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Internal Norm Antinomy in the Regulation of Halal Slaughterers under Decision of the Head of the Halal Product Assurance Organizing Agency Number 160 of 2026 concerning Guidelines for the Implementation of the Halal Product Assurance System in the Slaughtering of Ruminants and Poultry

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ABSTRACT
The halal slaughterer occupies a critical point in the chain of the Halal Product Assurance System (Sistem Jaminan Produk Halal/SJPH) at Ruminant and Poultry Slaughterhouses (Rumah Potong Hewan/RPH), because the shar'i validity of the slaughtering process depends on the competence and legal standing of the person performing it. Decision of the Head of the Halal Product Assurance Organizing Agency (Badan Penyelenggara Jaminan Produk Halal/BPJPH) Number 160 of 2026 concerning Guidelines for the Implementation of the Halal Product Assurance System in the Slaughtering of Ruminants and Poultry which revokes and replaces Decision of the Head of the Agency Number 77 of 2023 lays down provisions on the minimum number of halal slaughterers and the standard for proving their competence. This study aims to identify and analyze the internal norm antinomy in these provisions and to formulate a resolution. The study employs a normative-juridical method with a statute approach and a conceptual approach, analyzed descriptively-qualitatively through systematic interpretation and the principles of legal preference. The findings show two forms of horizontal antinomy within a single instrument: first, Chapter III, Section D, point 6, letter a requires every RPH without exception to have at least two halal slaughterers, whereas Chapter IV, Section A, point 2, letter b, sub-point 4 requires only one for Micro and Small Business Actors; second, Chapter III, Section D, point 6, letter b requires proof of competence through a training certificate and/or a competency certificate on an alternative basis for all RPH, whereas Chapter IV, Section A, point 2, letter b, sub-point 3 requires it cumulatively ("and") for Medium, Large, and foreign Business Actors. This antinomy has the potential to generate legal uncertainty for Business Actors, halal auditors, and halal supervisors in the implementation and oversight of the SJPH. Resolution may be pursued through the principle of lex specialis derogat legi generali, positioning Chapter IV as the specific norm based on business scale, accompanied by textual harmonization through a limited revision or the issuance of an authentic technical guideline by BPJPH.

Keywords:
Norm Antinomy; Halal Slaughterer; Halal Product Assurance System; BPJPH Decision Number 160 of 2026

Introduction

As the country with the largest Muslim population in the world, Indonesia treats the assurance of halal products as both a legal requirement and a spiritual necessity for its society. Since the enactment of Law Number 33 of 2014 on Halal Product Assurance, the obligation to obtain halal certification has been imposed in stages on food, beverage, slaughtered products, and slaughtering services, with the staging now further regulated under Government Regulation Number 42 of 2024 concerning the Administration of Halal Product Assurance. Data from the Central Statistics Agency (Badan Pusat Statistik) show thousands of Slaughterhouses (RPH) and slaughtering sites spread across Indonesia, while research by IPB and KNEKS (2021) reveals that the majority of ruminant and poultry slaughterhouses in Indonesia have not yet obtained halal certification, making the acceleration of certification an urgent matter.

The critical point in the halal product assurance chain at an RPH lies in the slaughtering process itself, and in the figure of the halal slaughterer who carries it out. The shar'i validity of a slaughtered product is not determined solely by facilities and equipment, but depends heavily on the legal standing, religious identity, and technical-shar'i competence of the person wielding the knife. Technical regulation of the requirements for halal slaughterers therefore occupies a strategic position within the architecture of the Halal Product Assurance System (SJPH).

To regulate this matter, the Head of the Halal Product Assurance Organizing Agency (BPJPH) issued Decision of the Head of the Agency Number 160 of 2026 concerning Guidelines for the Implementation of the Halal Product Assurance System in the Slaughtering of Ruminants and Poultry, which expressly revokes and declares no longer valid Decision of the Head of the Agency Number 77 of 2023 concerning Guidelines for the Implementation of the Halal Product Assurance System in the Slaughtering of Ruminants and Poultry, on the ground that the previous regulation was no longer consistent with developments in scholarship and in the law. This Decision serves as the reference for Business Actors, halal auditors, halal supervisors (Penyelia Halal), and halal product assurance overseers.

A systematic reading of the body of the Annex to Decision Number 160 of 2026, however, reveals an inconsistency in the formulation of the norms governing the requirements for halal slaughterers between Chapter III (Slaughtering Requirements) and Chapter IV (the Halal Product Assurance System for the Slaughtering of Ruminants and Poultry at RPH). This inconsistency concerns, first, the minimum number of halal slaughterers an RPH must employ, and second, the manner of proving a halal slaughterer's competence. In legal scholarship, a situation in which two norms are simultaneously in force, govern the same object, yet produce different and mutually contradictory legal consequences is termed a norm antinomy (Purbacaraka & Soekanto, 1993).

Prior studies on halal tourism villages and community-based development of halal tourism areas, as shown by Riyadi, Malik, and Leengaedayee (2025), have largely focused on the concept, model, and implementation dimensions of halal tourism, while studies on halal slaughterers have generally concentrated on training and competency certification based on the Indonesian National Work Competency Standard (SKKNI), as reported in various regional Halal Slaughterer (Juleha) competency-enhancement programs. Meanwhile, studies on norm antinomy in legislative science have largely addressed conflicts arising at the level of judicial review of statutes (Mochtar, 2015; Jurnal Konstitusi, 2006) or conflicts between regulations of different hierarchical levels (Syakhsiyyah, 2021), but none has specifically identified an internal norm antinomy that is, a contradiction of norms within a single legal instrument in BPJPH's technical

regulation on halal slaughterers, particularly in the newly enacted Decision Number 160 of 2026. It is precisely this gap in the literature that this article addresses.

Based on the foregoing, this article poses three research questions: (1) what form does the internal norm antinomy take in the regulation of halal slaughterers under BPJPH Decision Number 160 of 2026; (2) what are the juridical implications of that antinomy for legal certainty for Business Actors, halal auditors, and halal supervisors; and (3) how may the principles for resolving norm conflicts be applied to address the antinomy in question. The novelty of this article lies in its identification of an internal norm antinomy rather than a conflict between regulations of differing hierarchy or differing enactment dates within one and the same decision of the head of the agency, together with an interpretive solution grounded in the theory of legal antinomy and the principles of good legislative drafting.

Methods

This study is a doctrinal (normative-juridical) legal study that treats legal norms as its principal object of inquiry. It employs a statute approach and a conceptual approach. The statute approach is used to systematically examine the provisions of the Annex to BPJPH Decision Number 160 of 2026 clause by clause, while the conceptual approach is used to analyze the findings by drawing on the concept of norm antinomy developed by Purnadi Purbacaraka and Soerjono Soekanto and on Hans Kelsen's hierarchy-of-norms theory (Stufenbautheorie).

The primary legal materials used in this study comprise Law Number 33 of 2014 on Halal Product Assurance and its amendments, Government Regulation Number 42 of 2024 concerning the Administration of Halal Product Assurance, and the full text of Decision of the Head of the Halal Product Assurance Organizing Agency Number 160 of 2026 concerning Guidelines for the Implementation of the Halal Product Assurance System in the Slaughtering of Ruminants and Poultry, accessed directly from BPJPH's official website. Secondary legal materials include books, scholarly journal articles, and prior research on the theory of legal antinomy, the harmonization of legislation, and the certification of halal slaughterers.

Data analysis was conducted descriptively-qualitatively using grammatical and systematic interpretation techniques reading each provision on halal slaughterers within its respective context (Chapter III and Chapter IV) and then comparing their normative consequences. Once the antinomy was identified, the author applied the principles of preference for resolving norm conflicts lex superiori derogat legi inferiori, lex specialis derogat legi generali, and lex posterior derogat legi priori to assess which principle is relevant, given that the two conflicting norms occupy the same hierarchical level, were issued by the same official, and took effect on the same date

Results and Discussions

1. Profile of Decision of the Head of BPJPH Number 160 of 2026

Decision of the Head of the Halal Product Assurance Organizing Agency Number 160 of 2026 was enacted in Jakarta on 19 May 2026 by the Head of BPJPH, replacing Decision of the Head of the Agency Number 77 of 2023. The considerations (menimbang) of this Decision affirm that slaughtered products and/or slaughtering services for ruminants and poultry are products subject to mandatory halal certification, and that the previous regulation needed to be replaced because it was no longer consistent with developments in scholarship and in the law. The Annex to this Decision is organized into six chapters: Introduction (Chapter I), General Definitions

(Chapter II), Slaughtering Requirements (Chapter III), the Halal Product Assurance System for the Slaughtering of Ruminants and Poultry at RPH (Chapter IV), Monitoring and Evaluation (Chapter V), and Closing Provisions (Chapter VI).

The Second Dictum of this Decision explicitly establishes that the Guidelines serve as the reference for four parties: Business Actors in implementing the SJPH for halal-certification applications, halal auditors in examining halal compliance, halal supervisors in implementing the SJPH, and halal product assurance overseers in supervising SJPH implementation. Because all four actors rely on an identical document as their operational reference, the internal consistency of its normative formulation is an absolute precondition for legal certainty and uniform application in the field.

2. The Position of the Halal Slaughterer in the Halal Product Assurance Chain

Chapter II, point 13 of the Annex to the Decision defines a Halal Slaughterer as "a person who professes Islam and has fulfilled the statutory requirements for slaughtering animals in a halal manner in accordance with Islamic law." This definition shows that the qualification of a halal slaughterer is cumulative in nature: being Muslim as a theological requirement, and fulfilling statutory requirements as an administrative-technical requirement. Chapter III, Section D further provides that an RPH's halal management team must at minimum consist of a Halal Supervisor and a halal slaughterer, both of whom must be Muslim, of legal age, and in sound physical and mental health.

The strategic position of the halal slaughterer is likewise evident in Chapter III, Section J on the Slaughtering Process, which requires that slaughtering be carried out with the intention (niat) to slaughter and the recitation of the tasmiyah, severing the windpipe (hulqum), the gullet (marī'), and the two carotid arteries, performed in one continuous and swift action within the prescribed time limit. Correct compliance with these shar'i requirements depends entirely on the competence and integrity of the halal slaughterer, which explains why the Guidelines set out requirements for halal slaughterers repeatedly both in the chapter on technical slaughtering requirements (Chapter III) and in the chapter on SJPH obligations for Business Actors (Chapter IV).

3. Identification of the Internal Norm Antinomy

A systematic reading of Chapters III and IV of the Annex to BPJPH Decision Number 160 of 2026 reveals two forms of internal norm antinomy concerning halal slaughterers, as presented in Table 1.

Table 1. Internal Norm Antinomy in the Regulation of Halal Slaughterers

Issue	Chapter III, Section D (Slaughtering Requirements — applies generally to every RPH)	Chapter IV, Section A, point 2, letter b (SJPH Obligations — differentiated by Business Actor scale)
Minimum number of halal slaughterers	Point 6, letter a: "every Ruminant or Poultry RPH shall have at least 2 (two) halal slaughterers" applies without exception as to business scale.	Sub-point 3: at least 2 (two) halal slaughterers for Medium, Large, and foreign Business Actors. Sub-point 4: at least 1 (one) halal slaughterer for Micro and Small Business Actors.
Proof of competence	Point 6, letter b: expertise proven by "a training certificate and/or a competency	Sub-point 3: proven by "a training certificate and a competency certificate"

Issue	Chapter III, Section D (Slaughtering Requirements — applies generally to every RPH)	Chapter IV, Section A, point 2, letter b (SJPH Obligations — differentiated by Business Actor scale)
	certificate" alternative in nature, applicable to all RPH.	(cumulative) for Medium, Large, and foreign Business Actors. Sub-point 4: "a training certificate and/or a competency certificate" (alternative) for Micro and Small Business Actors.

The first antinomy concerns the minimum number of halal slaughterers. Chapter III, Section D, point 6, letter a lays down a general, unqualified norm that "every Ruminant or Poultry RPH" must have at least two halal slaughterers. The word "every" in this formulation is grammatically universal in meaning, encompassing even micro- and small-scale RPH. Yet in the following chapter, Chapter IV, Section A, point 2, letter b, the very same norm is instead differentiated by business scale: Medium, Large, and foreign Business Actors are required to employ at least two halal slaughterers (consistent with Chapter III), while Micro and Small Business Actors are required to employ only at least one. These two norms govern an identical legal object the minimum number of halal slaughterers at an RPH yet impose different consequences on the same legal subject, namely Micro- and Small-scale RPH Business Actors: under Chapter III they must have two halal slaughterers, whereas under Chapter IV one suffices.

The second antinomy concerns the manner of proving a halal slaughterer's competence. Chapter III, Section D, point 6, letter b formulates the competence requirement on an alternative basis, namely proof through "a training certificate and/or a competency certificate," without distinguishing business scale. In the conventions of Indonesian legislative drafting, the conjunction "and/or" indicates that either document alone suffices to satisfy the requirement. Chapter IV, Section A, point 2, letter b, sub-point 3, however, requires cumulative proof "must already hold a training certificate and a competency certificate" for Medium, Large, and foreign Business Actors, while sub-point 4 in the same chapter reverts to the alternative conjunction "and/or" for Micro and Small Business Actors. As a result, for medium- and large-scale RPH, two norms of differing stringency exist as to which document(s) a halal slaughterer must hold: Chapter III, for which a single type of certificate (either training or competency) suffices, and Chapter IV, which requires both types of certificate simultaneously.

Both antinomies qualify as horizontal antinomies within the meaning of the theory advanced by Purnadi Purbacaraka and Soerjono Soekanto (1993), because they arise between norms of equal standing both contained in the Annex to a single Decision of the Head of the Agency, issued by the same official, and taking effect on the same date, 19 May 2026. It is precisely this horizontal and internal character that distinguishes the present finding from the antinomy literature generally, which typically addresses vertical conflicts between different hierarchical levels of legislation (Mochtar, 2015) or conflicts between regulations issued at different points in time.

4. Juridical Analysis: Genuine Antinomy and the Choice of Preference Principle

In the theory of legal antinomy, not every inconsistency in the formulation of norms constitutes a genuine antinomy. Some are merely apparent antinomies that can be resolved through systematic interpretation without displacing the validity of either norm. In the case of the minimum number of halal slaughterers, however, systematic interpretation instead yields two

mutually exclusive possible legal consequences for Micro and Small Business Actors, so that this antinomy qualifies as a genuine antinomy requiring a principle of preference for its resolution.

The three classical principles of preference for resolving norm conflicts are lex superiori derogat legi inferiori (a higher norm displaces a lower norm), lex specialis derogat legi generali (a special norm displaces a general norm), and lex posterior derogat legi priori (a later norm displaces an earlier norm). Because the two conflicting norms occupy an identical hierarchical position and were enacted on the same date, neither lex superiori nor lex posterior can be applied to determine which norm should yield.

The most relevant principle is lex specialis derogat legi generali. Chapter III essentially contains generic, technical norms on slaughtering requirements that apply to every RPH without distinguishing the characteristics of the Business Actor, whereas Chapter IV explicitly formulates a more specific norm by basing the obligation on a classification of business scale (micro, small, medium, large, and foreign) a classification consistent with the spirit of ease of doing business for Micro and Small Enterprises intended by Law Number 6 of 2023 on Job Creation. Systematically and teleologically, therefore, the provision in Chapter IV, Section A, point 2, letter b, sub-point 4 which permits one halal slaughterer and alternative proof of competence for Micro and Small Business Actors should properly be treated as the lex specialis that displaces the general norm in Chapter III, Section D, point 6.

Even so, applying lex specialis derogat legi generali in this context does not fully satisfy the demands of legal certainty, because the two norms are both framed as primary norms rather than as a general norm and an express exception ("except for …"). The absence of an explicit exception clause in Chapter III means that halal auditors, halal supervisors, and halal product assurance overseers may interpret the norm differently when examining micro- and small-scale RPH some may rely on the general norm in Chapter III (two persons, one type of certificate), while others rely on the special norm in Chapter IV (one person, alternative certification). This condition runs counter to the principle of clarity of formulation, one of the principles of good legislative drafting mandated by Law Number 12 of 2011 on the Formation of Legislation (Yuliandri, 2009).

5. Implications for Legal Certainty and Certification Practice

This internal norm antinomy carries several practical implications. First, for Micro and Small Business Actors, the lack of clarity as to the minimum number of halal slaughterers can produce unpredictable compliance costs: if a halal auditor relies on Chapter III, Micro and Small Business Actors must provide and fund the competence of two halal slaughterers holding two types of certificate, even though the very purpose of the scale-based differentiation in Chapter IV is to ease the compliance burden on small businesses. Second, for halal auditors and halal supervisors, the antinomy risks producing disparities in halal-compliance findings across regions and across halal inspection bodies, since no authentic interpretive rule exists to settle which norm should serve as the inspection checklist. Third, for BPJPH as regulator, the antinomy risks undermining the credibility of a technical guideline that, per the Second Dictum of Decision Number 160 of 2026 itself, is meant to serve as a single, consistent reference.

An equally important implication concerns the risk to the substance of halal compliance itself. Because the halal slaughterer is the actor who determines the shar'i validity of a slaughtering act, a shortage of competent personnel at an RPH particularly where the more permissive interpretation (one person, alternative certification) is applied creates operational risk, for example the absence of a substitute slaughterer should the primary slaughterer be unavailable while slaughtering is underway, given that Chapter III, Section J requires slaughtering to be performed in one continuous and swift action within a specified time after the animal is laid

down or stunned. Thus, what appears to be an administrative antinomy in fact bears directly on the substantive halal assurance that is the central purpose of the Guidelines.

6. Recommendations for Resolving the Antinomy

Based on the foregoing analysis, the author puts forward three recommendations. First, BPJPH should undertake textual harmonization of Chapter III, Section D, point 6 by inserting an express cross-reference to the scale-based differentiation in Chapter IV for example, a formulation such as "every Ruminant or Poultry RPH shall have halal slaughterers as referred to in Chapter IV, Section A, point 2, letter b" so that it no longer contains a free-standing quantitative norm and proof-of-competence norm that risk conflicting with Chapter IV. Second, pending formal revision, BPJPH, as the issuing authority, may publish a technical guideline or circular letter functioning as an authentic interpretation, affirming that the scale-based provisions of Chapter IV apply as lex specialis and displace the general norm of Chapter III, in keeping with the principle of lex specialis derogat legi generali. Third, for future technical guidelines of this kind, BPJPH is advised to adopt a legal-drafting technique that consolidates all norms governing a single regulatory object (in this case, halal slaughterer requirements) into one coherent cluster of provisions, so as to avoid repeating a norm across different chapters with the attendant risk of textual inconsistency, as found in this study.

Conclusion

This study reaches three conclusions. First, Decision of the Head of BPJPH Number 160 of 2026 contains a horizontal internal norm antinomy in its regulation of halal slaughterers, comprising an antinomy over the minimum number of halal slaughterers (two persons under Chapter III, Section D, point 6, letter a, versus one person for Micro and Small Business Actors under Chapter IV, Section A, point 2, letter b, sub-point 4), and an antinomy over the standard of proof of competence (an alternative "and/or" standard under Chapter III, Section D, point 6, letter b, versus a cumulative "and" standard for Medium and Large Business Actors under Chapter IV, Section A, point 2, letter b, sub-point 3). Second, this antinomy has implications for legal uncertainty in the implementation and oversight of the SJPH, particularly for Micro and Small Business Actors, and risks producing interpretive disparities among halal auditors and halal supervisors, which in turn may affect the substantive halal assurance of slaughtered products. Third, the most appropriate resolution is to apply the principle of lex specialis derogat legi generali, treating the scale-based norm in Chapter IV as the special provision, accompanied by textual harmonization through a limited revision or the issuance of an authentic technical guideline by BPJPH, so that normative consistency and legal certainty can be achieved for all stakeholders in the halal product assurance chain.

Further research is recommended to examine the empirical impact of this antinomy on halal audit practice in the field, and to compare BPJPH's technique for harmonizing internal norms with technical halal regulatory practices in other countries, in a manner consistent with prior comparative studies on the development of halal tourism and community-based halal industries.

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