



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

Criminal Law Liability For Business Owners Who Do Not Implement Halal Product Warranties In Aceh

Zul Akli, Muhammad Nasir

Criminal Law Liability For Business Owners Who Do Not Implement Halal Product Warranties In Aceh

Zul Akli¹, Muhammad Nasir²

^{1,2}Faculty of Law, Universitas Malikussaleh

* Correspondent Author, e-mail: zulakli@unimal.ac.id muhammadnasie@unimal.ac.id

Abstract

The guarantee of the halalness of a product is a mandatory requirement for Muslims, be it food, medicine or other consumer goods, whose halal products are suitable for consumption to consumers, which is the obligation of every trader. Likewise with government agencies providing halal certificates is an obligation so that the products circulating are guaranteed to be halal. And strict sanctions, especially criminal sanctions against perpetrators of internal violations who do not use the halal guarantee label, which have been regulated in Law Number 33 of 2014 concerning Halal Product Guarantees and the revision of Law Number 11 of 2020 concerning Job Creation, especially specifically for the aceh province area which already has Aceh Qanun Number 8 of 2016 concerning the Halal Product Assurance System as a special region in Indonesia that implements Islamic law. By using normative research methods literature review and reviewing various kinds of legal literature. This research is a prescriptive normative legal research, this research uses a statute approach and technical regulations. The type of data used is secondary data. The data sources used include primary legal materials, secondary legal materials, and tertiary legal materials. The data collection technique used is literature study and data analysis techniques in this study are systematic interpretation, and teleological or sociological interpretation. The results of the study show that criminal liability for business actors who do not implement the halal product guarantee system in Aceh has not been carried out as it should be as expected. aspects of production and consumption. The government as the implementer of Aceh Qanun Number 8 of 2016 concerning the provisions of halal guarantees should carry out the uqubat ta'zir contained in the Qanun, be it minor or serious violations. The government must carry out supervision more evenly and not only on business actors who have obtained halal certification. for business actors in Aceh. inspections must be carried out and require all business actors to obtain halal certificates because the majority of consumers in Aceh are Muslims.

Keywords

Liability, Criminal Sanctions, Qanun, Halal Products

DOI : 10.29103/micolls.v2i.76

A. Introduction

The halalness of a product is a mandatory requirement for Muslims, be it food, medicine or other consumer goods. As the number of Muslims in Indonesia reaches 88.20% of the 207 million people, the Indonesian market is automatically a large Muslim consumer market. Therefore, the guarantee of halal products is something that is important to get the attention of the state. Social interaction is one of the keys to social life. In the absence of an interaction between each other, it can be ascertained that there will be no common life in a society. Thus the existence of interaction can be said to be

the basis of a form of socialization process, this because in the absence of social interaction, then the activity between individuals and other then cannot be referred to as interaction. If in the process of socialization in an imperfect environment, it can certainly lead to the emergence of deviant behavior that leads to social conflicts. Deviant behavior can be characterized as a form of behavior that is not in accordance with social norms in society. Meanwhile, social conflict is as a social process between two or more parties in which there is a desire to get rid of the other party by destroying. There are many kinds of social conflicts, one of which is the brawls that occur in various regions in Indonesia.

The state is obliged to provide protection and guarantees regarding the halal products consumed and used by consumers. Guarantees regarding halal products are carried out in accordance with the principles of protection, fairness, legal certainty, accountability and transparency, effectiveness and efficiency, and professionalism. The guarantee of the implementation of halal products aims to provide convenience, security, safety, and certainty of the availability of halal products for the public in consuming and using halal products, as well as increasing added value for business actors to produce and sell halal products.

The large number of products that have not been halal certified has resulted in consumers, especially Muslim consumers, finding it difficult to distinguish which products are truly halal and can be consumed in accordance with Islamic law from products that are not halal, through Law Number 8 of 1999 concerning Consumer Protection (hereinafter abbreviated as UUPK), the Indonesian state regulates the rights and obligations of consumers as well as the rights and obligations of business actors as producers.

Furthermore, special arrangements to protect consumers in fulfilling their rights to obtain products that are halal for consumption are regulated in Law Number 33 of 2014 concerning Halal Product Assurance (hereinafter abbreviated as UUJPH) mandates the establishment of a Halal Product Guarantee Organizing Body (hereinafter abbreviated as BPJPH) by the Government. BPJPH which was formed to carry out the implementation of halal product guarantees is located under and is responsible to the Minister of Religion of the Republic of Indonesia.

The two laws and regulations have regulated criminal provisions for business actors who do not maintain the halalness of products that have obtained halal certificates or business actors who do not comply with the provisions for producing in a halal manner as stated in the halal statement contained in the halal label, with a maximum imprisonment of 5 (five) years or a maximum fine of Rp. 2,000,000,000.00 (two billion rupiahs), according to Article 62 UUPK and Article 56 UUJPH. The elements of the offense of these two articles can only be accounted for to business actors who have obtained halal certificates, produce or trade goods produced illegally, while business actors who do not or have not obtained halal certificates and do not put a halal label cannot be held criminally responsible. In fact, there are still business actors who do not or have not obtained a halal certificate producing and or trading non-halal goods. even though the revision of Law Number 33 of 2014 concerning Guarantees for Halal

Products through Law Number 11 of 2020 concerning Job Creation, brings a number of positive implications in accelerating the implementation of Guarantees for Halal Products.

First, the regulation encourages the acceleration of halal certification for various products (goods and services) to increase competitiveness and added value for business actors. This is in accordance with Article 4 which reads: "Products that enter, circulate, and trade in the territory of Indonesia must be certified lawful". In addition, MUI is no longer the party authorized to carry out the certification process. This authority now resides in the Halal Product Assurance Agency (BPJPH), namely an agency formed by the government to carry out the function of Halal Product Assurance (JPH).

The list of BPJPH authorities as stated in Article 6 of Law no. 33 of 2014 are as follows:

- a. Formulate and establish 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;
- g. Registering halal auditors;
- h. Carry out supervision of jph;
- i. Conduct training of halal auditors; and
- j. Cooperate with domestic and foreign institutions in the field of JPH implementation.

However, MUI has not completely lost its role in product halal certification. BPJPH is the entry point for a product's halal certification application. After that, the Halal Inspection Agency (LPH) will conduct testing and checking the halalness of the proposed product. The results of the tests and examinations are then reported to the MUI.

MUI will issue a fatwa whether the product is halal or not. The fatwa is then submitted to BPJPH for BPJPH to issue its halal certificate (if it is decided to be halal), including:

- a. Implementation of religious life;
- b. Administration of customary life;
- c. Organizing education; and
- d. The role of the clergy in establishing regional policies.

Apart from Law Number 44 of 1999, through Law Number 11 of 2006 concerning the Government of Aceh (hereinafter abbreviated as UUPA of 2006), the government of the Republic of Indonesia also gives Aceh the right to carry out the implementation of Islamic law in a kaffah manner. One of the means of implementing Islamic law that can be implemented by the Aceh government is the application of criminal law, as stated in Article 125 of the 2006 :

- (1) The Islamic Shari'a implemented in Aceh includes aqidah, syar'iyah and morals.
- (2) Islamic Sharia as referred to in paragraph (1) includes worship, ahwal al-syakhshiyah (family law), muamalah (civil law), jinayah (criminal law), qadha' (judiciary), tarbiyah (education), da'wah, syiar , and the defense of Islam.

The implementation of Islamic law in Aceh is the responsibility of the Aceh government so that the value of justice based on Islamic teachings is realized, as stated in

Article 127 paragraph (1) of the UUPA of 2006, which states: "The Aceh government and district/city governments are responsible for administering implementation of Islamic law."

As a follow-up to the implementation of Islamic Sharia in a kaffah manner in Aceh as a special and special privilege recognized by the Central Government, as mandated in Article 125 of the 2006 UUPA, the Government of Aceh feels the need to regulate guidance and supervision of halal products which are an integral part of the protection and assurance in carrying out worship. So that the Aceh Qanun Number 8 of 2016 was formed concerning the Halal Product Guarantee System (hereinafter referred to as Qanun SJPH), which specifically applies to Muslim and non-Islamic business actors who are domiciled or carry out activities providing raw materials, processing raw materials, and marketing products. food, drink, medicine, cosmetics, chemical products, biological products, genetic engineering products, as well as goods used or used by people in the Aceh region.

With the enactment of the SJPH Qanun in Aceh, the authority to certify halal products and issue halal labels for products produced by business actors in Aceh becomes the authority of the food, medicine and cosmetic study agency, which is carried out by the Aceh Ulama Consultative Council (hereinafter abbreviated as LPPOM MPU Aceh), as stated in Article 14 Qanun SJPH, states:

"To carry out the functions as referred to in Article 13, LPPOM MPU Aceh has the authority to:

- a. formulate and stipulate SJPH guidelines;
- b. issue halal product certificates for products declared to have passed the certification;
- c. apply norms, standards, procedures, and criteria for halal and SJPH;
- d. issue and revoke halal certificates, halal registration numbers and halal labels on products;

B. Formulation of Problems

Based on the description of the background above, the problem formulation in this research is how is the concept of criminal responsibility for business actors who do not implement a halal product guarantee system in Aceh?

C. Methodology

This research is a prescriptive normative legal research, the research was conducted to be able to produce an argument that until now there has been no certainty regarding criminal liability for business actors who do not implement halal product guarantees in Aceh. This research uses a statute approach by examining Law Number 7 of 1996 concerning Food, Law Number 8 of 1999 concerning Consumer Protection and Government Regulation Number 69 of 1999 concerning Food Labels and Advertisements, Law Number 33 of 2014 concerning Guarantees for Halal Products, Law Number 11 of 2020 concerning Job Creation, Law Number 44 of 1999 concerning the Implementation of Privileges for the Province of the Special Region of Aceh, Law Number 11 of 2006 concerning the Government of Aceh, Qanun Aceh Number 8 of the Year 2016 concerning the Halal Product Guarantee System, as well as its technical regulations. The type of data used is secondary data. Sources of data used include primary legal materials, secondary legal materials, and tertiary legal materials. The data collection technique used is through

study library in the form of books, laws and regulations, scientific essays, papers, journals and newspapers. The data analysis technique in this research is systematic interpretation, and teleological or sociological interpretation.

D. Discussion

1. Criminal Law Liability For Business Owners Who Do Not Implement Halal Product Warranties In Aceh

In Indonesia, awareness of halal products has become part of the life needs of people who are predominantly Muslim, so it is very easy to find halal products in Indonesia. It is even easier to get halal than haram.

However, in the midst of the abundance of halal products, it is not uncommon for haram products to appear, especially those produced by modern factories. People do not easily recognize halal and haram, thus the orientation of halal certification in Indonesia is dominated by the motivation to protect the Muslim community. To achieve all that, it is necessary to establish a food system that provides protection for those who produce and consume food. Article 97 of the Food Law instructs everyone who produces and trades food in the country to put a label inside and/or on food packaging, and one of the labels that must be included is a halal label, as stated in Article 7 paragraph (3) letter e Food Law. In addition to the Food Law, the provisions on halal labels are also regulated in Government Regulation no. 69 of 1999 concerning Labels and Advertisements, which in the explanation of Article 10 paragraph (1) of the Government Regulation states that the inclusion of halal information or the words "halal" on food labels is an obligation if the party producing and or importing food into the territory of Indonesia declares that the product is halal for the people. Islam.

However, when viewed further from the explanation of Article 11 paragraph (1) of the PP there are contradictions, where the inclusion of halal writing is basically voluntary. So basically the obligation to include a halal label at that time had not yet become something of an urgency, so it can be said that the regulations that existed at that time did not guarantee legal certainty regarding halal food products for Muslim consumers in Indonesia, this fact was not in line with the mandate of Law Number 8 of 1999 concerning Consumer Protection. With the birth of the JPH Law, the urgency for halal certification is no longer the responsibility of the MUI alone but a shared responsibility between the government and MUI. The implementation of the Halal Assurance system is a step in sharing responsibility, as a manifestation of sharing responsibility, so that it should not be interpreted that the halal certificate is solely the responsibility of the MUI. MUI and the government have their respective roles so there is no overlapping.

The enactment of the JPH Law raises several consequences as well as challenges, namely:

- a. There is a mandatory nature of halal certification which aims to make it clear that what is halal is what is truly halal according to halal criteria.
- b. Non-halal products must be declared non-halal. This means that all products circulating in Indonesia must be certified halal.

If there are companies that claim their products are halal but are not equipped with halal documents, they can be charged with criminal acts.

Based on the results of the study, it is known that criminal liability for business actors who do not implement halal product guarantees in the Food Law no. 7 of 1996 as amended by Law no. 18 of 2012 is intended as a legal basis for Food Administration. This food implementation agenda includes food planning, food availability, food affordability, food consumption and nutrition, food safety, food labeling and advertising, supervision, food information systems, food research and development, food institutions, community participation, and investigations. . Business actors are responsible for Information stated on the product food label, including the product halal claims listed on the label. Business actors are prohibited from submitting misleading information on their product labels. Article 100 of the Food Law Number 18 of 2012 states that:

- 1) Each traded Food label must contain information regarding the Food that is correct and not misleading.
- 2) Everyone is prohibited from providing incorrect and/or misleading information or statements on the label.

Violation of this Article may be subject to criminal prosecution based on Article 144 which states, that Anyone who intentionally provides information or statements that are not true or misleading on the label as referred to in Article 100 paragraph (2) shall be punished with imprisonment for a maximum of 3 (three) years. or a maximum fine of Rp. 6,000,000,000.00 (six billion rupiah). The Food Law Number 18 of 2012 does not clearly state the criminal responsibility system adopted. However, the formulation of Article 144 above shows the phrase "intentionally" as an element of guilt that must be proven in court. In other words, to convict the perpetrator of an offense, apart from being proven to have committed a crime, the element of intent must also be proven. The Food Law Number 18 of 2012 does not provide an explanation of the meaning of intentionality contained in its Articles. The WvS in 1908 defines intentionality as the will to do or not to do acts that are prohibited or required by law. 19 Meanwhile, Satochid Kartanegara is of the opinion that a person who commits an act intentionally must will (willen) the act and must realize or understand (weten) the consequences of that act.²⁰ In relation to the inner state of a person who acts intentionally, the science of law has two theories, namely: will theory and imagining theory. According to volitional theory, intentionality is the will to make an action and the will to cause an effect because of the result of that action.²¹ While the imagining theory states that humans can only will an action, humans cannot possibly wants an effect, humans can only desire, expect, or imagine the possibility of an effect. ²² Citing Moeljatno's opinion, proving the theory of will is not easy. In order to determine whether an act is desired by the defendant, then: 1. It must be proven that the act corresponds to his motive for doing so and the purpose to be achieved. 2. Between motives, actions and goals there must be a causal relationship within the defendant's mind. However, if you use imagining theory, the proof can be shorter because it only relates to the elements of the act that was committed. ²³ So by using theory, imagining criminal responsibility for Article 144 of the Food Law can be done by breaking down the elements of the criminal act. Article 144 which states that any person who deliberately provides incorrect or misleading information or statements on the label as referred to in Article 100 paragraph (2) shall be subject to imprisonment for a maximum of 3 (three) years or a fine of up to Rp. 6,000,000,000.00 (six billion rupiah). Everyone according to the Food Law No. 18 of 2012 is an individual or corporation,

whether a legal entity or not. 24 This definition provides space for law enforcers to demand criminal responsibility for individual or corporate business actors. Incorrect or misleading statements or statements on labels can be proven by the presence or absence of a halal certificate owned by the business actor as well as a license to affix labels to products originating from the Head of BPOM, Ministry of Health. Criminal responsibility for the act of providing incorrect or misleading information or statements on labels, including misleading information regarding halal claims on food product labels can also be imposed on corporations as legal subjects of this Food Law.

This is shown in Article 148 which states, 1. In the event that the actions referred to in Articles 133 to 145 are committed by a corporation, in addition to imprisonment and fines against its management, punishment can be imposed on the corporation in the form of fines with a weight of 3 (three) times of fines against individuals. 2. In addition to fines as referred to in paragraph (1), corporations may be subject to additional penalties in the form of: a) revocation of certain rights; or b) announcement of the judge's decision. Sam Park and Jong Song stated that there are three references to corporate criminal liability, namely: 25 First, corporations are only responsible for criminal acts committed by their management if the actions are still within the scope and nature of their work within the corporation. Second, the corporation is not criminally responsible for criminal acts committed by management unless the crime is intended to benefit the corporation. Third, the corporation is responsible for the criminal acts committed by its management, if the court delegates the intention of the management to the corporation.

Law of the Republic of Indonesia Number 11 of 2020 concerning Job Creation, Article 48 of Law of the Republic of Indonesia Number 33 of 2014 concerning Guarantees for Halal Products which has been amended so that it reads as follows: Article 48 (1) Business Actors who do not register as referred to in Article 47 paragraph (3) is subject to administrative sanctions. (2) Further provisions regarding the procedures for imposing administrative sanctions as referred to in paragraph (1) are regulated in a Government Regulation. Likewise, the provisions of Article 56 are amended so that they read as follows: Article 56 Business Actors who do not maintain the halalness of Products that have obtained Halal Certificates as referred to in Article 25 letter b shall be subject to imprisonment for a maximum of 5 (five) years or a maximum fine of Rp. 000,000,000.00 (two billion rupiah).

In the Law of the Republic of Indonesia Number 33 of 2014 concerning Guarantees for Halal Products, Article 56 Business Actors who do not maintain the halalness of Products that have obtained Halal Certificates as referred to in Article 25 letter b, namely maintaining the halalness of Products that have obtained Halal Certificates, shall be punished with imprisonment a maximum of 5 (five) years or a maximum fine of Rp. 2,000,000,000.00 (two billion rupiah).

Meanwhile, in Article 57 it is stated, Everyone involved in the implementation of the JPH process does not maintain the confidentiality of the formula listed in the information submitted by Business Actors as referred to in Article 43 shall be subject to imprisonment for a maximum of 2 (two) years or a maximum fine of Rp. 2,000,000,000.00 (two billion rupiahs). The JPH Law does not clearly state the system of criminal responsibility. However, by taking into account the two existing criminal articles, namely Articles 56 and 57, there is absolutely no intentional wrong formulation

such as the phrase "intentionally" or "with intent" or other similar words. Even so, there is no formulation of error with negligence, such as "due to" negligence" or similar phrases that can be interpreted as a formulation of error due to negligence. There is no formulation of error in the form of intentional or negligent, so grammatically it can be concluded that the criminal responsibility system in the JPH Law is direct responsibility. Mistakes by business actors as legal subjects can be automatically proven by proving the criminal element in that Article. Article 56 states, Business Actors who do not maintain the halalness of Products that have obtained Halal Certificates as referred to in Article 25 letter b shall be subject to imprisonment for a maximum of 5 (five) years or a maximum fine of Rp. 2,000,000,000.00 (two billion rupiah).

Business actors Business actors are individuals or business entities in the form of legal entities or non-legal entities that carry out business activities in the territory of Indonesia. Halal Products are products that have been declared halal in accordance with Islamic law. The halalness of this product includes the halal product process which is a series of activities to guarantee the halalness of the product including the provision of materials, processing, storage, packaging, distribution, sales and product presentation. Then the act of "not maintaining product halalness" can be interpreted as changing the composition or halal guarantee system (SJH) that has been determined in at least one of the activities of supplying materials, processing, storage, packaging, distribution, sales and product presentation.

Furthermore, strict sanctions against business actors who commit default are regulated in Law no. 8 of 1999 concerning Consumer Protection in the form of administrative sanctions, imprisonment and fines as well as additional criminal sanctions because business actors neglect their responsibilities and carry out the prohibitions mentioned in Article 8 to Article 18, as well as those mentioned in Article 62 paragraph (1), explained the legal consequences for businesses or producers who distribute non-halal-certified food products, the threat is in the form of a maximum imprisonment of 5 (five) years or a maximum fine of Rp. 2,000,000,000.00 (Two billion Rupiah).

From these provisions it can be seen that the Consumer Protection Act No. 8 of 1999 uses direct criminal liability (strict liability). Furthermore, the Food Law No. 18 of 2012 uses criminal liability on the basis of intent for people as well as vicarious liability for legal entities (corporations). Next, UU JPH Number 33 of 2014 uses direct criminal responsibility (strict liability).

The three laws and regulations governing halal certificates and labels in fact have different processes of criminal liability. This shows the asymmetry of criminal liability between the three laws and regulations, even though this criminal liability is for the same form of action, namely giving incorrect information. on the label relating to product halalness. Article 8 paragraph (1) letter h UUPK states, "Business actors are prohibited from producing and/or trading goods and/or services that do not comply with the provisions of halal production, as stated in the statement "halal" on the label. Criminal liability for this provision uses direct criminal liability, both for individuals and legal entities. While Article 144 of the Food Law, states, "Any person who deliberately provides information or statements that are untrue or misleading on the label as referred to in Article 100 paragraph (2) shall be punished with imprisonment for a

maximum of 3 (three) years or a fine of up to a lot of Rp. 6,000,000,000.00 (six billion rupiah).” Criminal liability for violation of provisions This article uses criminal liability on an intentional basis for people and substitute criminal liability for corporations.

Based on several provisions on criminal sanctions that have been formulated by the law, the sanctions for business actors are very severe, but in Aceh, although there is already a Qanun that regulates halal guarantees, namely Aceh Qanun Number 8 of 2016 concerning the Halal Product Assurance System as a special region in Indonesia that operates Islamic law, but jinayah sanctions against business actors in accordance with the Qanun have not been carried out. The perpetrators of these violations are not criminally responsible for the actions they have committed, as happened in the Lawe Desky market, Babul Makmur District, Southeast Acen Regency which sells pork, but against they (the traders) are reminded to no longer sell pork in public. Elements of the local government and community leaders made an agreement regarding the sale and slaughter of pigs (B2) in public. The agreement took place at the Lawe Perbunga health center building on Tuesday, December 29, 2020, and was attended by elements of the local government, the Islamic Shari'a Service, the Agriculture Service, Satpol PP-WH, MPU, FKUB, DPRK members, priests, religious leaders, community leaders, the Camat and other elements. muspika and all village heads of Babul Makmur and Lawe Sigala-gala sub-districts. DPRK members from the Golkar faction, there has been a mutual agreement, traders will be localized, they are no longer allowed to sell in public

The decision based on the above agreement shows that various laws and regulations governing halal products have not been implemented comprehensively, especially the application of legal responsibility for business actors who violate the provisions of laws and regulations related to halal products in the food sector, so that legal certainty and guarantee for the community especially those who are Muslim to obtain and consume halal food products are not fully protected.

Not all people want the settlement of the violation in the form of selling pork at the Lawe Desky market, Babul Makmur District, Southeast Acen Regency. The administrator of the Southeast Aceh Student Association (IPMAT) Banda Aceh Jufri Sekedang said, Southeast Aceh is part of Aceh and is obliged to apply Islamic Sharia, as well as regarding food and drinks in Aceh, which is regulated in Aceh Qanun Number 8 of 2016 concerning the Halal Product Guarantee System. . So what is not halal is prohibited from being traded in Aceh.

In Aceh Qanun Number 8 of 2016 concerning the Halal Product Guarantee System, Uqubat and Criminal sanctions against perpetrators of violations of the Halal Product Guarantee System have been regulated in Article 47 which reads, namely:

- 1) Muslim business actors who do not maintain the halalness of products that have obtained halal certificates as referred to in Article 34 paragraph (1) letter d are subject to 'uqubat ta'zir in the form of lashes in public for a maximum of 60 (sixty) times, or imprisonment a maximum of 60 (sixty) months, or a fine of a maximum of 600 (six hundred) grams of pure gold.
- 2) Non-Muslim business actors who do not maintain the halalness of products that have obtained halal certificates as referred to in Article 34 paragraph (1) letter d shall be punished with imprisonment for a maximum of 5 (five) years or a maximum fine of 2,000,000,000.00 (two billion rupiah) in accordance with the Law on Halal Product

Guarantee and/or may choose to submit voluntarily to the provisions as referred to in paragraph (1).

- 3) In the event that the acts as referred to in Article 34 paragraph (1) letter d are carried out by 2 (two) or more persons jointly who are non-Muslims, business actors who are non-Muslims may choose and submit voluntarily to provisions as referred to in paragraph (1).

Based on the explanation of the Aceh Qanun, Article 47 Number 8 of 2016 numbers 1 and 2 clearly states that, every business actor who violates, is subject to 'uqubat ta'zir in the form of lashes in public for a maximum of 60 (sixty) times, or imprisonment for a maximum of 60 (sixty) months, or a fine 600 (six hundred) grams of pure gold. 2) Non-Muslim business actors who do not maintain the halalness of products that have obtained halal certificates as referred to in Article 34 paragraph (1) letter d shall be punished with imprisonment for a maximum of 5 (five) years or a maximum fine of 2,000,000,000.00 (two billion rupiah) in accordance with the Law on Halal Product Guarantee and/or may choose to submit voluntarily to the provisions as referred to in paragraph (1).

(3) In the event that the acts as referred to in Article 34 paragraph (1) letter d are carried out by 2 (two) or more persons jointly who are non-Muslims, business actors who are non-Muslims may choose and submit voluntarily to provisions as referred to in paragraph (1). Based on the explanation of the Aceh Qanun, Article 47 Number 8 of 2016 numbers 1 and 2 clearly states that, every business actor who violates, is subject to 'uqubat ta'zir in the form of lashes in public for a maximum of 60 (sixty) times, or imprisonment for a maximum of 60 (sixty) months, or a maximum fine of 600 (six hundred) grams of pure gold. In this Qanun does not mention whether it is a serious or light violator, but for every violator who violates the Qanun then they will still be subject to punishment. Seeing the existing reality, it is impossible for a legal product to be carried out if there is no awareness of shared responsibility for office holders.

E. Conclusion

Criminal Law liability for business actors who do not implement the halal product guarantee system in Aceh, namely that it has not been carried out as it should be as expected, with the presence of the halal product guarantee law, it is hoped that it will become a legal institution that is able to guide the community to the creation of the halalan thoyyibah concept in the production aspect and also consumption. The government as the implementer of Aceh Qanun Number 8 of 2016 concerning the provisions of halal guarantees should carry out the uqubat ta'zir contained in the Qanun, be it minor or serious violations. The government must carry out supervision more evenly and not only on business actors who have obtained halal certification. For, business actors in Aceh must be examined and require all business actors to obtain halal certificates because consumers in Aceh are predominantly Muslim.

F. References

Authors' Contributions

Z,A conceived of the presented idea developed the theory and performed the research M.N Helped with the proceeding.

Acknowledgments

We Would like to say thank you to all the people that have helped us to finished this paper, first and foremost, we would say our grateful thanks to We thank Mr.Hadi Iskandar, S.H., M.H (Malikusaleh University)

References

- Aziz, Y. A., & Chok, N. V. 2013. The Role of Halal Awareness, Halal Certification, and Marketing Components in Determining Halal Purchase Intention Among Non-Muslims in Malaysia: A Structural Equation Modeling Approach. *Journal of International Food and Agribusiness Marketing*.
- Ahmad Sarwat, *Halal atau Haram : Kejelasan Menuju Keberkahan*, Gramedia, Jakarta, 2013
- Yusuf Shofie, *Tanggung Jawab Pidana Korporasi dalam Hukum Perlindungan Konsumen di Indonesia*, Citra Aditya Bakti, Bandung, 2011.
- Lahaling, Hijrah., etc., 2015. Hakikat Labelisasi Halal terhadap Perlindungan Konsumen di Indonesia, *Jurnal Hasanuddin Law Review*, Vol.1, Issue.2.
- Wiku Adisasmito, *Analisis Kebijakan Nasional MUI dan BPOM dalam Labelling Obat dan Makanan*, FKM UI, 2008.
- Sofyan, KNH., 2014, Kepastian Hukum Sertifikasi dan Labelisasi Halal Produk Pangan, *Jurnal Dinamika Hukum*, Vol.14.
- Siti Aminah, Pada Seminar “ Menuju 2019 Wajib Halal” Cukupkah Satu tahun Mempersiapkan Sertifikasi Halal yang di selenggarakan Policy Research and Bisnis Strategy, di Hotel Prabu Jakarta, pada tanggal 24 Januari 2018.
- Ragam Berita, Jaminan Halal Tanggung Jawab Bersama, *Jurnal Halal* No.121 tahun 2016. wikipedia, <http://en.wikipedia.org/wiki/Islam>, di akses tanggal 2 November 2022.
- <https://media.neliti.com/media/publications/135011-ID-sertifikat-halal-pada-produk-makanan-dan.pdf>, diakses tanggal 2 November 2022.
- <https://www.ajnn.net/news/di-agara-pedagang-jajakan-daging-babi-secara-bebas-di-pasar/index.html>, diakses tanggal 2 November 2022.