

## **TRADEMARK NAMING ETHICS AND ITS IMPLICATIONS FOR HALAL STATUS ACCORDING TO ISLAMIC LAW**

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### **Abstract**

This study comprehensively explores the issue of poorly chosen names that contain negative connotations for culinary products and their impact on the halal status of food. The primary focus is on a food stall named "nasi bebek kuntilanak" (fried duck rice with the name kuntilanak, a ghost figure in Indonesian folklore). The approach used in this research is sociological-legal, involving the collection of primary information through interviews and direct observations, as well as the use of secondary data sourced from religious regulations, such as the fatwa issued by the Indonesian Ulema Council (MUI), and legislation. The main findings indicate that the business owner violated regulations by labeling their product "kuntilanak," which contradicts the legal stipulations outlined in the MUI Fatwa Number 44 of 2020 regarding the use of names, appearances, and packaging designs that cannot obtain halal certification. This regulation explicitly prohibits the labeling of halal on products that contain harmful elements such as disbelief, sinful actions, or connotations that do not align with Islamic values. The use of the term "kuntilanak," which is provocative and sensational, has the potential to influence public perception regarding the halal status of a food product. Although the composition of ingredients and food processing techniques meet halal requirements, the use of a name with negative implications becomes an obstacle in the halal certification process by the Halal Product Assurance Agency. This research is significant in understanding the cultural and social impacts of naming practices considered deviant. Therefore, this study emphasizes the importance of educating culinary business actors to use names that align with Sharia values, thereby strengthening consumer trust, maintaining a business reputation, and contributing to the enhancement of the national halal product ecosystem.

**Keywords:** Food Naming, MUI Fatwa, BPJPH, Halal Status



### **Abstrak**

Studi ini secara komprehensif mengkaji penggunaan nama-nama buruk dengan konotasi negatif pada produk kuliner dan dampaknya terhadap status halal makanan. Fokus utama penelitian ini adalah pada sebuah warung makan bernama “nasi bebek kuntilanak.” Pendekatan penelitian yang digunakan adalah pendekatan sosiologis-hukum, yang melibatkan pengumpulan data primer melalui wawancara dan observasi langsung, serta data sekunder yang diperoleh dari peraturan agama seperti fatwa MUI dan peraturan hukum. Temuan utama menunjukkan bahwa pemilik usaha melanggar peraturan dengan menggunakan label “kuntilanak” pada produknya, yang bertentangan dengan ketentuan hukum sebagaimana tercantum dalam Fatwa MUI Nomor 44 Tahun 2020 mengenai penggunaan nama, penampilan, dan desain kemasan yang tidak dapat memperoleh sertifikasi halal. Peraturan tersebut secara eksplisit melarang penggunaan label halal pada produk yang mengandung unsur-unsur berbahaya seperti kekafiran, perbuatan immoral, atau konotasi yang bertentangan dengan nilai-nilai Islam. Penggunaan istilah “kuntilanak,” yang provokatif dan sensasional, berpotensi mempengaruhi persepsi publik terhadap status halal suatu produk makanan. Meskipun komposisi bahan dan teknik pengolahan makanan memenuhi persyaratan halal, penggunaan nama dengan konotasi negatif menjadi hambatan dalam proses sertifikasi halal oleh Otoritas Sertifikasi Produk Halal. Penelitian ini penting dalam memahami konsekuensi budaya dan sosial dari praktik penamaan produk makanan yang dianggap menyimpang. Oleh karena itu, penelitian ini menekankan pentingnya pendidikan bagi pelaku usaha kuliner untuk menggunakan nama yang sesuai dengan nilai-nilai Islam, sehingga memperkuat kepercayaan konsumen, menjaga reputasi bisnis yang baik, dan berkontribusi pada pengembangan ekosistem produk halal nasional.

**Kata kunci:** Penamaan Makanan, Fatwa MUI, BPJPH, Status Halal

### **INTRODUCTION**

The province of Aceh is renowned for being an area where Islamic law is fully implemented in the daily lives of its residents. This reality is evident in the daily behavior of residents, who base their actions on local religious rules in various matters. Residents also integrate spiritual principles into traditions and customs that encompass multiple aspects of life.<sup>1</sup> Islamic values shape the

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<sup>1</sup> Chairul Fahmi, “Transformasi Filsafat Dalam Penerapan Syariat Islam (Analisis



community's food consumption patterns, with a strong emphasis on the halal aspect of every dish consumed.

In 2024, the population of Aceh was recorded at 5,554,800 people.<sup>2</sup> The increase in population in this region has also driven the growth of the food sector every year. Various types of businesses continue to emerge to meet the people of Aceh's desire for innovation in the culinary field. The total number of SMEs spread across the province reached 74,810. The abundance of food businesses has also led to a decline in public awareness regarding the halal aspects of products, including the production process, ingredients used, and menu naming.<sup>3</sup>

A Muslim is obligated to pay attention to the halal and non-halal status of the food they consume, as this is the foundation of their way of life. The food one consumes influences the formation of one's character and personality. If a Muslim consumes food that is permitted by religious guidelines and is in good condition, their behavior tends to be positive. However, if someone consumes prohibited foods, this can hurt their moral character. Islam guides its followers to ensure that all aspects of daily life align with the teachings of the Quran, the Sunnah of the Prophet, and other legal foundations such as consensus (*ijma'*) and analogy (*qiyas*).<sup>4</sup>

To ensure legal protection for consumers, Indonesia has established strict regulations regarding the halal status of food products. Key guidelines in this regard include the Fatwa of the

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Kritis Terhadap Penerapan Syariat Islam Di Aceh)," *Al-Manahij: Jurnal Kajian Hukum Islam* 6, no. 2 (1970), <https://doi.org/10.24090/mnh.v6i2.596>.

<sup>2</sup>Ibnu Hajar Sumantri, "Pengaruh Pertumbuhan Ekonomi, Kemiskinan, RLS Dan Tingkat Pengangguran Terhadap Ketimpangan Pendapatan Daerah Provinsi Aceh" (Universitas Islama Negeri Syarif Hidayatullah, 2025).

<sup>3</sup>Jurnal Hukum Ekonomi Syariah et al., "Analisis Perilaku Konsumen Dalam Pembelian Produk Farmasi Halal Di Kota Parepare," *Jurnal Hukum Ekonomi Syariah* 8, no. 1 (2024): 1-16, <https://doi.org/10.26618/J-HES.V8I1.13730>.

<sup>4</sup>Muannif Ridwan et al., "Sumber-Sumber Hukum Islam Dan Implementasinya (Kajian Deskriptif Kualitatif Al-Qur'an, Sunnah, Dan Ijma')," *Borneo: Journal of Islamic Studies* 1, no. 2 (2021): 28-41.



Indonesian Ulema Council (MUI) No. 44 of 2020 on the Use of Names, Forms, and Packaging That Do Not Meet Halal Certification Requirements, as well as Law No. 33 of 2014 on Halal Product Assurance. These two regulations provide guidance for businesses and the public to ensure that the food they consume meets the applicable halal standards.<sup>5</sup>

The Indonesian Ulema Council (MUI) Fatwa No. 44 of 2020 on the Naming, Form, and Packaging of Products Unsuitable for Halal Certification specifically provides guidance on the halal standards that must be met by food products classified as "Haram" including their naming. One unique example of food naming is the existence of a restaurant called "Nasi Bebek Kuntilanak," which serves a dish that combines traditional flavors with local cultural elements. The name itself carries strong cultural and mystical connotations, which can significantly influence the public's perception of the food. In Nusantara tradition, the figure of Kunti is known as the spirit of a woman resembling a blood-sucking creature, believed to be dangerous, especially for women in the postpartum period. This figure is considered frightening because it is said to disturb humans due to not finding peace during their lifetime. It is typically depicted wearing all-white clothing and believed to inhabit large trees or quiet forests.<sup>6</sup>

The use of the term "kuntilanak" is contrary to legal provisions as stated in the Fatwa of the Indonesian Ulema Council (MUI) No. 44 of 2020. In the fatwa, which addresses the naming, form, and packaging of products deemed unfit for halal certification, it is stated that products containing elements of sin, polytheism, or having negative connotations in either their name or symbol do not meet the requirements for halal certification. This regulation not only highlights

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<sup>5</sup> Muhammad Achyar et al., "ISLAMIC LAW REVIEW OF MONOPOLY PRACTICES IN MODERN ECONOMICS," *Al-Mudharabah: Jurnal Ekonomi Dan Keuangan Syariah* 5, no. 2 (2024): 288-308.

<sup>6</sup> Timo Duile, "Kuntilanak Ghost Narratives and Malay Modernity in Pontianak, Indonesia," *Bijdragen Tot de Taal-, Land- En Volkenkunde* 176, nos. 2-3 (2020): 279-303, <https://doi.org/10.1163/22134379-17601001>.



the halal aspects of materials or ingredients but also encompasses moral and ethical values in naming, to uphold the purity and dignity of Islamic teachings in various aspects of life, including consumption.<sup>7</sup> The naming of food with implicit negative meanings can raise doubts about its halal status. This is due to the use of inappropriate terms that may negatively influence the public's perception of the product. Therefore, food naming must use appropriate terms that reflect the nature of "*thayyib*" to avoid misunderstandings regarding the halal status of the food.<sup>8</sup>

Labeling food with words that contain elements of contempt for religious beliefs or have negative connotations can indeed attract the attention of potential buyers, sparking curiosity or public interest. However, the use of such terms is contrary to religious principles. All business operators are advised to choose appropriate names that align with the regulations set by the Indonesian Ulema Council (MUI) to obtain halal certification.<sup>9</sup> The primary purpose of naming culinary products is to install confidence in customers regarding the products they offer. Additionally, an appropriate name helps maintain the business owner's reputation. In response to the proliferation of businesses still using names that do not meet the criteria outlined in MUI Regulation No. 44 of 2020 on Naming, Form, and Packaging Unsuitable for Halal Certification, the existing regulations are not yet effective because they do not include penalties for violations of the fatwa.

## RESEARCH METHOD

The research method employed by the author in support of this study

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<sup>7</sup>Fatwa and Majelis Ulama Indonesia, "Bentuk Dan Kemasan Produk Yang Tidak Dapat Disertifikasi Halal," *Komisi Fatwa Majelis Ulama Indonesia*, 2020.

<sup>8</sup> Mega Novita Syafitri et al., "Urgensi Sertifikasi Halal Food Dalam Tinjauan Etika Bisnis Islam," *Al Iqtishod: Jurnal Pemikiran Dan Penelitian Ekonomi Islam* 10, no. 1 (2022): 16-42, <https://doi.org/10.37812/aliktishod.v10i1.305>.

<sup>9</sup> Fatwa and Indonesia, "Bentuk Dan Kemasan Produk Yang Tidak Dapat Disertifikasi Halal."



is a qualitative approach with a legal-sociological perspective.<sup>10</sup> Qualitative methods provide researchers with the opportunity to explore in depth the legal aspects related to the use of inappropriate food names. By employing a legal-sociological approach, the author's analysis focuses on the naming of foods prohibited based on the MUI Fatwa and the impact of inappropriate naming on the food products in question.<sup>11</sup>

This study utilizes two types of data sources: primary and secondary data, in the form of MUI fatwas and related laws and regulations. Primary data was obtained through interviews and observations, where the researcher analyzed the legal issues by collecting relevant information to support the research. Meanwhile, secondary data consists of the Quran, books, journal articles, documents, and academic literature obtained from library collections.

## RESULTS AND DISCUSSION

### A. Food Naming Ethics

The Indonesian Ulema Council (MUI) Fatwa No. 44 of 2020 on the use of names, designs, and packaging that cannot be certified as halal contains various rules prohibiting the use of specific names for products, with an emphasis on the importance of choosing names that are *thayyib* or have good meanings.<sup>12</sup> These rules are based on the values of the Quran, particularly in Surah Al-Hujurat, which prohibits the use of inappropriate titles or names for individuals. This principle of prohibition is then applied analogously to product naming, meaning that labels containing elements of impurity, haram, or those associated with disbelief and other negative meanings are not permitted, as this contradicts the ethics and values of purity in the Islamic religion.<sup>13</sup>

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<sup>10</sup> Muhammad Siddiq Armia, *PENENTUAN METODE & PENDEKATAN PENELITIAN HUKUM*, ed. Chairul Fahmi (Lembaga Kajian Konstitusi Indonesia, 2022).

<sup>11</sup> Fatwa and Indonesia, "Bentuk Dan Kemasan Produk Yang Tidak Dapat Disertifikasi Halal."

<sup>12</sup> Ibnu Salam Al-Mawarid and Siti Ngainnur Rohmah, "Urgensi Peralihan Kewenangan Sertifikasi Jaminan Produk Halal Majelis Ulama Indonesia Kepada Badan Penyelenggara Jaminan Produk Halal," *Jurnal Sosial Dan Budaya Syar-i* 10, no. 2 (2023): 551-64, <https://doi.org/10.15408/sjsbs.v10i2.31973>.

<sup>13</sup> Fatwa and Indonesia, "Bentuk Dan Kemasan Produk Yang Tidak Dapat Disertifikasi





Regarding naming conventions, it is generally permissible to give names to anything, whether individuals or objects such as food, as long as there are no explicit prohibitions in Islamic law. Islamic jurists divide the rules for naming into three categories: recommended names, less desirable names, and names that are strictly prohibited.

- a. The use of recommended names. In Islamic teachings, it is recommended to choose names that have religious significance, such as names that begin with the word "servant" and refer to the noble attributes of Allah, or names that are part of *the Asmaul Husna* (the 99 beautiful names of Allah). The reason for this is that Islamic scholars agree that these names are considered reasonable and have noble meanings. Sa'id bin Musayyib stated that Allah greatly loves the names of the prophets. However, most Muslim scholars prioritize names like Abdurrahman or Abdul Ghafur — those that contain elements of submission to Allah. Naming a child after the prophets remains a recommended practice according to the majority of scholars, and even Ibn Hajar emphasized the uniqueness of the name Muhammad.
- b. The use of names that are discouraged. Islam considers it undesirable for someone to be given a name that contains signs of bad luck or unrealistic expectations. Names such as Rabbah, Najah, or Aflah are often seen as conveying hope, but if that hope is not fulfilled, it can lead to a negative impression or disappointment. For this reason, Islamic law avoids anything that could create a negative impression or cast doubt on divine destiny. Additionally, names with negative connotations, even if they do not have a directly negative meaning, are still discouraged in Islamic law.
- c. Prohibited names. Specific names are not permitted in Islam because they belong exclusively to Allah, such as Al-Khaliq or Al-Quddus. These names are only appropriate for referring to the

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Halal.”



Creator, not His creatures. Similarly, it is prohibited to name someone with titles that are exclusively reserved for the Prophet Muhammad, such as Sayyid Waladi Adam or Sayyid An-Nas. Additionally, names containing the word "abd" (servant) but attributed to someone other than Allah are also prohibited, as they may lead to misunderstandings regarding the purity of the monotheistic creed.<sup>14</sup>

Several ethical principles underlie the influence of a name on the object it designates, particularly in the realm of culinary products. First, a name serves as a signifier of the object's identity. This means that the cultural and religious values that form the basis for the naming of food serve as an identity that distinguishes and validates something. Names on food products also have legal standing as official identities that can become registered trademarks, whose protection is guaranteed by law.<sup>15</sup> This is crucial in protecting intellectual property rights and preventing counterfeiting and other forms of intellectual property infringement. Second, names aim to classify and distinguish one object from another. In the context of consumer protection regulations, clarity of product names is crucial to prevent consumer confusion or deception, which aligns with the principles of openness and honesty in promotional activities. Third, names also contain elements of hope or prayers for the object being named. In Islamic teachings, names are believed to carry the meaning of prayers. Therefore, Islamic law teaches that every individual and object should be given a name with a good sense.<sup>16</sup>

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<sup>14</sup>Muhammad Arfan Ahwazdy, "Fatwa MUI Nomor 4 Tahun 2003 Tentang Penggunaan Nama Kuliner Unik Perspektif Fikih," *Journal of Islamic Studies* 2, no. 2 (2025): 26–46.

<sup>15</sup> Chairul Fahmi, "Revitalisasi Penerapan Hukum Syariat Di Aceh (Kajian Terhadap UU No.11 Tahun 2006)," *TSAQAFAH* 8, no. 2 (2012), <https://doi.org/10.21111/tsaqafah.v8i2.27>.

<sup>16</sup> Chairul Fahmi, "The Impact of Regulation on Islamic Financial Institutions Toward the Monopolistic Practices in the Banking Industrial in Aceh, Indonesia," *Jurnal Ilmiah Peuradeun* 11, no. 2 (2023): 2, <https://doi.org/10.26811/peuradeun.v11i2.923>.





Based on the above explanation, it can be understood that naming has an essential meaning as a good wish for the person bearing it. A name not only serves as an identity but also carries hopes and meanings. Therefore, a name with a positive meaning can have a good influence, while a name with negative connotations can have an unfavorable impact.<sup>17</sup>

## **B. Halal Standards Fatwa MUI No. 44 of 2020**

The Indonesian Ulema Council (MUI) is an organization formed through the consensus of religious leaders, Muslim community leaders, and Islamic intellectuals from across the nation, which plays a strategic role in providing guidance, nurturing, and protecting Muslims in the country. This institution is independent and has full authority to make decisions without interference or pressure from other parties. MUI was officially established on the 7th of Rajab 1395 Hijri, corresponding to July 26, 1975, and is headquartered in Jakarta, Indonesia.<sup>18</sup>

A fatwa is a legal opinion or ruling issued by an Islamic scholar with scholarly authority in response to questions regarding Islamic law posed by individuals, judicial officers, or state institutions. This opinion aims to provide guidance or resolution of Islamic law on issues that require clarification based on the provisions of Sharia. Fatwas issued by the Indonesian Ulema Council take the form of written decisions on religious-specific problems, which the members of the commission have agreed upon through official deliberation.<sup>19</sup>

In Fatwa No. 44 of 2020, the Indonesian Ulema Council (MUI) regulates the legal provisions regarding the types of products that are deemed ineligible for halal certification. These products are categorized into several groups, including:

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<sup>17</sup>Roby Muhammad and Lailatul Qadariyah, "Analisis Pemberian Nama Unik Pada Makanan Menurut Marketing Syariah," *Jurnal Kaffa* 2, no. 2 (2023): 1-15.

<sup>18</sup>Subekty Wibowo et al., "Peran Majelis Ulama Indonesia Pada Masa Orde Baru 1975-1998 Dan Relevansinya Dalam Pembelajaran Sejarah," *Jurnal Candi* 17, no. 1 (2018): 80-95.

<sup>19</sup>Ijtima Ulama Komisi Fatwa Se-Indonesia, "Pedoman Penetapan Fatwa Majelis Ulama Indonesia," *Majelis Ulama Indonesia*, 2003.



- a. Products that include terms or symbols related to unbelief, immoral acts, or have negative connotations cannot be certified as halal. This means that products that explicitly or implicitly contain elements contrary to Islamic principles or contain values deemed inappropriate do not meet the requirements for obtaining a halal label.
- b. Trademarks that use terms derived from the names of objects or animals prohibited in Islam should be avoided, except in certain situations, such as: Products that have long been part of societal customs ('urf) and have been proven to contain no elements prohibited by Islamic law. Products that, in the view of the general public, do not give the impression that the name indicates the permissibility of consuming animals that are prohibited in Islam. Products that have a different meaning appropriate to the context and have been consistently recognized and used by the public, so they are not considered to contain prohibited elements.
- c. Items that closely resemble pigs or dogs in various designs. This includes all types of products that visually depict the two prohibited animals.
- d. Products with packaging that features images of pigs and dogs as the central or most dominant element, thereby highlighting the prohibited elements.
- e. Items that have a taste or aroma derived from objects or creatures that are prohibited for consumption according to Islamic law.
- f. Products with packaging that displays images or illustrations containing obscene and pornographic elements, which are contrary to moral teachings and religious norms.<sup>20</sup>

The reason the term "bad" does not receive halal certification from the MUI is that, according to Surah Al-Baqarah, every Muslim is

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<sup>20</sup>Fatwa and Indonesia, "Bentuk Dan Kemasan Produk Yang Tidak Dapat Disertifikasi Halal."



obligated to consume food that complies with halal regulations. Allah SWT states in Surah Al-Baqarah, verse 168:

يَا أَيُّهَا النَّاسُ كُلُوا مِمَّا فِي الْأَرْضِ حَلَالًا طَيِّبًا وَلَا تَتَّبِعُوا خُطُوَاتِ الشَّيْطَانِ إِنَّهُ لَكُمْ عَدُوٌّ مُبِينٌ

“O humanity, eat of that which is lawful and good on the earth, and follow not the footsteps of Satan. Verily, he is to you an enemy, an open enemy.”

In this verse, Allah SWT invites humans to consume everything lawful on earth, including various kinds of grains, plants, fruits, and permitted animals. On the other hand, Allah forbids following the footsteps of Satan by committing sins, disbelief, immoral behavior, and unjust actions. Additionally, this verse emphasizes the importance of being grateful for all the blessings and provisions that He has bestowed upon us. Therefore, every Muslim is advised to be cautious and discerning in choosing the types of food and drink they consume to maintain the purity of their heart and uphold obedience to Allah.

In addition to verses from the Qur'an, some hadiths emphasize that when naming food and beverages consumed by humans daily, they must not only be halal but also, they must be yib, meaning clean and of good quality. These hadiths emphasize the importance of quality and cleanliness, in addition to halal aspects, in daily consumption.<sup>21</sup>

From Abu Hurairah, may Allah be pleased with him, who said: The Messenger of Allah, peace be upon him, said: 'O people! Verily, Allah is good and accepts only that which is good.' Another hadith states that the improper use of names, forms, and packaging of products can hurt religious values and the dignity of Muslims

“From Nu'man bin Basyir, may Allah be pleased with him, who said: I heard the Messenger of Allah, peace and blessings be upon him, say: 'What is halal is clear, and what is haram is clear, and between the two there are ambiguous matters (syubhat, unclear, not halal or

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<sup>21</sup> Achyar et al., “ISLAMIC LAW REVIEW OF MONOPOLY PRACTICES IN MODERN ECONOMICS.”



haram), which most people do not know the ruling on. Whoever avoids the ambiguous matters has indeed safeguarded his religion and his honor."<sup>22</sup>

A food product must meet several requirements to be classified as halal, including the halal status of its ingredients. This means that the substance of the product must be completely halal, where the raw materials comply with the provisions outlined in the Quran and Hadith. Halal status in terms of production methods: even if the substance is halal, the product's status can change if the production process harms others or violates Islamic laws such as the Quran and Hadith. Halal status in the processing stage: A product that is initially halal can become haram if its production process does not adhere to Islamic law—many examples of foods that were permitted initially become non-halal due to improper processing procedures. Halal status in terms of storage requires food ingredients to be stored in clean, separate areas from haram substances to prevent contamination by impurities. The halal status of products during transportation requires business operators to ensure that halal products are not mixed with haram substances or contaminants during transit. Halal status during serving is the final and crucial stage. Food must remain clean, free from impurities, and sellers must maintain the cleanliness of serving utensils and the surrounding areas.<sup>23</sup>

According to halal food regulations, if a food product uses terms such as "devil" or other frightening words, but meets all applicable requirements, its halal status remains valid. Thus, even if the name or description contains frightening or harmful elements, as long as all halal requirements—such as ingredients, production methods, and official permits—are met, the food can be categorized as halal according to religious law. Frightening names do not affect halal status as long as legal and ritual aspects are met. A Hanbali scholar named

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<sup>22</sup>Fatwa and Indonesia, "Bentuk Dan Kemasan Produk Yang Tidak Dapat Disertifikasi Halal."

<sup>23</sup> Chairul Fahmi et al., "The State's Business Upon Indigenous Land in Indonesia: A Legacy from Dutch Colonial Regime to Modern Indonesian State," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 3 (2024): 3, <https://doi.org/10.22373/sjhk.v8i3.19992>.



Abdurrahman an-Nadji clearly stated that the Prophet Muhammad disliked ugly names, whether for individuals or places. This is because a name reflects its meaning, and the wisdom of Allah emphasizes the importance of consistency between a name and its meaning. A name should not contradict its meaning, for Allah does not approve of bad names that lack a connection between the word and its meaning. This rejection is also evident in everyday life. Moreover, the wisdom behind this prohibition extends to the object named. A named object can influence the effects of the name itself, whether positive, negative, light, heavy, gentle, or harsh. Therefore, the use of names with negative connotations, such as those associated with the devil, certain animals, or oppressive figures, falls under the category of disliked (*makruh*) in Islamic jurisprudence.

Therefore, the use of unusual or overly distinctive names for food products should be avoided if they carry negative connotations. This choice is based on reasonable grounds and aligns with Islamic values that emphasize modesty, good intentions, and morality in all aspects of life, including the determination of names.<sup>24</sup>

### **C. The Authority of BPJPH in Issuing Halal Certification**

BPJPH, which stands for Badan Pengawas Jaminan Halal (Halal Product Guarantee Agency), is a non-ministerial government institution that reports directly to the President of the Republic of Indonesia. This institution was established under Presidential Regulation No. 153 of 2024 as the primary authority responsible for managing the halal product certification system in Indonesia. The authority and role of BPJPH are governed by the provisions of Law No. 33 of 2014 on Halal Product Certification, which grants the authority to ensure that products in circulation comply with national halal standards.<sup>25</sup>

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<sup>24</sup>Ahwadzy, "Fatwa MUI Nomor 4 Tahun 2003 Tentang Penggunaan Nama Kuliner Unik Perspektif Fikih."

<sup>25</sup>Nadia Fatima et al., "Implementasi Undang-Undang Nomor 33 Tahun 2014 Tentang



A halal certificate is an official document that indicates a product complies with the requirements of halal standards. This certificate is issued by the Halal Product Guarantee Agency (BPJPH) after receiving a written decision regarding halal status from the Indonesian Ulema Council (MUI). Meanwhile, a halal label is a symbol or mark affixed to a product to indicate that it complies with religious teachings.<sup>26</sup>

The year 1989 marked a significant milestone when the Indonesian Ulema Council (MUI) was tasked with providing halal certification by establishing the Food, Drug, and Cosmetics Research Institute (LPPOM). However, following the enactment of the Halal Product Assurance Law No. 33 of 2014, the authority to issue halal certificates was transferred to the Halal Product Assurance Agency (BPJPH) under the Ministry of Religion.<sup>27</sup>

The process of issuing certificates and affixing halal labels, as regulated by laws and regulations concerning product halal assurance, is essentially the same as the previous halal certification and labeling system. However, the main difference lies in the addition of institutions and elements involved in the implementation.<sup>28</sup> Previously, the certification of halal products only involved the Indonesian Ulama Council's Food, Medicine, and Cosmetics Research Institute (LPPOM MUI) and the MUI Fatwa Commission. At the same time, the Food and Drug Supervisory Agency (BPOM) was responsible for labeling. However, under the new regulations, these authorities have been expanded and organized more systematically. Currently, the Halal Product Guarantee Agency (BPJPH) serves as the competent

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Jaminan Produk Halal ( Studi Penyelenggaraan Jaminan Produk Halal Di Provinsi Banten )," *Journal Desentralisasi Dan Kebijakan Publik* 4, no. 1 (2023): 40–51.

<sup>26</sup>Uswatun Hasanah and Khoirun Nisak, "Analisis Implementasi Label Pada Produk Usaha Mikro Kecil Menengah Makanan Mie Instan Di Desa Pakong Persepsi Undang-Undang N0.33 Tahun 2014," *Hikmah* 21, no. 1 (2014).

<sup>27</sup>Rahayu Japar et al., "Peran Lembaga Sertifikasi Halal Dalam Membangun Ekosistem Halal: Tantangan Dan Peluang," *International Journal Mathla'ul Anwar Of Halal Issues* 4, no. 2 (2024): 34–44.

<sup>28</sup>Al-Mawarid and Rohmah, "Urgensi Peralihan Kewenangan Sertifikasi Jaminan Produk Halal Majelis Ulama Indonesia Kepada Badan Penyelenggara Jaminan Produk Halal."





government agency, supported by the MUI Fatwa Commission, to determine the halal status of products. It involves relevant ministries and independent halal inspection bodies as partners in audits and verification. Meanwhile, product labeling remains the direct responsibility of the BPJPH.<sup>29</sup>

The Halal Product Guarantee Agency (BPJPH) plays a crucial role in regulating halal product guarantees, which include the following responsibilities: formulating and establishing the scope and limits of its authority in implementing Halal Product Guarantees and determining the norms, standards, procedures, and criteria that must be met in halal product guarantees. Issuing and revoking halal certificates along with labels attached to related products. Registering halal certificates for imported goods from abroad and conducting outreach, education, and publicity to enhance public understanding of halal products, and evaluating and accrediting institutions authorized to conduct halal inspections.<sup>30</sup>

In the halal certification process, there are three parties with different roles and authorities. The halal certification process begins with the Halal Inspection Agency (LPH), which submits the product halal verification documents to the Halal Product Guarantee Agency (BPJPH). These documents include product information, manufacturing process, laboratory test results, inspection reports, and related recommendations.<sup>31</sup> Following this, the BPJPH reviews the documents and communicates the results to the Indonesian Ulama Council (MUI). In the next stage, the MUI examines the verification results from the BPJPH during a halal fatwa meeting involving experts,

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<sup>29</sup>Iffah Karimah, "Perubahan Kewenangan Lembaga-Lembaga Yang Berwenang Dalam Proses Sertifikasi Halal," *Journal of Islamic Law Studies* 1, no. 1 (2018): 107-31.

<sup>30</sup> Iwandi Iwandi et al., "THE CONCEPT OF FRANCHISING IN THE INDONESIAN'S CIVIL LAW AND ISLAM," *Al-Mudharabah: Jurnal Ekonomi Dan Keuangan Syariah* 4, no. 2 (2023), <https://doi.org/10.22373/al-mudharabah.v5i2.3409>.

<sup>31</sup>Deviana Yuanitasari et al., "Tantangan Regulasi Halal Untuk Pelaku Usaha Mikro Dan Kecil: Sebuah Studi-Legal Di Kupang Nusa Tenggara Timur," *Jurnal Ilmu Hukum Kenotariatan* 6, no. 2 (2023): 254-67.



ministry representatives, and various related institutions and organizations. Within a maximum of 30 working days after receiving the verification results from the BPJPH, the MUI issues a decision regarding the halal status of the product. This decision serves as the basis for BPJPH to issue an official halal certificate. The roles of BPJPH and MUI are crucial in implementing the halal product assurance system in the country. BPJPH prioritizes aspects of regulatory management, operations, financial administration, partnerships, and public outreach. Meanwhile, MUI is responsible for determining the halal status of products and regulating matters related to Sharia law.<sup>32</sup>

The benefits of halal certification are not only felt by business owners and buyers, but also by the government. The following are the effects of halal certification on food products: For business owners, obtaining halal certification provides benefits in the form of increased customer loyalty and trust. By building consumer trust and loyalty, business owners can retain existing customers while expanding into new markets, thereby increasing revenue and driving business growth. For consumers, particularly those in Muslim communities, halal certification ensures that the products they consume are genuinely halal. The halal label on products provides buyers with peace of mind and reassurance, as the items have been inspected in accordance with Islamic dietary laws.<sup>33</sup>

The government also benefits from halal certification. This certification process is expected to encourage economic development by increasing the number of local producers with halal recognition. Through halal certification, the government aims to dominate the global halal market, thereby increasing foreign exchange earnings and accelerating national economic growth. In the international market, the presence of official halal labels makes products more widely accepted,

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<sup>32</sup>Hayyun Durrotul Faridah, "Sertifikasi Halal Di Indonesia: Sejarah, Perkembangan, Dan Implementasi," *Journal of Halal Product and Research* 2, no. 2 (2019): 68–78.

<sup>33</sup> Prohibited Names but Halal Products: Perspectives from Malaysian Law and Islamic Law Page 164.



especially in the Middle East and Southeast Asia, which have a high demand for halal food products. By exporting halal-certified products, businesses reap financial benefits while also contributing to Indonesia's overall economic growth.<sup>34</sup>

#### **D. Implications of Poor Naming on the Halal Status of Food**

In this modern era supported by cutting-edge technology, there are various methods for marketing a business. One of them is giving products unique and striking names to attract buyers. This approach is also known as *Al-ghayah tubarirul wasilah*, which is the principle of achieving goals by using all permissible means.<sup>35</sup> This method is often used to increase customer interest, especially since information spread through social media is increasingly abundant. Promoting businesses through digital platforms has become a trend among the younger generation. To keep up with technological advancements and avoid falling behind, business owners are competing to create unique identities (branding). In the process, they are willing to go to great lengths to ensure their products gain widespread recognition and maintain a stable income. One strategy employed is giving food products names with eerie nicknames and distinctive characteristics that are difficult for competitors in the same industry to replicate. An example is "Nasi Bebek Kuntilanak" found in Turam Village, Darul Kamal District, Aceh Besar.

From interviews with the owner of the duck rice restaurant, it was revealed that the restaurant was initially named "Nasi Bebek Kuntilanak" and began operations in 1994. However, in 2000, as the number of visitors increased, the name was changed to "Nasi Bebek Kuntilanak." The addition of the word "kuntilanak" was not the owner's idea but a suggestion from regular customers. The name change was

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<sup>34</sup>Warto and Samsuri, "Sertifikasi Halal Dan Implikasinya Bagi Bisnis Produk Halal Di Indonesia," *Journal of Islamic Economics and Banking* 2, no. 1 (2020): 98–112.

<sup>35</sup>Mohd Farhan Md Arifin et al., "Nama Haram Tapi Produk Halal: Pandangan Dari Perspektif Undang-Undang Malaysia Dan Hukum Islam," *Malaysian Journal of Syariah and Law* 12, no. 1 (2024): 157–73.



influenced by the restaurant's location, which is far from the city center, and the winding route that must be taken through hills and rice fields, with access to a narrow alley. Since the restaurant only opens at night, from 5:30 PM to 4:00 AM, the journey to the location feels more eerie due to the lack of street lighting.

Most of the diners at this restaurant come from various regions in Aceh. They visit out of curiosity about the place's name, and some have even become regular customers, referred to visitor has a different perspective on the name of the duck rice restaurant, which is considered contrary to the fatwa issued by the Indonesian Ulema Council (MUI). Most visitors want to experience the unique taste of duck, which boasts a distinctive flavour found in remote areas with a rural ambiance. One loyal customer of the duck rice restaurant does not object to the name, as they are confident that as long as the ingredients and cooking process are halal and the taste is delicious, they will continue to visit. This opinion differs from that of another consumer, a friend of the author, who stated that they wanted to see the restaurant but were deterred by its operating hours, which are only at night, coupled with poor lighting on the way to the location and fear of encountering the figure of a kuntilanak along the way, ultimately deciding not to visit.

Business owners have never applied for halal certification because they lack an understanding of the procedure. Business owners expressed their lack of knowledge about regulations prohibiting the use of product names that do not have halal certification. However, owners intend to obtain halal certification so that their businesses will not suffer adverse effects.

However, since the business name violates the provisions of MUI Fatwa No. 44 of 2020, which requires products not to contain elements with negative connotations, the application for a halal certificate will be rejected by MUI. Therefore, without a halal fatwa from the MUI, the BPJPH is unable to issue a halal certification for the "Nasi Bebek Kuntilanak" restaurant. An alternative option for the business owner to



obtain a halal certificate is to revert the business name to its original name, "nasi bebek pak nasir." However, changing the name may reduce its appeal by removing the distinctive feature that sets the business apart from others. Nevertheless, the "nasi bebek kuntilanak" dish meets the criteria for halal products, as it does not use prohibited ingredients, processing and storage are conducted by halal standards, and the serving process is ensured to be free from contact with impure substances.

The impact of the inappropriate naming of food products is as follows:

- a. Syubhat (doubt), which is a position between halal and haram. A matter may lean toward halal or, conversely, toward haram. Additionally, assessments of syubhat status may vary among individuals, so something considered syubhat by one person may not be the same for another. Thus, syubhat can be interpreted as something highly dependent on personal perspective.<sup>36</sup>
- b. Customers who have never visited before often misunderstand the term "kuntilanak," leading them to believe that they will see the figure of a kuntilanak on their way to the location, and subsequently nickname the business "kuntilanak duck rice."
- c. Products containing elements or symbols that contradict religious beliefs, morality, or have negative connotations cannot obtain halal certification, as explained in MUI Fatwa No. 44 of 2020 regarding product naming.
- d. Damaging reputation: An ideal business uses proper or appropriate naming standards; if given an inappropriate name, it will damage the image of the business owner and contradict religious teachings.<sup>37</sup>

The term "kuntilanak," which has a negative connotation, has

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<sup>36</sup>Amir Mahmud, "Kajian Hadis Tentang Halal, Haram, Dan Syubhat," 124 *Jurnal Adabiyah* 17, no. 2 (2017): 124–42.

<sup>37</sup>Halim Setiawan, *Karakteristik Makanan Halalan Thayyiban Dalam Al-Quran*, n.d., 40–54.



become an intriguing marketing strategy due to its rarity, thereby capturing consumers' attention solely through its unique name. However, the use of words with negative connotations, such as "," does not align with the principles of Islamic business ethics. Considering that the majority of Indonesia's population practices Islam, all Muslims in the country have the right to obtain information about the halal status of products to avoid doubts about their quality and composition, thereby preventing fraudulent practices and manipulation by unscrupulous sellers in transactions.<sup>38</sup> The government has established regulations to ensure the halal status of products, namely Law Number 33 of 2014, which mandates halal certification for food, beverages, medications, and cosmetics as proof of halal status.

## CONCLUSION

Naming in the culinary world plays a crucial role in determining the public's perception of a product's halal status, particularly in Aceh, where Islamic law is strictly enforced. Inappropriate terminology that carries negative connotations or contradicts Islamic teachings can prevent a product from obtaining halal certification. However, if a food item uses intimidating terminology but meets all the requirements for halal food categories, its legal status remains halal. A product is considered halal if the ingredients used do not contain prohibited substances, the sourcing of ingredients complies with Islamic law, the processing and storage stages meet halal requirements, and the presentation does not come into contact with impure substances. Therefore, the name of a food does not affect its halal status.

Choosing the right name can be a powerful marketing tool. An attractive name that leaves a positive impression can attract buyers and increase the selling value of a product. Therefore, producers must pay attention not only to halal aspects, but also to how the name can create a good image in the minds of consumers. That way, choosing the right

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<sup>38</sup>Fatimah Nur, "Jaminan Produk Halal Di Indonesia Terhadap Konsumen Muslim," *Jurnal Likuid* 1, no. 1 (2021): 44-54.





name not only supports halal principles but also helps products compete more optimally in the market.

The importance of understanding food naming according to Islamic teachings should not be overlooked. Training and education for businesses in the culinary sector on halal principles and the negative consequences of inappropriate naming can increase their awareness and compliance. The government, in collaboration with relevant agencies such as the Indonesian Ulema Council (MUI) and the Halal Product Certification Agency (BPJPH), is expected to actively provide guidance and support to business operators to ensure that the products they market not only meet halal standards but also have names that reflect positive values and local cultural wisdom.

BPJPH and MUI play a crucial role in ensuring the halal certification of products in Indonesia. Currently, BPJPH focuses on regulatory aspects, technical operations, financial management, collaboration, and public education. Meanwhile, MUI is responsible for determining the halal status of a product, including matters related to Islamic law.

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