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Halal Certification In A Food Product As An Effort To Protect Law Against Muslim Consumers In Indonesia

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Abstract

Halal certification in a food product is very important when viewed from the point of view of technological and scientific advances, this aims to protect Muslim consumers from non-halal food products circulating in Indonesia. The problem that occurs is the management of food products using raw materials in a product, it is possible that there may be a mixture of halal and non-halal compositions, whether intentional or unintentional, because this may occur in every community's daily life. The purpose of this research is to see how the form of legal protection for Muslim consumers in Indonesia. The research method used in this legal research is to use a normative approach using secondary data, namely data obtained from library research. The results of the study show that halal certification is a product in law to form consumer protection, especially for Muslim consumers, with the discovery of a halal certificate, the positive benefits and impacts obtained by consumers can ultimately provide security and comfort. Muslim consumers are very concerned about and consider the inclusion of halal certification in a food product before buying a food product in Indonesia so that the food is guaranteed to be halal. In addition, consumers must obtain legal protection, while for producers with halal certification for their products will greatly increase consumer trust and satisfaction with traded products so that the company's image and competitiveness will increase.

Keywords

Legal Protection, Halal Certification, Food Products, Indonesia.

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A. Introduction

Indonesia is one of the nations that can possibly foster the halal business. This is suggested by the enormous number of Muslims in Indonesia. Indonesia has 12.7% of the world's Muslim populace. Seeing this number, in 2020 it is assessed that there will be 229 million Muslim occupants in Indonesia. The complete populace in Indonesia is assessed at 273 million individuals, with the goal that the Muslim populace is identical to 87.2% of the allout populace in Indonesia. This huge Muslim populace likewise expands the interest for halal items fundamentally. Indonesia is viewed as an image of the worldwide halal industry market. Truth be told, Indonesia's absolute consumption on halal items was \$218.8 billion of every 2017. The halal business assumes an essential part in supporting the economy. Hence, the halal business should be created in Indonesia. The halal business contributes \$3.8 billion to Indonesia's GDP (Gross domestic product) consistently. Furthermore, the halal business has likewise acquired speculation capital of USD 1 billion from unfamiliar financial backers and made 127,000 positions each year. Once more, whenever improved, the halal business can build the worth of commodities and the

country's unfamiliar trade holds. In this manner, Indonesia should begin fostering the halal business so it can foster its economy without limit. (Fathoni, 2020)

Article 29 paragraph (2) of 1945 Constitution of the Republic of Indonesia obliges the state to guarantee the right of freedom for every citizen to adhere to their own religion and to worship according to their religion and belief. To ensure that every follower of a religion worships and practices the religious teachings of that religion, the state is obliged to provide protection and guarantees for the halalness of products consumed, consumed, and used by Muslim consumers. Ensures in regards to halal items are made as per the standards of security, equity, legitimate conviction, responsibility and straightforwardness, viability and effectiveness as well as impressive skill. The execution of halal items is expected to give comfort, security, security and sureness of the accessibility of halal items for the general population in the utilization and utilization of halal items, as well as expanding added incentive for business associations to create and sell halal items.

In Law Number 33 of 2014 Concerning Halal Product Guarantees Article 1: "Halal Certificate is an acknowledgment of the halalness of a product issued by the Halal Product Assurance Organizing Agency based on a written fatwa issued by the MUI" If seen from the sound of the article that halal certification is a security guarantee for Muslim consumers so they can choose food lawful. Halal certification is a process in order to obtain a certificate through various examinations, stages of inspection in order to obtain evidence that the materials used and the stage of production, and a halal guarantee system for products submitted by business actors comply with the halal standards set by LPPOM MUI.(Durrotul et al., 2019) This halal certificate is a requirement for producers to obtain permission to grant halal labeling to a product from the authorized government agency. The result of this halal certificate is the issuance of a halal certificate if the inspection does not contain any prohibited materials or materials that are harmful to health. As for what is meant by the halalness of a product that is in accordance with Islamic law, namely:

- a. The ingredients used do not contain pork.
- b. The materials used do not contain prohibited ingredients, for example: materials derived from human organs, feces, blood and so on.
- c. The ingredients used come from halal animals and the slaughter must be in accordance with Islamic law.
- d. In the process of storage, processing, management and transportation that have been touched by pigs or materials that are forbidden if they have been used, clean them immediately before use. In cleaning it must be in accordance with the provisions of Islamic law.
- e. All food and drinks do not contain khamr.

In this halal certification, of course, not only domestic products are applied, but also products originating from abroad are subject to halal certification. With regard to foreign products, of course, halal certificates from foreign certificate institutions, of course there are differences because it should be noted that not all standardizations from abroad can be applied in Indonesia because Indonesia has the strictest halal restrictions and cannot be ruled out. For example, abroad, pork that has been managed is not forbidden to be consumed, but in Indonesia anything changes and is managed however it is still forbidden

for consumption. (Mushudi, 2015) Article 47 of the Law on Halal Product Assurance states that a halal certificate can be received abroad as long as it is commensurate with the halal system or standardization in Indonesia. In this case, the reality is that the implementation of certification abroad, most of which are non-Muslims, usually only uses one system of auditors, administrators and examiners.

Halal certificates are valid for four years and must be renewed 3 months before the validity period ends in accordance with Article 4 of the Halal Product Guarantee Law. Every business actor who has obtained a halal certificate for his product is required to include halal information or writing and the certificate number on the label of each product packaging. During the validity period of the halal certificate, business actors must be able to provide guarantees that all changes in terms of the use of materials, suppliers, and process technology can only be carried out with the knowledge of BPJPH which issues the halal certificate. The guarantee is stated in a system called the Halal Assurance System. The presence of an assurance of halal items is vital, given the quick improvement of science and innovation in the fields of food, medication and beauty care products. This truly affects the change in the handling and use of unrefined substances for food, refreshments, beauty care products, drugs and different items based on what was initially straightforward and normal to the handling and use of experimentally designed unrefined components.

Based on the background described above, the authors are interested in carrying out research on halal certification in a food product as an effort to protect the law against Muslim consumers in Indonesia. Through this research, the author hopes to contribute to the halal industry in Indonesia which has the opportunity to be developed. Not only that, the results of this study are also expected to provide an explanation of legal protection for Muslim consumers.

B. Research Methods

The research method used in this research is normative research. This type of research is legal research with a normative legal approach, this is said because in this study the method used to approach the problem under study is by taking into account the provisions of applicable laws and regulations or by studying existing library materials. (Soekanto & Mamudji, 2009) While the type of research used is normative research, namely research that looks at a problem by looking at the applicable laws and regulations. In the study of law, the approach used in this research is a statutory approach and a conceptual approach. The legislative approach is used to consider regulations related to consumer protection programs, namely the Consumer Protection Law Number 8 of 1999, while the conceptual approach is used because of legal problems in legal theory (concepts). In this case the concept used is the basic concept of consumer protection.

C. Discussion

Legal Protection for Muslim Consumers in Indonesia

Article 4 of Law no. 8 of 1999 regulates consumer rights. Article 4 letter a regulates the rights of consumers to comfort, security and safety in consuming goods and/or services. Regarding article 4 letter a, muslim purchasers reserve the option to utilize items that give a feeling of safety, solace, and harmony. Hence, business entertainers market items to give a feeling that everything is good, solace and harmony, business entertainers are expected to apply for a halal declaration through LPOM MUI to get a halal testament, then, at that point, fasten a halal logo on the item. In addition, article 4(c) of the Consumer Protection Law No. 8/1999 stipulates that consumers have the right to obtain accurate, clear and correct information about the condition of goods and/or services. Referring to article 4 letter c, in order to protect Muslim consumers against non-halal products, commercial organizations that produce goods/and/or services intended for trading are required to provide clear and correct information showing that products marketed as halal products include the Logo MUI Halal Certificate. The motivation behind the MUI halal certificate logo is to give lawful and strong assurance to the privileges of Muslim shoppers for non-halal items. Keep Muslim shoppers from consuming non-halal items.

If a food and beverage product is not Halal based on the Law on Halal Guaranteed Products, business actors are required to affix a label to the non-Halal food and beverage product. Signs can be pictures, as in Bali, where food and drinks that contain elements of a pig have a picture of a pig. This means that traders are honest, since in the customer assurance regulation merchants are expected to give data about the organization of the food and drink items. Similarly as Indonesian business entertainers who market food and refreshment items give clear and right data about the organization and nature of halal food and drink items that are showcased to safeguard the freedoms of Muslim customers to non-halal items.(Syafrida, 2016)

In other cases, legal protection can also be understood as an action or effort to protect every community from threats or arbitrary actions, in order to create a peaceful and peaceful situation. What is meant by consumer protection is an effort to guarantee legal certainty in understanding and protecting consumers in the use of products, services and goods circulating in the community. In the explanation contained in the Elements of the Consumer Protection Law (UUPK), Article 2 to be precise, contains several principles, namely the principles of justice, fairness, balance between safety and security, safe and secure for consumers and obtain legal certainty, but currently The five principles are divided into: 3 (three) principles, namely of course one law, publicity of the application of law and balance of law. In this case, it has a goal, namely a will to achieve consumer protection which has the objectives of 1) increasing capabilities; 2) raise awareness; 3) protect yourself; 4) increase independence; 5) avoid negative impacts; 6) increase consumer empowerment; 7) protect consumers; 8) get benefit; 9) obtain legal certainty m; 10) get information; 11) get security; 12) get comfort; 13) get safety.

The purpose of ratifying the Law on Halal Product Guarantee Number 33 of 2014 (UU JPH) is to ensure that every person of religion can follow religious recommendations and worship properly, and provide guarantees and protection for products that are halal and can be consumed and used in society according to with the principles of justice, legal protection, security, transparency, efficiency, effectiveness, professionalism and responsibility. Not only that, it aims to make people feel safe and comfortable when

consuming every product that is used daily with this halal product. In this case, ensuring the halal status of an item is vital while thinking about the ongoing mechanical and logical advances in the fields of medication, food and cosmetics which are increasingly developing, such as aerospace. Because this happens, every human being and every society consumes beauty products in their daily needs to carry out their daily activities.

Therefore, halal products in the beauty sector must exist, to protect consumers from this beauty practice. The presence of the JPH Law in Indonesia aims to empower consumers with various efforts ranging from increasing consumer awareness, interest, knowledge and independence in choosing the product to be purchased and consumers must be able to assert their rights as consumers who are disadvantaged. The aim of the JPH law is to create consumer protection regulations that contain elements of legal certainty and clarity of information so that commercial organizations realize that providing good information about products or having halal certificates during production is very important. as well as providing a halal label on product packaging so as to promote honesty and responsibility in the effort to create quality products or services for the safety, comfort, safety and health of consumers.

However, there are still many food and beverage products circulating in the community that do not yet have a halal logo, or the halal logo is still controversial. Items without a halal logo are not really haram, similarly as items with a halal logo are not really halal, in light of the fact that the chance of non-halal items isn't shut. In Islamic regulation, what is viewed as halal isn't just the substance, however the creation cycle from upstream to downstream should be liberated from substances precluded by Islamic regulation. Capacity of halal items may not be nearby halal items, implying that the capacity region for halal items should be isolated from non-halal items. Likewise, tools used to prepare Halal products should not be used with non-Halal products. Halal certificates not only provide the benefit of legal protection for Muslim consumer rights to non-halal products, but also increase the selling value of products by commercial bodies, in the interest of consumers who will no longer hesitate to buy products marketed by commercial bodies. The halal certificate logo provides legal certainty to Muslim consumers that the product is halal according to Islamic law.

D. Conclusion

Halal certification is a product in the law to establish consumer protection, especially for Muslim consumers, with the discovery of a halal certificate, the benefits and positive impacts obtained by consumers are various types of halal food products which can ultimately provide safety and comfort to consumers. if one day will use the product. In addition, users must obtain legal certainty as well as legal protection, while for producers with halal certification for their products, it will greatly increase consumer trust and satisfaction with the products traded so that the image and competitiveness of the company will increase. Halal certification is also a form of producer responsibility to consumers that the products traded are products that are fit for consumption according to the Shari'a. Maintaining religion, soul, mind, lineage, and related property brings goodness and benefits and of course keeps it away from harm. In addition, it also regulates the consequences of a law such as criminal sanctions such as imprisonment and sanctions such as fines that will be obtained for business actors if they do not comply with the rules

by not registering a halal certificate on their products. It would be nice if business actors registered their products with official institutions to get halal products.

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