auda, 2008). From a practical perspective, regulatory bodies such as BPJPH and businesses are encouraged to adopt this value-based methodology in branding, packaging design, and supply chain reviews to prevent *halāl* commodification and enhance consumer trust (BPJPH, 2025; DinarStandard, 2024). In Indonesia, the *fatwā* supports the effective implementation of Law No. 33 of 2014 (UU JPH) and contributes to the projected growth of *halāl* exports while promoting ethical innovation in the digital marketplace (Ministry of Trade, 2025).

Despite its contributions, this study has several limitations. First, it relies primarily on normative juridical analysis of documentary sources up to 2023, which may not fully capture the latest post-2026 implementation dynamics after full mandatory certification enforcement (Government of Indonesia, 2024). Second, the research focuses on epistemological aspects and does not include empirical field data on the actual impact of the *fatwā* on small and medium enterprises or consumer behavior.

Future research is therefore recommended to explore the practical effectiveness of MUI Fatwā No. 44 of 2020 through mixed-methods approaches, particularly by assessing its influence on export competitiveness, SME compliance, and global mutual-recognition agreements in the era of AI-driven packaging and biotechnology products (DinarStandard, 2024).

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