



Proceeding of 2nd Malikussaleh International
Conference on Law, Legal Studies and Social
Science (MICoLLS) 2022

The Role of the State in Ensuring Legal Certainty on the Continuity of Halal Products in Indonesia

Iwan Permadi

The Role of the State in Ensuring Legal Certainty on the Continuity of Halal Products in Indonesia

Iwan Permadi*

Faculty of Law, Brawijaya University

*Correspondent Author, e-mail: iwanpermadibrawijaya1972@gmail.com

Abstract

The halal industry in Indonesia in the past few years has developed quite rapidly. The implementation of halal certification in the form of a halal logo is a form of the presence of the state in this halal product guarantee which provides a form of legal certainty for the halalness of a product that can be proven with a halal label. The halal symbol is a modified form of the symbol that characterizes a product that can be easily and comprehensively recognized by the public. In this study, the author uses a type of normative research (doctrinal legal research). And using a juridical approach or commonly called a statutory approach. Halal labeling is not only a fulfillment of Shari'ah and state requirements, but also as a medium for branding a product. The high sales of products are rooted in the Muslim community's concern about the halalness of a product due to the presence of some dubious ingredients. The halal label contained in the product becomes a guarantee of quality and guarantees the hygiene of the product so that people have a sense of trust which then affects their interest in buying. The existence of a self-declare mechanism that not only provides easy registration of halal products for MSE business actors, is also a form of awareness of the importance of the right to guarantee halal products so that every prospective consumer can enjoy products that have been verified as halal, so as to create convenience that must be obtained by consumers. . The state is obliged to provide halal certification for products that are widely circulated and traded in Indonesia, so that producers are obliged to apply for halal certification for each of their products. In Indonesia, the person in charge of the halal guarantee system is carried out by the government organized by the Minister of Religion by establishing the Halal Product Guarantee Agency (BPJPH). Therefore, for producers or parties who do not comply with applicable laws, and are not responsible for their products, it can be said that they meet the requirements against the law or can be legally accounted for, both administratively and criminally.

Keywords

Role of the State, Legal Certainty, Halal Certification.

DOI : 10.29103/micolls.v2i.110

1. Introduction

Public consumption products such as food, cosmetics, medicines, and products for use are one part of the community's needs. All these needs must be met in a safe, nutritious and quality manner. These basic products must be in line with the basis of religion, belief and culture in society. To guarantee these needs, there needs to be a system that provides guarantees and protection, both to consumers and producers. Consuming halal products according to religious beliefs or for the sake of the quality of life of the community itself is a right of citizens guaranteed by the 1945 Constitution. The state's protection for consumers is stated in the preamble of the 1945 Constitution paragraph IV which states that the Indonesian state protects the entire Indonesian nation and all of Indonesia's bloodshed. Therefore, the issuance of the Halal Product Guarantee Act is a form of representation of the state's responsibility, especially for Muslims, to protect and provide a

sense of security and tranquility in using products that are in accordance with sharia, namely halalan thoyyiban.¹

The halal industry in Indonesia in the past few years has developed quite rapidly, based on data from the Global Islamic Economy Report 2022, in the field of the halal food industry, Indonesia ranks second in the world, while in developing the potential for a strong and healthy sharia economic ecosystem, Indonesia occupies the third position. four,² of course this is an achievement for the Indonesian people who can compete with other Islamic countries in halal industrial products. This achievement is actually a global challenge for Indonesia in ensuring the certainty of the quality of halal products produced.

If in the past, food processing was still done conventionally, communication between consumers and producers could still be done face-to-face, but now in the era of increasingly sophisticated technology, product processing has become more complex. Advances in science and technology in the product processing industry have developed rapidly. By utilizing the sophistication of the technology, product processing is carried out using various kinds of materials, without considering whether the ingredients come from halal or haram ingredients. Thus, with the use of non-halal ingredients in various products for basic human needs, the products circulating in the community are not necessarily guaranteed to be halal even though business actors have claimed halal for the products being marketed. This is because, to find out the halalness of a product, it must go through studies and research using special science that is multidisciplinary in nature, such as science in the fields of chemistry, biology, pharmacy, industrial engineering and knowledge of sharia.³

The increasingly widespread halal product industry is the answer to the growing pace of a sharia-based economy in the midst of increasingly diverse challenges of globalization. That the Indonesian people are starting to realize that as a Muslim producing, providing and processing halal products is very important, as is the position as a consumer who must choose food with guaranteed halal products. Therefore, the halalness of a product is not something that should be ignored, in the rules of Islamic law, Allah says in the Qur'an that every Muslim must choose halal and good food, this is stated in the surah Al-Maidah verse 88 which reads:⁴

وَكُلُوا مِمَّا رَزَقَكُمُ اللَّهُ حَلَالًا طَيِّبًا ۗ وَاتَّقُوا اللَّهَ الَّذِي أَنْتُمْ بِهِ مُؤْمِنُونَ

“And eat of the things which Allah has provided for you, lawful and good, and fear Allâh in Whom you believe.”

The implementation of halal certification in the form of a halal logo is a form of the presence of the state in this halal product guarantee which provides a form of legal certainty for the halalness of a product that can be proven with a halal label. The halal symbol is a modified form of the symbol that characterizes a product that can be easily and comprehensively recognized by the public.

In a state of law, every action and policy taken by the state is regulated in the constitution and laws in force in the country, known as the formal legal principle. In this

¹ Warto Warto and Samsuri Samsuri, “Sertifikasi Halal Dan Implikasinya Bagi Bisnis Produk Halal Di Indonesia,” *Al Maal: Journal of Islamic Economics and Banking* 2, no. 1 (2020): 98–112.

² SGIE Report 2022: Makanan Halal Indonesia Peringkat Dua Dunia, <https://isef.co.id/id/artikel/sgie-report-2022-makanan-halal-indonesia-peringkat-dua-dunia/>

³ Warto and Samsuri, “Sertifikasi Halal Dan Implikasinya Bagi Bisnis Produk Halal Di Indonesia.”

⁴ QS. Al Maidah: ayat 88.

case, if the policy makers do not implement it, they can be held accountable before the applicable law. Thus, Indonesia accepts all legal rules ranging from Private Law, Public Law, and International Law, as long as they do not conflict with the rules that apply in the State of Indonesia. Each law has its own scope of application, and all of these regulations have a valid basis in accordance with the 1945 Constitution, therefore the state is obliged to protect and provide freedom for each region. who have legal rules that live in society that have become rules in society. Thus, if national law is formed, then the law still needs to pay attention to the law that lives in society, including its rules, and regulations based on Shari'ah (Islamic Law) are no exception.⁵

2. Discussion

2.1 Factors That Can Affect the Urgency of Halal Product Assurance in Indonesia

a. Consumer Needs for Halal Certification Guarantee

In relation to halal business in Indonesia, a business legality, halal certification, and *Islamic marketing* have a positive impact on the halal business ecosystem on the sale of a product. This is indicated by several factors, including the belief that the product is safe and halal to consume, the clarity of the halal certification number on the product packaging.

Halal terminology, which is recognized as a brand, makes halal have a materialist interpretation, in that way it can increase product market share. This is supported by the majority of Indonesian people who are Muslim. As a Muslim, halal should not only be limited to a brand, but is part of a necessity in Islam, as well as a moral and spiritual code of ethics in everyday life. If halal is only used as a trigger for market share, then halal is only a tool. It is very unfortunate, when religion which should be used as *the way of life*, is turned into a capitalist tool. Halal as a branding media can be seen today in electronic media, especially television. Not only food, daily necessities such as cosmetics, bath soap, laundry soap and shampoo, all advertise that their products are halal. Not infrequently the halal label is also clearly indicated on the packaging. In addition, users of these products also wear Islamic clothing, or hijab. A label is the part of a product that carries verbal information about the product or about the seller. A label can be part of the packaging or an identification tag affixed by the manufacturer on the product packaging.⁶

Halal and haram are not only related to consumption activities but are also related to all human activities. The law regarding the halalness of a thing refers to the holy book of the Qur'an, as in the surah Al-Baqarah verse 168.⁷

يَأَيُّهَا النَّاسُ كُلُّوا مِمَّا فِي الْأَرْضِ حَلَالًا طَيِّبًا وَلَا تَتَّبِعُوا خُطُوتَ الشَّيْطَانِ إِنَّهُ لَكُمْ عَدُوٌّ مُبِينٌ

"O mankind, eat from whatever is on earth [that is] lawful and good and do not follow the footsteps of Satan. Indeed, he is to you a clear enemy."

The implementation of halal certification in minority Muslim countries and in non-Muslim countries that place religion as an area of privacy that does not enter the public domain, of course not because the policies in that country uphold religious values, but can be understood as a form of fulfilling the needs of Muslim consumers and guarantee that the products produced in that country can be accepted by the Muslim market. This means that

⁵ Ghina Kamilah and Aniek Wahyuati, "Pengaruh Labelisasi Halal Dan Brand Image Terhadap Keputusan Pembelian Melalui Minat Beli," *Jurnal Ilmu Dan Riset Manajemen (JIRM)* 6, no. 2 (2017).

⁶ Mega Rachma Kurniaputri, "Brand Equity Dan Labelisasi Halal Dalam Pengaruhnya Terhadap Minat Beli Produk Lifebuoy," *Jurnal Ilmiah Ekonomi Islam* 6, no. 3 (2020): 450–58.

⁷ Q.S Al Baqarah: ayat 168.

halal certification, which was originally an instrument in carrying out religion, has now shifted to a trade commodity and industrial interest. The shift of halal certificates from religious implementation instruments to trading commodities can be seen from the following four aspects:⁸

1. Potential spread of Muslims who spread in various countries. The Muslim population is almost 26% of the world's population, the Muslim population, which is almost a third of the world's population, is an unavoidable target market. The annual consumption value of halal products, which in this case includes food, beverages, cosmetics, and medicines, reaches 2.3 trillion dollars. World companies certainly cannot ignore this huge market potential. Therefore, the implementation of halal certification is something that cannot be avoided so that Muslim products can be accepted by the community, even though they are produced in non-Islamic countries.
2. Halal certification policy is a form of state guarantee to its people, so as to minimize unrest. The anxiety in question is that the unrest in the food sector that occurs in the community can tarnish economic and political stability. Therefore, the state has an interest in maintaining national stability.
3. The tourism sector which continues to increase and is not affected by the economic crisis requires tourist destination countries to improve to provide comfort for foreign tourists, including Muslim tourists.
4. The high awareness of halal among Muslims and the critical level of society that pays attention to the existence of a halal logo from the designated official authority before buying a product. The index of concern for the Muslim community towards halal products has increased.

Assessment indicators on halal certificates on products are as follows:⁹

1. Guarantee of halal business certainty: overall company strategy, management processes and have Halal accountability standards.
2. Guarantee of halal product certainty: products meet halal standards and accountability standards. For example: Halal organic products and sharia investments that meet technological and environmental friendly requirements.

In 2009 it reached 70% and in 2010 it reached 92.2%. The application for halal certification at LPPOM also experienced an increasing trend, in 2009 it reached 10,550 products and in 2010 it reached 21,837 halal products. Halal product awareness is not only in food products, but also in cosmetics. Halal certification in Indonesia is an obligation that must be fulfilled and a symbol of the state in meeting the interests of the Muslim majority.¹⁰

Awareness in buying and consuming halal products is very essential for a Muslim, therefore it creates a very large market for halal products, and certification of these products. Halal label certification is needed because it is a guarantee for consumers. Another impetus for why halal certification is needed for a brand is to improve its image and reputation. Secular countries such as China and Mexico do halal certification on the

⁸ Kamilah and Wahyuati, "Pengaruh Labelisasi Halal Dan Brand Image Terhadap Keputusan Pembelian Melalui Minat Beli."

⁹ Hijrah Lahaling, Kindom Makkulawuzar, and Singkeru Rukka, "Hakikat Labelisasi Halal Terhadap Perlindungan Konsumen Di Indonesia," *Hasanuddin Law Review* 1, no. 2 (2015): 282-94.

¹⁰ Israwati Akib, "Labelisasi Halal Dalam Perlindungan Konsumen," *Jurnal Ilmiah Pena: Sains Dan Ilmu Pendidikan* 12, no. 1 (2020): 28-32.

meat they export. This is done in order to increase the reputation in addition to aiming to expand the business, also to improve the reputation among consumers, not only the added value that the brand will get. The provision of halal labels can also encourage good relations between the brand and the government, especially the authority that holds label certification, namely the Ministry of Religion in Indonesia.¹¹

In addition to the awareness factor, halal labeling is also a medium for *branding* a product. The high sales of products are rooted in the Muslim community's concern about the halalness of a product due to the presence of some dubious ingredients such as pork oil, gelatin in food, and the content of ethanol in hand sanitizers. Therefore, the halal labeling issued by LPPOM MUI which has now moved to the Halal Product Guarantee Agency of the Ministry of Religion, is a very essential element for a product and brand. The halal label contained in the product becomes a guarantee of quality and guarantee of product hygiene so that people have a sense of trust which then affects their interest in buying. Halal labeling on products is also not only launched by Muslim consumers, but is also popular among non-Muslim consumers due to the perception of product safety.¹²

b. Self Declare Mechanism And Potential Forgery

Halal counterfeit Self declare is considered as one of the efforts to strengthen the economy in Indonesia, with easy steps to make halal product certification for SMEs. The renewal of the halal certification regulation as contained in the Job Creation Law, which is clarified in Government Regulation Number 39 of 2021 concerning the Implementation of the Halal Product Assurance Sector. Selfdeclare is an independent declaration for business actors who have food products to state that their products are halal food and are suitable for consumption by consumers, especially the Muslim community.

The implementation of self declare certainly refers to the terms and conditions that must be fulfilled. Among these requirements can be categorized into several groups, namely requirements regarding business establishment, composition of food ingredients and procedures for registering halal certification through self declare. Among the filing requirements that must be fulfilled in the form of a business or product having previously registered legality, in the form of ownership of a Business Identification Number (NIB), Having a distribution permit (PIRT/MD/UMOT/UKOT). Sanitation Hygiene Eligibility Certificate (SLHS) for food/beverage products with a shelf life of less than seven days or other industrial permits for products produced from the relevant agencies/agencies. Complete the document for submitting a halal certification with the mechanism for the statement of business actors online through sisal.com. Among the things that need to be prepared when registering halal products are the latest photos during the production process. In self-declaring halal registration, although it is carried out with a simpler procedure, business actors also need to prepare funds for product halal testing in the laboratory independently, this inspection is only carried out if necessary, assisted by LPH.¹³

¹¹ Panji Adam Agus, "Kedudukan Sertifikasi Halal Dalam Sistem Hukum Nasional Sebagai Upaya Perlindungan Konsumen Dalam Hukum Islam," *Amwaluna: Jurnal Ekonomi Dan Keuangan Syariah* 1, no. 1 (2017): 149–65.

¹² Lahaling, Makkulawuzar, and Rukka, "Hakikat Labelisasi Halal Terhadap Perlindungan Konsumen Di Indonesia."

¹³ Ini Syarat Daftar Sertifikasi Halal Gratis Kategori "Self Declare" (kemenag.go.id), diakses pada tanggal 26 Oktober 2022

While the requirements for the procedure for establishing a business that may use the self-declaring facility are that the production and sales process has lasted for at least 1 year before applying for halal certification, Has a location for production and halal product processing equipment (PPH) which is separate from the location, place, and process equipment. non-halal products. The location must be hygienic, not mixed with unclean objects. Has 1 outlet or production facility at the location. Products registered for halal certification are not restaurants, canteens, restaurants, shops/stalls.¹⁴

More specifically, the implementation of halal certification is of course related to the guarantee of the registered product, that the product actually uses ingredients that have been confirmed to be halal and there is no risk. Using a simple and halal production process, annual sales results are no more than Rp. 500 million rupiah as evidenced by an independent statement and having a business capital of at most Rp. 2 billion rupiah. The materials used for production have been confirmed to be halal by proving a halal certificate, or are included in the list of materials that are excluded from the obligation to be certified halal, do not use hazardous materials and have been verified as halal by a halal product companion. halal, or from a slaughterhouse that is verified as halal. The halal process starts from the process of slaughtering, processing, storing, packaging, distributing, selling and presenting the product.¹⁵ The next requirement is that the production house still uses manual, simple or semi-automatic production equipment, not a factory business. The preservation process does not use radiation techniques, genetic engineering, does not use ozonation and a combination of preservatives.

The self-registration system by household production business actors, or MSEs, is carried out so that products produced by MSEs can have halal certification faster so that they gain public trust, especially Muslim consumers in consuming halal food. This self-declared halal certification is issued by the BPJPH of the Ministry of Religion, this is in line with the latest rules regarding halal certification which were previously handled by MUI as the institution that issues halal certification.

The self-declaring halal registration process can be carried out through several stages involving several parties, through the process, namely the statement of business actors in the form of a pledge or contract in the form of testimony of the use of production goods and halal product processing (PPH). Furthermore, the presence of witnesses or guarantees on the strength of the testimony of halal products, which is carried out by UMK, this PPH assistance is the task of Islamic community organizations, Islamic financial institutions with legal entities such as universities that meet the requirements and comply with predetermined procedures. The following is the registration mechanism for halla self declare.¹⁶

The first process that must be done is to register with the halal system by completing the personal data of the food ingredients to be registered along with the required files, then a pledge or contract is made before PPH, in the form of verification and validation of files. The next process is in the form of verification by BPJPH of the completeness and wetness of the document, then LPH conducts a sample test on the feasibility and halalness of the

¹⁴ Ini Syarat Daftar Sertifikasi Halal Gratis Kategori "Self Declare" (kemenag.go.id), diakses pada tanggal 26 Oktober 2022

¹⁵ PP Nomor 39 tahun 2021 Tentang Penyelenggaraan Bidang Jaminan Produk Halal

¹⁶ Istianah, Gemala Dewi, *Analisis Masalah Pada Konsep Halal Self-Declare Sebelum Dan Pasca Enactment Undang-Undang Cipta Kerja*, Jurnal Hukum, Al Adl Vol 14 Nomor 1 Januari 2022

product, then if it passes the test, MUI can determine a fatwa session on the halalness of the product, then BPJPH issues a halal certificate for the registered product.

Self-Declare registration not only makes it easy to register halal products for MSE business actors, but also becomes a form of concern and awareness of the importance of the right to guarantee halal products so that every potential consumer can enjoy products that have been verified as halal,¹⁷ so as to create greater comfort. must be obtained by consumers, consumer rights are directly proportional to the obedience of UMK business actors in registering product halal certification, this is in accordance with the consumer protection law in Law Number 8 of 1999 concerning consumer protection that protection for consumers in the form of consumer rights must be accepted fully to ensure the feasibility of the product including the guarantee of halal products, obtaining goods and services according to the exchange rate, obtaining actual product information without elements of fraud or counterfeiting,¹⁸ therefore this is directly related to information on guarantees of halal products which will then be issued from halal label registration through self declare.

In the self declare registration process, what must be anticipated is the emergence of falsification of files, such as certificates and NIB numbers, as well as detailed requirements that are only unilaterally declared by the entrepreneur or product owner as UMK and LPH parties who only see the pledge or file without knowing the details. production process and materials used as factors of production. If it is reviewed further, the more crucial examination in the self-declaration process is indeed at the initial verification stage which includes various very important things in terms of the condition that a product can be said and registered until it is verified as a halal product, of course, the caution of every party, both business actors and LPH are the main keys in the smoothness and guarantee of the continuity of the issuance of halal products, therefore an understanding of the main functions, powers and duties of LPH is very important. However, in fact in the field there are still many staff from LPH members who do not know in detail the entire series of examinations of the halal self-declaration process.¹⁹

2.2 The Role of the State in Efforts to Guarantee Halal Products in Indonesia

a. Implementation of Halal Certification to Producers

The guarantee of halal products carried out by the State has implications that are not simple. So that people are expected to take it seriously, especially among Muslims who need legal certainty regarding the halalness of the products they consume. Muslims certainly need legal certainty for the products they will consume. Thus, people need a guarantee for the halalness of a particular product. Producers are obliged to provide valid data and information on the halalness of a product and the State is also obliged to serve it by establishing regulations relating to problems faced by the community. The obligation of a

¹⁷ R Tanzil Fawaiq, Ashfa Afkarina, *Peningkatan Kesadaran Makanan Halal Melalui Pendampingan Fikih Halal Dan Sosialisasi Self Declare Muhammadiyah*, Jurnal Aplikasi Dan Inovasi Ipteks SOLIDITAS, Vol 5 No 1, April 2022

¹⁸ Mustakima, *Self Declare Produk Halal Usaha Kecil Mikro: Antara Kemudahan Berusaha Dan Jaminan Hak Spiritual Konsumen*, Jurnal Hukum Dan Syari'ah De Jure Vol 13 No 1 2021

¹⁹https://m-republika-co-id.cdn.ampproject.org/v/s/m.republika.co.id/amp/qyzo2f370?amp_gsa=1&_js_v=a9&usqp=mq331AQKKAFAQrABIACAw%3D%3D#amp_tf=Dari%20%251%24s&aoh=16665293938707&referrer=https%3A%2F%2Fwww.google.com&share=https%3A%2F%2Fwww.republika.co.id%2Fberita%2Fqyzo2f370%2Fdewan-pakar-mes-sebut-kendala-jaminan-produk-halal

producer is to ensure that the food and/beverage products produced and/or traded must have a halal certificate. This means that it creates an obligation for every producer to carry out halal certification. So that every producer is required to carry out halal certification for their products, in order to create legal protection for people who consume these products.²⁰ With the birth of Law no. 33 of 2014 concerning the guarantee of halal products, is expected to guide all products in Indonesia so that there is an obligation to be certified halal. The most important goal aspired to by the government after Law Number 33 of 2014 concerning Guaranteed Halal Products is legal certainty over the halalness of products circulating in the community.

The JPH Law discusses various aspects related to the regulation of the halalness of a product which is not only medicine, food and cosmetics, but more broadly which includes chemical products, biological products, genetically engineered products, as well as goods used, used, or utilized by the community.²¹ In addition, the regulatory range also includes product halalness from upstream to downstream. The Halal Product Process (PPH) is defined as a series of activities to ensure the halalness of the product including the supply of materials, processing, storage, packaging, distribution, sales, and presentation of the product.²² These activities aim to provide comfort, security, safety, and certainty of the availability of halal products for the public in consuming and using the Products; and increase added value for business actors to produce and sell their products. In fact, it emphasizes the urgency of the issue of halal-haram in the production chain from business actors to consumers and consumed by consumers, where there is also the role of intermediaries such as distributors, subdistributors, wholesalers, and retailers before reaching the hands of final consumers. The enactment of UUJPH aims to provide legal certainty for consumers to food products and other consumer goods. As for business actors, the emergence of UUJPH provides guidance on processing, processing, production, and marketing of products to the consumer community, as well as guidelines in making halal product information to consumers.²³

For producers to be able to obtain a halal certificate, they must go through strict stages, starting from the product being produced until the product is sold. The strict halal certification procedure has an impact on public confidence that the products or goods circulating and consumed by the public are guaranteed to be halal, both for consumption and use. So that halal certification is issued by a trusted institution, of course this increases the safety and public trust in the product. And the halal guarantee system which requires that the production process must apply halal and *thayyib*, meaning that it is right and good from the supply of raw materials until they are ready for consumption by consumers.²⁴

The technical guarantee of halal products is then translated through a certification process. Previously, halal certification was *voluntary*, while in the Law on Halal Product

²⁰ Ralang Hartati, Peran Negara Dalam Pelaksanaan Jaminan Produk Halal, Adil: Jurnal Hukum Vol.10 No.1 2019, hlm. 73.

²¹ Pasal 1 ayat (1) Pasal 29-39 Undang-Undang No. 33 tahun 2014 tentang Jaminan Produk Halal

²² Pasal Pasal 1 ayat (3) Pasal 29-39 Undang-Undang No. 33 tahun 2014 tentang Jaminan Produk Halal

²³ Suwardi Dan Muhammad Erfan Muktasim Billah, *Undang-Undang Jaminan Produk Halal Sebagai Bentuk Internalisasi Nilai Syari'ah Dalam Hukum Nasional*, Jeblr, Vol. 1, No. 2, November 2021, hlm. 73

²⁴ Warto dan Samsuri, *Sertifikasi Halal dan Implikasinya Bagi Bisnis Produk Halal di Indonesia*, Al Maal, Vol. 2, No. 1, Juli, 2020, hlm. 103

Assurance it was *mandatory*. Therefore, all products that enter, circulate, and are traded in the territory of Indonesia must be certified halal and labeled as halal. And it's not only big companies that have to apply for halal certification and halal labels but also industry and small entrepreneurs. This is the main difference between the products of the previous legislation.²⁵

According to the constitutive view, Law Number 33 of 2014 concerning Guaranteed Halal Products is an official government policy (legal product) that must be obeyed and implemented because it aims to guarantee legal protection for people in Indonesia in consuming halal products. The legal certainty of this halal product guarantee has various functions and benefits for consumers and producers. For consumers, Muslim consumers are protected from consuming food, medicine, cosmetics, which are not halal. Second, psychologically, consumers' feelings of heart and mind will be calm. Third, to maintain body and soul from the downturn due to illicit products. Fourth, give a good response that leads to the desired behavior to pay attention to the product, interest in buying and consuming the product.²⁶

In addition to producers, guaranteeing halal products through halal certification has an important role. First, as a responsibility to Muslim consumers, considering that consuming halal products is a principle of the Muslim community. Second, increase trust in consumers. Third, as a marketing tool and able to improve the company's image and business actors to expand the marketing network area. Fourth, to give producers profits by increasing competitiveness and production and sales.²⁷ The application of the provisions of the Halal Product Guarantee as a product of legislation, the result of the executive and legislative institutions. As already stated in Law Number 33 of 2014 concerning Guaranteed Halal Products. Among them are the interests of the Ministry of Health, Ministry of Industry, Ministry of Trade, BPOM, MUI, and other related institutions.

According to the aspect of legal effectiveness, Lawrence M. Friedman said that an effective law depends on three elements of the legal system, namely the legal structure is a law enforcement officer, the substance (content) of the law includes statutory instruments and legal culture is a living law (*living law*). adopted in a society.²⁸ In the aspect of legal structure, the role of law enforcers as law enforcement officers generally handles issues of decency and law compliance. This relates to the effectiveness of the law which is determined by the level of community compliance with the law.²⁹ Law enforcement in halal certification means enforcement based on written legal systems, rules and values, regarding halal certification for producers or parties who do not comply with applicable laws, and are irresponsible and even meet the nature of being against the law. In law enforcement, the role, function and position of law enforcement is very central and decisive. Law enforcers that include judges, police, prosecutors, and elements in charge of

²⁵ Bintang Dzumirroh Ariny dan Nurhasanah, Dampak Positif Undang-Undang Nomor 33 Tahun 2014 Tentang Jaminan Produk Halal Dalam Menciptakan Sistem Jaminan Produk Halal Di Indonesia, *Syar'ie*, Vol. 3 No. 2 Agustus 2020, hlm. 203

²⁶ Mashudi, *Konstruksi Hukum Dan Respon Masyarakat Terhadap Sertifikasi Produk Halal*, Jogjakarta: Pustaka Pelajar, 2015, hlm.168.

²⁷ Muhammad Ibnu, *Label: Antara Spiritualis Bisnis dan Komoditas Agama*, Malang: Madani, 2014, hlm. 31

²⁸ Lawrence M. Friedman, *Sistem Hukum Perspektif Ilmu Sosial*, Bandung: Nusa Media 2011, hlm. 7.

²⁹ Soerjono Soekanto, *Penegakan Hukum*, Bandung: Bina Cipta 1983, hlm. 62

correctional institutions. If the laws and regulations are good but the mentality of law enforcement is not good, it will affect the law enforcement system.³⁰

As for the economic impact of the obligation for Halal Certification which applies to all business actors, it will clearly open up business opportunities and the products in circulation will be safe for consumption by the public, especially those of the Muslim faith. The procedure for obtaining a Halal Certificate begins with the submission of an application for a Halal Certificate by Business Actors to BPJPH. Next, BPJPH will check the completeness of the documents. Inspection and/or testing of product halalness is carried out by LPH. The LPH must obtain accreditation from BPJH in collaboration with MUI. The determination of the halalness of the product is carried out by MUI through the MUI halal fatwa session in the form of a decision on the determination of the halal product which is signed by the MUI. BPJPH issues a Halal Certificate based on the decision on the Determination of Halal Products from the MUI. The Halal Certificate is valid for 4 (four) years from the date of issuance by BPJPH, unless there is a change in the composition of the Ingredients. The Halal Certificate must be extended by Business Actors by submitting a Halal Certificate renewal no later than 3 (three) months before the validity period of the Halal Certificate expires. Furthermore, regarding the cost of issuing halal certification, it is borne by the Business Actor who submits the application for a halal certificate. However, in an effort to expedite the implementation of JPH, the JPH Law provides roles for other parties such as the Government through the state revenue and expenditure budget, regional governments through the regional revenue and expenditure budget, companies, social institutions, religious institutions, associations, and communities to facilitate costs. Halal certification for micro and small business actors.

b. The Establishment of Halal Product Guarantee Agency (BPJPH)

Law Number 33 of 2014 concerning Halal Product Guarantee which has been ratified by the 6th (sixth) President of the Republic of Indonesia, Susilo Bambang Yudhoyono, on October 17, 2014. Furthermore, on the same day, Minister of Law and Human Rights United Indonesia Cabinet II Amir Syamsudin has enacted the law as Law Number 33 of 2014 concerning Guaranteed Halal Products. The law, which consists of 68 articles, emphasizes that products that enter, circulate, and are traded in the Indonesian Territory must be certified halal. The government is responsible for implementing the Halal Product Guarantee (JPH).³¹

Law Number 33 of 2014 concerning Halal Product Assurance (UU JPH) strengthens and regulates various halal regulations that have been scattered in various laws and regulations. On the other hand, the JPH Law can be referred to as an *umbrella act* for regulating halal products. The Halal Product Guarantee (JPH) in this law covers various aspects, not only drugs, food, and cosmetics, but is broader than that, including chemical products, biological products, genetically engineered products, as well as goods used, used, or utilized by consumers. society.³²

³⁰ Ibid, hlm.15

³¹ Setkab. "Pemerintah harus bentuk Badan Penyelenggaraan Jaminan Produk Halal", www.setkab.go.id/2014/11/page/17/

³² Lihat pasal 1 ayat (1) Undang-Undang No. 33 tahun 2014 tentang Jaminan Produk Halal

Halal Product Processing, hereinafter abbreviated as PPH, is defined as a series of activities to ensure product halalness, including the supply of materials, processing, storage, packaging, distribution, sales, and product presentation. It aims to provide comfort, security, safety, and certainty of the availability of halal products for the public in consuming and using products as well as increasing added value for business actors to produce and sell their products. The technical guarantee of halal products is then translated through a certification process. Previously, halal certification was *voluntary*, while UUJPH was mandatory. Therefore, all products that enter, circulate, and are traded in the territory of Indonesia must be certified halal. This is the main difference between the products of the previous legislation. Later, as the person in charge of the halal guarantee system, the government will be organized by the Minister of Religion by establishing the Halal Product Guarantee Agency (BPJPH) which is located under and responsible to the Minister of Religion.³³ BPJPH has the following authorities:³⁴

- a. formulate and determine JPH policies;
- b. establish JPH norms, standards, procedures, and criteria;
- c. issue and revoke Halal Certificates and Halal Labels on Products;
- d. registering Halal Certificates on foreign Products;
- e. conduct socialization, education, and publication of Halal Products;
- f. carry out accreditation of LPH (halal guarantee institution);
- g. registering Halal Auditors;
- h. to supervise JPH;
- i. conduct training for Halal Auditors; and
- j. cooperate with domestic and foreign institutions in the field of JPH implementation.

The Halal Product Assurance Act (UU JPH) opens opportunities for institutions other than LPPOM MUI to open an LPH (Halal Guarantee Agency). Islamic organizations that have integrity at the central and regional levels, such as: Muhammadiyah and Nahdlatul Ulama (NU) or others as well as campuses in regions that have scientific capabilities in the food sector can be included in the context of the implementation and/or availability of halal products for consumers. Muslims in Indonesia.

As for the BPJPH itself, according to the JPH Law, it must be established no later than 3 (three) years from the promulgation of this Law. The implementing regulations for this Law must be enacted no later than 2 (two) years from the promulgation of this Law, however, until now the Implementing Regulations for the JPH Law have not been made. The obligation to be certified halal for products circulating and traded in the territory of Indonesia shall come into effect 5 (five) years from the promulgation of this Law. Before the obligation to be certified halal applies, the types of products that are certified halal are regulated in stages.³⁵

With the establishment of BPJH, MUI still has an important role, Article 10 of the JPH Law states that BPJH in carrying out its authority cooperates with MUI in the form of:³⁶

1. Halal Auditor Certification;
2. Determination of product halalness and;

³³ May Lim Charity, "Jaminan Produk Halal Di Indonesia (*Halal Products Guaranteee In Indonesia*)", Jurnal Legislasi Indonesia, Vol. 14 N0. 01 - Maret 2017, hlm. 105.

³⁴ Pasal 6 Undang-Undang No. 33 tahun 2014 tentang Jaminan Produk Halal

³⁵ May Lim Charity, *Op., cit.*, hlm. 106.

³⁶ Pasal 10 Undang-Undang No. 33 tahun 2014 tentang Jaminan Produk Halal

3. Halal Inspection Agency (LPH) accreditation.

The collaboration above is related to the conformity of the sharia fatwa issued by the MUI and is explained explicitly in PP No. 39 of 2021 concerning the Implementation of the JPH Law. Therefore, it can be understood that BPJPH and MUI have a vital role in the implementation of halal product guarantees in Indonesia. The role of BPJPH which focuses more on aspects of regulation, operations, financial administration, cooperation and education. While the MUI itself is more about determining the halal or non-halal of a product and other sharia aspects.

3. Conclusion

1. Factors that can affect the urgency of guaranteeing halal products in Indonesia are halal labeling other than as a fulfillment of Shari'a and the State, as well as a medium for *branding* a product. The high sales of products are rooted in the Muslim community's concern about the halalness of a product due to the presence of some dubious ingredients. The halal label contained in the product becomes a guarantee of quality and guarantee of product hygiene so that people have a sense of trust which then affects their interest in buying. Then there is a self-declare mechanism that not only provides convenience for registering halal products for MSEs, but also becomes a form of concern and awareness of the importance of the right to guarantee halal products so that every prospective consumer can enjoy products that have been verified as halal, so as to create comfort. that must be obtained by consumers, consumer rights are directly proportional to the obedience of MSE business actors in registering product halal certification.
2. The state is obliged to provide halal certification for products that are widely circulated and traded in Indonesia. So that producers are obliged to apply for halal certification for medicines, food and cosmetics, chemical products, biological products, genetically engineered products, as well as goods used or utilized by the public. In addition, producers or parties who do not comply with applicable laws and are not responsible for their products can be said to meet the requirements against the law or can be legally accounted for both administratively and criminally.

4. Suggestions

There is a need for synchronization between the arrangements that have been formed, competency standards for program implementation, adequate organizational management, and stakeholders are expected to play an active role in the implementation of the self declare program and supervise the implementation of the program, so that the purpose of establishing self declare can be achieved and forgery and obstacles caused by internal factors can be avoided.

5. Bibliography

Law Number 33 of 2014 concerning Assurance of Halal Products

Afkarina, Ashfa, R Tanzil Fawaiq, Increasing Awareness of Halal Food Through Halal Jurisprudence Assistance and Socialization of Self-Declare Muhammadiyah, Journal

- of Science and Technology Applications and Innovation SOLIDITAS, Vol 5 No 1, April 2022.
- Agus, Panji Adam. "The Position of Halal Certification in the National Legal System as an Effort for Consumer Protection in Islamic Law." *Amwaluna: Journal of Islamic Economics and Finance* 1, no. 1 (2017).
- Akib, Israwati. "Halal Labeling in Consumer Protection." *Scientific Journal of Pena: Science and Education* 12, no. 1 (2020).
- Ariny, Bintan Dzumirroh and Nurhasanah, Positive Impact of Law Number 33 of 2014 concerning Halal Product Guarantee in Creating a Halal Product Assurance System in Indonesia, Syar'ie, Vol. 3 No. August 2, 2020.
- Charity, May Lim. "Halal Products Guarantee in Indonesia", Indonesian Legislation Journal, Vol. 14 NO. 01 - March 2017.
- Dewi, Gemala, Istianah, Maşlahah Analysis on the Concept of Halal Self-Declare Before and After the Enactment of the Job Creation Act, Legal Journal, Al Adl Vol 14 Number 1 January 2022
- Friedman, Lawrence M, Legal System Perspective of Social Sciences , Bandung: Nusa Media 2011.
- Hartati, Ralang. The Role of the State in the Implementation of Halal, Fair Product Assurance: Jurnal Hukum Vol.10 No.1 2019.
- Ibnu, Muhammad, Label: Between Business Spiritualists and Religious Commodities, Malang: Madani, 2014
- Kamilah, Ghina, and Aniek Wahyuati. "The Effect of Halal Labeling and Brand Image on Purchase Decisions Through Purchase Intention." *Journal of Management Science and Research (JIRM)* 6, no. 2 (2017).
- Kurniaputri, Mega Rachma. "Brand Equity And Halal Labeling In Its Influence On Interest in Buying Lifebuoy Products." *Scientific Journal of Islamic Economics* 6, no. 3 (2020).
- Mashudi, Legal Construction and Public Response to Halal Product Certification, Jogjakarta: Pustaka Pelajar, 2015.
- Mustakima, Self Declaration of Halal Products for Small and Micro Enterprises: Between Ease of Doing Business and Assurance of Consumer Spiritual Rights, Journal of Law and Syari'ah De Jure Vol 13 No 1 2021
- Lahaling, Hijrah, Kindom Makkulawuzar, and Singkeru Rukka. "The Nature of Halal Labeling on Consumer Protection in Indonesia." *Hasanuddin Law Review* 1, no. 2 (2015).
- Samsuri, and Wanto, "Halal Certification and Its Implications for the Halal Product Business in Indonesia." *Al Maal: Journal of Islamic Economics and Banking* 2, no. 1 (2020).
- Soekanto, Soerjono. Law Enforcement, Bandung: Bina Cipta 1983.
- Suwardi, Muhammad Erfan Muktasim Billah, Law on Halal Product Assurance as a Form of Internalization of Sharia Values in National Law, Jebelr, Vol. 1, No. 2, November 2021.