

FOOD SECURITY INNOVATION IN HALAL CERTIFICATION REGULATION ON FOOD PRODUCTS (BETWEEN LPPOM MUI AND BPJPH MINISTRY OF RELIGION)

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***Abstract:** The issue in this study is that regulations on halal certification have a very large role in supporting the national food security program. Halal certification on products is very important for consumers because in some cases people are reluctant to buy food products that do not have a halal label on their packaging. The government ratified Law Number 33 of 2014 concerning Halal Product Guarantee (UU JPH) which after being investigated it turned out that the JPH Law did not strengthen the existence of LPPOM MUI, but gave authority to the Government or the Ministry of Religion to form a new institution other than LPPOM MUI, namely the Product Assurance Organizing Body. Halal (BPJPH). The research objective to be achieved from this research is to ensure that BPJPH can cooperate with MUI in terms of halal auditor certification and the determination of halal products in order to support national food security. This study uses a normative juridical legal research method, this research is descriptive analytical and uses primary data sources and secondary data sources. The key finding of this research is that the authority of the MUI remains important because MUI is the institution authorized to issue a fatwa on the determination of the halalness of a product which is then submitted to BPJPH as the basis for issuing a halal certificate. The importance of this research to be discussed because with the union of the two institutions, hopefully in the future Indonesia will become the center of world halal products with various products made in Indonesia so that national food security will be maintained.*

***Keywords:** Islamic Law, Halal Food, Food Security*

Introduction

Food is a basic human need whose fulfillment is a human right and cannot be postponed and cannot be substituted with other materials. This is stated in the Universal Declaration of Human Rights in 1948, that "the right to food is an inseparable part of human rights". Food is also part of culture which is an adaptation between humans and their environment. To realize quality human resources, food is needed as a basic component, it is also the main pillar of national development that plays a role in maintaining social, economic and political stability. Fulfilling food needs will help the problem of Indonesia's human resource crisis. By eradicating this problem, the problem of the low quality of Indonesian human resources can be further improved. This

includes halal food as part of food that is fit for public consumption.¹ The halalness of a food and beverage product is a mandatory requirement for every consumer, especially Muslim consumers. Be it in the form of food products, beverages, medicines, and other products. Along with the large quantity of Indonesian Muslim consumers, which currently reach 204.8 million people, the Indonesian market naturally becomes a very large Muslim consumer market. Therefore, the guarantee of halal products is an important thing to get significant attention from the State. As stated in the Preamble to the 1945 Constitution of the Republic of Indonesia which states that the state is obliged to protect the entire Indonesian nation and the entire homeland of Indonesia and to realize the general welfare. Continuing from this in the current food industry, food ingredients are processed through various new processing techniques and methods by utilizing the development of science and technology, so that they become products that are ready to be marketed and consumed by people around the world. However, most of the world's food industry and food technology products do not implement a halal certification system. This raises concerns that in the face of free trade at regional, international and global levels, Indonesia is being flooded with food products that contain or are contaminated with haram elements. In processing, storage, handling, and packing techniques, preservatives that are harmful to health are often used or additives containing haram elements which are prohibited in Islam.²

Continuing from the above, halal and haram are one of the sensitive issues in Islam because halal and haram can be said to be legal substances and law is a central problem in Islam.³ This is an ironic thing because as a result Islam is often narrowed down to a problem between halal and haram only. Apart from this reduction, it is clear that halal and haram laws are an important issue for the Islamic community so that it is a necessity. The size of the level of need is relative, depending on the level of proximity of the thing being judged to people's lives. Normatively what is lawful and which is unlawful, as stated by the Prophet Muhammad SAW is actually quite clear, although some of the clear ones are vague. At the time of the Prophet Muhammad SAW and in subsequent periods before science progressed, perhaps it was not too difficult to distinguish which food products were halal and which food products were haram, so that not many were vague. However, this is not the case with the current conditions, where science and technology have presented various food, beverage, cosmetic and medicinal products. Ordinary people can no longer easily recognize how and what materials are used. In addition to the raw materials used to make processed products, the method of making them is also very difficult to detect. Sometimes the raw material is halal, but in the processing process it requires assistance from haram ingredients, so that there is a mixture of halal and haram. Information about the process cannot be conveyed through the packaging, or perhaps there is an intention to hide it. With the various conditions above, it could be said that things that were of a vague status were becoming increasingly more and more elevated. This situation is certainly not profitable in terms

¹Muhamad Muslih. *Ketahanan Pangan dan Halal Food dalam Hukum Islam*, Media Edukasi Indonesia, Tangerang, 2020, Page 9.

²May Lim Charity, "Jaminan Produk Halal di Indonesia (Halal Products Guarantee in Indonesia)", dalam *Jurnal Legislasi Indonesia*, Vol. 14, No. 01, Maret 2017 (99-108), hal. 100. Diakses pada 1 September 2019, pukul 22.00 WIB. <http://e-jurnal.peraturan.go.id/index.php/jli/article/download/77/pdf>

³Christopher Melchert, *The Formation of The Sunni School of Law 9-10 Centuries*. Leiden: Brill, 1997, hal. xii.

of consistent implementation of religious teachings. Moreover, in a country with a majority Muslim population like Indonesia, the issue of halal and haram should be seen as one of the rights of the people and an obligation for the state as well to fulfill it.⁴

Continuing from the above problems, product halal certification and marking in the international trade system has received great attention both in order to provide protection for Muslim consumers around the world, as well as a strategy to face the challenges of globalization with the enactment of a free market system within the ASEAN-AFTA framework. NAFTA, the European Economic Community, and the International Trade Organization (World Trade Organization). The international trade system has long known halal provisions in CODEX which is supported by influential international organizations including WHO, FAO, and WTO. The current halal lifestyle has hit the world because it is not only symptomatic in countries with a majority Muslim population, but also in countries with a non-Muslim majority population. Global-scale companies are also currently implementing a halal system. Call it like Japan Airlines, Singapore Airlines, Qantas, America Airlines, which provide a halal menu (Moslem meal). Halal symptoms have also penetrated America, Australia, Japan, China, India, and Latin American countries.⁵

Then later in India, the implementation of halal product certification experienced a conducive development and positive reception from the local community.⁶ Then a number of restaurants in New Zealand are also very concerned about the importance of the availability of halal products in connection with the arrival of tourists from Muslim countries. However, the majority of the ninety-nine restaurants studied refused to promote halal food products on the grounds that it was not profitable for their restaurant business. In the Netherlands as in other European countries, the market for halal food products is growing, in accordance with Islamic food laws. Japan also has very serious attention to the halal trend. One of the indications is the holding of the Japan Halal Expo which contains halal products made in Japan.⁷

In Indonesia, at first, halal certification was a civil society movement supported by the state, namely LPPOM MUI. Its main purpose is to protect Muslims from illicit goods. However, with the issuance of Law Number 33 of 2014 concerning Halal Product Assurance, the handling of halal certification will be carried out by a state institution, namely the Halal Product Guarantee Agency (BPJPH). The existence of this new institution does not give a positive impression, but has a negative impact, namely the dualism of the institution that does not want to be secondary. In fact, the stubborn attitude and ego between the two institutions should be eliminated in order to achieve a better common goal considering the time for the implementation of the halal product certification obligation that is getting closer. Especially with the MUI lawsuit to the Constitutional Court regarding the JPH Law regarding the loss of MUI's full authority in issuing halal certification. Actually, the authority of the MUI is still important because

⁴Muh. Zumar Aminudin, "Sertifikasi Produk Halal: Studi Perbandingan Indonesia dan Thailand", dalam *Jurnal Shahih*, Vol. I, No. I, Januari-Juni 2016 (2527-8118), hal. 28. Diakses pada 1 September 2019, pukul 21:57 WIB. <http://ejournal.iainsurakarta.ac.id/index.php/shahih/article/download/52/44>

⁵Asrorun Ni'am Sholeh, "Halal Jadi Tren Global", dalam *GATRA*, Edisi 29 Juli 2015, hal. 34-35.

⁶Yasmin Saeed and James Ondracek, "Dakota Halal Processing: A Case Study and Halal Food Management Framework", dalam *Delhi Business Review*, Vol. 5, No. 2, July - December 2004, (33-45).

⁷Wan Melissa, Wan Hassan, and Khairil Wahidin Awang, "Halal Food in New Zealand Restaurants: An Exploratory Study", dalam *International Journal of Economics and Management*, Vol. 3, No. 2, 2009, (385-402).

MUI is the institution authorized to issue a fatwa on the determination of the halalness of a product which is then submitted to BPJPH as the basis for issuing a halal certificate. With the union of the two institutions, it is hoped that in the future Indonesia will become the center of world halal products with various products made in Indonesia so that national food security will be maintained.⁸ Food security is a condition of fulfilling food for households which is reflected in the availability of food that is quite good in quantity, quality, safe and evenly distributed and affordable. Thus, the notion of food security can be said as the fulfillment of the nutritional needs of each individual in quantity and quality in order to live a healthy and quality life in order to fulfill his most humanistic aspirations throughout his lifetime.⁹

Method

This research uses Sociological Normative and Juridical Normative legal research methods. This research is descriptive analytical and uses Primary Data Sources and Secondary Data Sources. Descriptive in this study is a description of the situation, conditions, circumstances, and realities that exist in the institutional structure of LPPOM MUI and BPJPH as well as the Indonesian legal community as objects that will be affected. Then analyze what the problem is in order to find a solution to the problem. The source of the data used in this study was obtained from the Research Library (Library Research).

The normative jurisprudence in this study is in the form of a discussion of several laws and regulations made by the government that are enacted to regulate the formation of institutions under the authority of the MUI and under the Ministry of Religion. Sociological Normative Research on law constructs law as a system of laws and regulations that have existed so far and then constructed in a society's behavior. Sociological research on law observes how the law lives in the community and what is the characteristic of a community's behavior in an area in an aspect of social life to be further described, compiled, and analyzed descriptively to get a complete picture of the relationship between interests. and all the values held and believed by the people in the area.¹⁰

Analytical descriptive in this research is research that aims to make a systematic, factual, and accurate description of the facts, characteristics, and relationships of the phenomena being investigated. The data in this study were collected, classified, and arranged in a narrative form and then analyzed qualitatively.¹¹

⁸Muh. Zumar Aminudin, "Sertifikasi Produk Halal: Studi Perbandingan Indonesia dan Thailand", dalam *Jurnal Shahih*, Vol. I, No. I, Januari-Juni 2016 (2527-8118), hal. 27. Diakses pada 1 September 2019, pukul 21:57 WIB. <http://ejournal.iainsurakarta.ac.id/index.php/shahih/article/download/52/44>

⁹Palmawati Tahir, Muhamad Muslih, and Rani Sri Agustina, "Mui Halal Certification On Milkfish Satay As An Effort To Support National Food Security" in *Legal Standing Jurnal Ilmu Hukum*, Vol. 4, No. 1, Maret 2020 (233-246), p. 237. DOI : 10.24269/ls.v4i1.2670 <http://journal.umpo.ac.id/index.php/LS/article/view/2670>

¹⁰Mukti Fajar dan Yulianto Achmad, *Dualisme Penelitian Hukum Normatif dan Empiris*, Pustaka Pelajar, Yogyakarta, 2010, hal. 48.

¹¹Soerjono Soekanto, *Metodologi Research*, Andi Offset, Yogyakarta, 1998, hal. 3.

Findings and Discussions

1. Findings

Halal certification regulations in Indonesia have a long history because there are several policies that govern them. The handling of halal product certification in Indonesia can be seen from the provisions of the legislation that was passed in the past few years. Some of them are Act Number 7 of 1996 concerning Food, Act Number 8 of 1999 concerning Consumer Protection and Government Regulation Number 69 of 1999 Concerning Food Labels and Advertisements, and most recently Act Number 33 of 2014 concerning Halal Product Guarantee . The rules in Law Number 7 of 1996 concerning Food and Government Regulation Number 69 of 1999 Concerning Food Labels and Advertisements above the conclusion is first, the provisions regarding the halal status of a product are sufficient with the statement that the product is halal and this information is self-listed by the manufacturer . Second, there is no need for a special institution to certify halal products because the producers themselves include halal information on their products.¹²

A few years later there was a positive response to the importance of certification and the inclusion of halal marks on food and other products by the Indonesian government with the issuance of several laws and regulations. However, these laws and regulations appear to be partially issued, inconsistent, and seem to overlap, and are not systemic related to the certification and inclusion of halal marks. Therefore this arrangement has not provided legal certainty and legal guarantees for the Islamic community in regard to food and other halal products. Continuing from this there are several laws whose implementation regulations still do not provide legal certainty and have not provided legal guarantees to the Islamic community to recognize food and other halal products, namely Law Number 23 of 1992 concerning Health, Law Number 7 of 1996 concerning Food, Law Number 6 of 1967 concerning Basic Provisions on Animal Husbandry and Animal Health, and Law Number 8 of 1999 concerning Consumer Protection. Indonesia as a country that has a population that is mostly Muslim, should provide legal certainty and legal guarantees for halal food and other products is *conditio sine qua non*. The halal guarantee of a food product can be realized in the form of a halal certificate that accompanies a food product so that producers can put the halal logo on their packaging.¹³

Then, a few years later, the regulation of halal certification examination is the authority of the Ministry of Religion. The Ministry of Religion has issued Minister of Religion Decree No. 518 of 2001 concerning Guidelines and Procedures for Examination and Determination of Halal Food. Then followed by Minister of Religion Decree No. 519 of 2001 concerning the Halal Food Examination Implementing Agency which appoints and accelerates the implementation of halal certification to the Indonesian Ulama Council for the Study of Medicines and Cosmetics (LPPOM MUI).¹⁴

¹²Muh. Zumar Aminudin, "Sertifikasi Produk Halal: Studi Perbandingan Indonesia dan Thailand", in *Jurnal Shahih*, Vol. I, No. I, January-June 2016 (2527-8118), page 29. Accessed September 1, 2019, at 21:57 WIB. <http://ejournal.iainsurakarta.ac.id/index.php/shahih/article/download/52/44>

¹³Anton Apriyantono dan Nurbowo, *Panduan Belanja dan Konsumsi Halal*, Jakarta: Khairul Bayaan, 2003, page 24.

¹⁴Susilowati Suparto, Djanurdi, Deviana Yunitasari, dan Agus Suwandono, "Harmonisasi dan Sinkronisasi Pengaturan Kelembagaan Sertifikasi Halal Terkait Perlindungan Konsumen Muslim Indonesia", in *Mimbar Hukum*, Vol. 28, No. 3, October 2016 (427-438), page 428. Accessed September

Then a few years ago Law Number 33 of 2014 concerning Halal Product Guarantee was born. In an effort to meet the expectations of the Muslim community, especially with regard to the certainty of halal food products, with the Law Number 33 of 2014 this authority is held by the Halal Product Guarantee Agency. This is in accordance with the mandate of the law and this is reinforced by the Director of Islamic Affairs and Sharia Development, according to him the Halal Product Guarantee Agency (BPJPH) will later have the authority to formulate and determine the Halal Product Guarantee policy. It also has the authority to establish the norms, standards, procedures and criteria for the guarantee of halal products. This was revealed by the Director of Islamic Affairs and Sharia Development of the Ministry of Religion, Muhammad Tambrin when delivering material at the Journalistic Workshop held by the Ministry of Religion's Information and Public Relations Center (PINMAS) at the Ministry of Religion of the Republic of Indonesia.¹⁵ Then the common thread can be taken that the existence of a body tasked with carrying out halal products is in response to public unrest. Then the existence of a government agency, it is hoped that the product certification process circulating in Indonesia will be able to be carried out at low cost. Where so far high costs have become obstacles and complaints for most producers who will register their respective products to get halal certificates.¹⁶

2. Discussions

A. Essence Of Law No. 33 Of 2014 Concerning Halal Product Guarantee

Halal food product becomes a mandatory requirement for every consumer, especially Muslim consumers. In the international trade system the issue of certification and marking of halal products received good attention in order to provide protection to Muslim consumers as well as strategies to face the challenges of globalization. In Indonesia legislation was established long before the birth of Law Number 33 of 2014 concerning Halal Product Guarantee (JPH Law). With this regulation, it is increasingly emphasized how urgent the issue of halal and haram in the production chain from businesses to consumers is a tangible manifestation of the state in protecting consumers.¹⁷

A positive response to the issue of halal especially related to food, medicines, and cosmetics has been carried out by the Indonesian government with the issuance of several laws and regulations. However, these regulations are made partially, inconsistently, seemingly overlapping, and not systemic so that technically cannot be used as a strong legal umbrella and specifically can only bind to the issue of halal products to producers (business actors) and there is no guarantee to consumer. This is the reason why there is no guarantee of legal certainty governing halal products, even

2, 2019, at 07.40 WIB. <https://media.neliti.com/media/publications/114843-ID-harmonisasi-dan-sinkronisasi-pengaturan.pdf>

¹⁵Pusat Informasi dan Hubungan Masyarakat, *Kementerian Agama tentang Wewenang Jaminan Produk Halal*, Jakarta, November 10, 2016.

¹⁶Saan, "Penyelenggaraan Jaminan Produk Halal Berdasarkan Undang-Undang Republik Indonesia Nomor 33 Tahun 2014 Tentang Jaminan Produk Halal", in *Jurnal Hukum Replik*, Vol. 6, No. 1, March 2018, page 47. Accessed September 1, 2019, at 23.00 WIB. <http://jurnal.umt.ac.id/index.php/replik/article/download/1177/739>

¹⁷May Lim Charity, "Jaminan Produk Halal di Indonesia (Halal Products Guarantee in Indonesia)", in *Jurnal Legislasi Indonesia*, Vol. 14, No. 01, March 2017 (99-108), page 99. Accessed September 1, 2019, at 22.00 WIB. <http://e-jurnal.peraturan.go.id/index.php/jli/article/download/77/pdf>

though the need for halal product guarantees is a necessity and very urgent, especially in relation to consumer protection and the global trade scene. The birth of Law No. 33 of 2014 concerning Halal Product Guarantee (UUJPH) further emphasizes the urgency of halal and haram issues 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 end consumer. The enactment of UUJPH aims to ensure that consumers or the wider community can get legal certainty on food products and other consumer goods. As for business people, the presence of UUJPH provides guidance on how to process, produce, and market products to the consumer community, as well as how to make halal product information to consumers.¹⁸

Actually UUJPH is not only intended to provide protection and guarantee to consumers only by providing halal certification. Producers also reap the benefits of this Act by providing legal certainty for all goods produced, so UUJPH will have a positive impact on the business world. Halal product guarantee for each product can also provide benefits to the company, considering that halal-certified products will be preferred and favored by consumers so as to increase sales. This is not only in demand by Muslim communities but also non-Muslim communities, because non-Muslim communities assume that halal products are proven to be of good quality and are very good for the health of the human body.¹⁹

Law No. 33 of 2014 concerning Halal Product Assurance (JPH Law) is the most concrete and comprehensive product of statutory regulations regarding certification of halal products, because it is indeed a special law on the matter. The issuance of this Act can be said as a new era in handling halal certification in Indonesia. Some provisions of Law No. 33 of 2014 concerning Guarantees of Halal Products includes article 4 stating that products that enter, circulate and trade in Indonesia must be halal certified. Furthermore Article 5 paragraph 1 of the JPH Law mandates the establishment of a Halal Product Guarantee Agency (BPJPH) which according to paragraph 5 the provisions regarding the functions, duties and organizational structure of BPJPH are regulated in a Presidential Regulation. BPJPH's authority is in formulating and stipulating JPH policies, establishing norms, standards, procedures and criteria of JPH, establishing and revoking halal certificates on foreign products and registering halal certificates on foreign products.²⁰

The main points contained in Law Number 33 of 2014 concerning Halal Product Guarantee include the first, to guarantee the availability of halal products, then the ingredients of products declared as halal are determined, both ingredients derived from raw materials of animals, plants, microbes, and materials which is produced through chemical processes, biological processes, or genetic engineering processes. In addition, PPH is also determined which is a series of activities to guarantee the halalness of the Product which includes the supply of materials, processing, storage, packaging,

¹⁸May Lim Charity, "Jaminan Produk Halal di Indonesia (Halal Products Guarantee in Indonesia)", in *Jurnal Legislasi Indonesia*, Vol. 14, No. 01, March 2017 (99-108), page 101. Accessed September 1, 2019, at 22.00 WIB. <http://e-jurnal.peraturan.go.id/index.php/jli/article/download/77/pdf>

¹⁹Ma'ruf Amin, *Fatwa Produk Halal Melindungi dan Menentramkan*, Jakarta: Pustaka Jurnal Halal, 2010, page 79.

²⁰Muh. Zumar Aminudin, "Sertifikasi Produk Halal: Studi Perbandingan Indonesia dan Thailand", in *Jurnal Shahih*, Vol. I, No. I, January-June 2016 (2527-8118), page 30. Accessed September 1, 2019, at 21:57 WIB. <http://ejournal.iainsurakarta.ac.id/index.php/shahih/article/download/52/44>

distribution, sale and presentation of the Product; secondly, this Law regulates the rights and obligations of business actors by providing exceptions to business actors producing products from materials derived from substances that are forbidden with the obligation to explicitly include non-halal information on product packaging or in certain parts of products that are easily seen, read, not easily erased, and is an inseparable part of the product; third, in the framework of providing public services, the government is responsible for organizing JPH, the implementation of which is carried out by BPJPH. Then in exercising its authority, BPJH cooperates with relevant ministries and institutions namely MUI and LPH; fourth, the procedure for obtaining halal certificates begins with the submission of the application for halal certificates by business actors to BPJPH, then subsequently BPJPH checks the completeness of documents. The inspection and testing of the halal product is carried out by LPH which must first obtain accreditation from BPJH in collaboration with MUI. Furthermore, the determination of the halal product is carried out by the MUI through the MUI halal fatwa session in the form of a Halal Product Determination decision signed by the MUI. Then subsequently BPJPH issued a Halal Certificate based on the decision on the Determination of Halal Products from the MUI; fifth, the cost of halal certification is borne by business actors applying for halal certification. In order to expedite the implementation of JPH, this law provides a role for other parties such as the government through the state income and expenditure budget, local governments through the regional income and expenditure budget, companies, social institutions, religious institutions, associations, and communities to facilitate certification costs Halal for micro and small business actors; sixth, in order to guarantee the implementation of JPH, BPJPH conducts supervision on LPH related to the validity period of halal certificate, product halal, inclusion of halal label, inclusion of non-halal information, separation of location, place, and processing equipment, storage, packaging, distribution, sale, sale , as well as the presentation between halal and non-halal products, the presence of halal supervisors, and other activities related to JPH; seventh, to ensure law enforcement against violations of this law, administrative sanctions and criminal sanctions will be determined.²¹

It is clearly seen that in the Principle of Law Number 33 Year 2014 concerning Halal Product Guarantee, this BPJH institution must cooperate with MUI in terms of Halal Product Guarantee. This halal product guarantee is a legal certainty on the halal status of a product as evidenced by the existence of a halal certificate. Based on this, it can be understood that the guarantee of halal products is an inseparable part of a series of processes to obtain halal certificates.²² The series of processes begins with the implementation of halal product guarantees in the form of materials and the process of halal products in producing these products so that in the end they receive a halal certificate. Actually the definition of halal product guarantee is not much different from the understanding of the halal guarantee system which is a management system that is prepared, implemented and maintained by halal certificate holder companies to maintain the continuity of the halal production process in accordance with the provisions of LPPOM MUI. Halal product guarantee is a form of legal certainty on the halal product as evidenced by halal certificate in which the halal certificate is issued by the Halal Product Guarantee Agency through a written fatwa from MUI. Halal product guarantee

²¹Taken from Undang-Undang No. 33/2014 about Halal Product Guarantee.

²²Undang-Undang No. 33/2014 about Halal Product Guarantee Pasal 1.

with a halal product guarantee system has only a slight difference from the institutions that issue halal certificates.²³

B. Halal Certification Providers

1. Indonesian Ulema Council (MUI)

Based on the facts about the circulation of food and beverages in Indonesia, the certification and marking of halal new products reach a small number of producers in Indonesia. Data from the Indonesian Food and Drug Administration (BPOM) in 2005 showed that no more than 2,000 products had requested halal markings. While data from the Indonesian Ulema Council LPPOM shows that until 2009 it had succeeded in certifying 75,514 products in the form of national products and products imported from outside. Then the number of halal-certified products in the following year is 21,837 products or an increase of 100% compared to 2009 and the application for halal certification during the last 11 years is no more than 8,000 products from 870 producers in Indonesia.²⁴

Article 1 number 7 of Law Number 33 of 2014 concerning Halal Product Guarantee states that the Indonesian Ulema Council (MUI) is a forum for deliberations for scholars, and Muslim scholars. This MUI is a non-governmental organization that houses Islamic scholars and scholars in Indonesia to guide, foster and protect Muslim communities throughout Indonesia. Indonesian Ulema Council was established on 7 Rajab 1395 Hijri, to coincide with July 26, 1975 in Jakarta. The momentum of the establishment of the MUI coincided when the Indonesian nation was in a phase of revival after 30 years of independence. The nation's energy has been absorbed a lot in the group's political struggle and less concerned with the issue of the people's spiritual well-being. In its twenty-five years journey of the Indonesian Ulema Council as a forum for deliberation, Muslim scholars and scholars sought to achieve several goals, including providing guidance and guidance to Indonesian Muslims in realizing religious and community life blessed by Allah SWT; provide advice and edicts on religious and social issues to the government and the public, conduct religious activities for the realization of the Islamiyyah Islamiyah and harmony among religious communities in strengthening the unity and integrity of the nation; liaise between ulama and government and reciprocal translators between the ummah and the government in order to succeed national development; improve relations and cooperation between organizations, Islamic institutions and Muslim scholars in providing guidance and guidance to the community especially the Islamic community by holding consultations and information reciprocally. Then afterwards the khittah of the Indonesian Ulema Council's service had been formulated in five main functions and roles of the MUI namely as the heirs of the duties of the Prophets (warasatul anbiya); as a giver of fatwa (mufti); as a guide and servant of the people (ri'ayat wa khadim al-ummah); as the islah wa al tajdid movement; and as the enforcer of amar ma'ruf nahi munkar.²⁵

²³Lembaga Pengkajian Pangan, Obat-Obatan dan Kosmetika Majelis Ulama Indonesia, *Panduan Umum Sistem Jaminan Halal LPPOM-MUI*, Jakarta: LPPOM-MUI, 2008, page 7.

²⁴Kementerian Agama, *Laporan Hasil Penelitian Perilaku Komunitas Muslim Perkotaan Dalam Mengsumsi Produk Halal*, Badan Litbang dan Diklat, 2011, page 14.

²⁵Saan, "Penyelenggaraan Jaminan Produk Halal Berdasarkan Undang-Undang Republik Indonesia Nomor 33 Tahun 2014 Tentang Jaminan Produk Halal", in *Jurnal Hukum Replik*, Vol. 6, No. 1, March 2018, page 48. Accessed September 1, 2019, at 23.00 WIB. <http://jurnal.umt.ac.id/index.php/replik/article/download/1177/739>

Furthermore, after Law Number 33 of 2014 concerning Halal Product Guarantee, it has changed the existence of halal product certificates from facultative to imperative, especially products originating from outside. In the past halal information could not even be called facultative because the state did not give orders or recommendations. The state does not give a choice so that producers or business people give halal information. The profit of the producer from the inclusion of halal information can be on the marketing side. Indonesian society, which is predominantly Muslim, is a clear market for halal goods. At that time, indeed not all Indonesian Muslims questioned the issue of halal and haram because only the level of obedience of a person could determine that. With the inclusion of halal information the needs of devout Muslims will be met, while those who do not obey are also not disturbed, the inclusion of halal information feels more beneficial. Continuing from this, the issue of halal and haram is a sensitive issue for the Islamic community while in the other side the country lacks a response. So that when a civil society movement emerges led by MUI through LPPOM, the institution that has the responsibility to protect Muslims has the initiative to provide halal certificates for products marketed in Indonesia. Judging from its history, the Indonesian Ulema Council (MUI) was established as a result of meetings and deliberations of scholars and scholars who came from various parts of the country which included twenty-six scholars representing twenty-six provinces in Indonesia at that time. Ten scholars who are elements of the central Islamic mass organizations are NU, Muhammadiyah, Islamic Syarikat, Al-Washliyah, Math'laul Anwar, GUPPI, PTDI, DMI, and Al Ittihadiyyah. Then four clerics from the Islamic Spiritual Service, the Army, Air Force, Navy, and POLRI as well as thirteen figures and intellectuals who were individual figures. The establishment of the LPPOM MUI is based on the mandate of the government or in this case the State so that the Indonesian Ulema Council plays an active role in defusing cases of pork fat in Indonesia that occurred in 1988 and at that time became a widespread issue in Indonesian society.²⁶

Responding to the above needs and encouraged with the responsibility to protect the community, the Indonesian Ulema Council (MUI) established the Food, Drug and Cosmetics Assessment Institute of MUI (LPPOM MUI) on January 6, 1989 in an effort to provide certainty regarding the halalness of a product food, medicine and cosmetics. LPPOM MUI halal certification activities for food products began in 1994. While on the consumer side in 1999 was born Law No. 8 on Consumer Protection which gives attention to the guarantee of halal products (JPH). In this law, consumers are given the right to comfort, security, and safety in consuming goods and services, as well as giving obligations to businesses to provide true, clear, and honest information about the conditions and guarantees of goods and services. Business actors are also prohibited from producing and trading goods and services that do not follow the halal production requirements, as stated in the halal statement on the label. The existing regulations indeed mention Halal Product Guarantee, but are considered ambiguous. Therefore, in 2006, the Indonesian Parliament, through an initiative of proposals, proposed a Bill on Halal Product Assurance. Then after 8 years of deliberation, the bill could finally be passed by the DPR into Law Number 33 of 2014 concerning Halal Product Guarantee

²⁶Muh. Zumar Aminudin, "Sertifikasi Produk Halal: Studi Perbandingan Indonesia dan Thailand", in *Jurnal Shahih*, Vol. I, No. I, January-June 2016 (2527-8118), page 31. Accessed September 1, 2019, at 21:57 WIB. <http://ejournal.iainsurakarta.ac.id/index.php/shahih/article/download/52/44>

(JPH Law) on October 17, 2014. This law is expected to provide legal certainty for consumers, especially the public Muslim as the biggest consumer.²⁷

2. Halal Product Guarantee Agency (BPJPH)

Awareness of halal products has become part of the needs of the lives of Indonesian Muslim communities, so it is very easy to find halal products in Indonesia and even easier to get halal products than those that are haram. The orientation of halal certification in Indonesia is dominated by motivation to protect Muslim communities themselves. Halal certification in Indonesia was originally a civil society movement. But in its development it experienced a shift as the author alluded to above. If up to now halal certification has been handled by LPPOM MUI which is a non-governmental organization, since the birth of the Halal Product Guarantee Act, the handling of this certification has become the country's authority through the Halal Product Guarantee Agency (BPJPH) which is a state institution. This means that the role of civil society is reduced and even marginalized. MUI still has the authority to determine halal and haram but the formal process, both its scientific examination and the issuance of halal certificates, is the authority of BPJPH. Although until now it has not been realized, but in time it will be realized in accordance with the specified time. If we look at this reality further, in Indonesia Islam and the state seem to have become one, so it is common when the state deals with other Islamic and religious issues. However, from the perspective of civil society, the policy on handling halal certificates by this state institution is deemed inappropriate.²⁸

Based on the Decree of the Minister of Religion No. 518 of 2001 concerning the Guidelines and Procedures for Examination and Determination of Halal Food Article 1 letter d, halal certificate is issued by the examining institution. In this case the government does not determine who is meant by the inspection body, but only sets the criteria. Then after a few years passed, it began to be seen that the era of civil society in the process of handling halal certification was threatened to end with the enactment of the JPH Law. Based on the mechanism stipulated therein the important role holder in the process of handling halal certification is the Halal Product Guarantee Agency (BPJPH). This body was formed by the government, or in other words is a government-owned institution.²⁹

Halal Product Guarantee Agency (BPJPH) is an institution formed and given the authority to hold halal product guarantees in Indonesia. The purpose of providing halal product guarantees is to provide comfort, security, safety and certainty of the availability of halal products for the community. This BPJPH is under the Minister of Religion and is responsible to the Minister of Religion. BPJPH in holding halal product guarantees has the authority in formulating and implementing halal product guarantees,

²⁷Saan, "Penyelenggaraan Jaminan Produk Halal Berdasarkan Undang-Undang Republik Indonesia Nomor 33 Tahun 2014 Tentang Jaminan Produk Halal", in *Jurnal Hukum Replik*, Vol. 6, No. 1, March 2018, page 46. Accessed September 1, 2019, at 23.00 WIB. <http://jurnal.umt.ac.id/index.php/replik/article/download/1177/739>

²⁸Muh. Zumar Aminudin, "Sertifikasi Produk Halal: Studi Perbandingan Indonesia dan Thailand", in *Jurnal Shahih*, Vol. I, No. I, January-July 2016 (2527-8118), page 37. Accessed September 1, 2019, at 21:57 WIB. <http://ejournal.iainsurakarta.ac.id/index.php/shahih/article/download/52/44>

²⁹Muh. Zumar Aminudin, "Sertifikasi Produk Halal: Studi Perbandingan Indonesia dan Thailand", in *Jurnal Shahih*, Vol. I, No. I, January-July 2016 (2527-8118), page 32. Accessed September 1, 2019, at 21:57 WIB. <http://ejournal.iainsurakarta.ac.id/index.php/shahih/article/download/52/44>

establishing norms, standards, procedures and criteria for halal product guarantees, and issuing and revoking halal certification and halal labels. BPJPH in carrying out its authority in collaboration with relevant ministries and institutions, for example with the Indonesian Ulema Council (MUI) and the Halal Examination Institution (LPH). The coordination relationship between BPJPH and the Food and Drug Supervisory Agency is related to the examination and testing of halal products. Collaboration that can be carried out is related to BPOM's authority in supervising products that are circulating in the community. BPOM can carry out examination and testing of products (food) that have been circulating in the community, both those that are halal certified or not halal certified. This examination and testing is related to the composition of the ingredients contained in the product.³⁰

Halal Product Guarantee Agency (BPJPH) is a body formed by the government (Ministry of Religion) to organize Halal Product Guarantee (JPH). In organizing JPH, BPJPH is authorized to formulate and determine JPH policies; stipulate JPH norms, standards, procedures and criteria; issue and revoke halal certificates and halal labels on products; register halal certificates on foreign products; conducting socialization, education, and publication of halal products; accredit LPH; registering halal auditors; supervise JPH; conduct halal auditor training; and cooperating with domestic and foreign institutions in the field of organizing JPH. In exercising this authority, BPJPH cooperates with several institutions, namely ministries and related institutions; LPH; and MUI. Then BPJPH cooperation with related ministries or institutions is carried out in accordance with the duties and functions of the relevant ministries or institutions namely ministries or agencies that carry out government affairs in the fields of industry, trade, health, agriculture, standardization and accreditation, cooperatives and micro, small and medium enterprises, and supervision medicine and food. In the elucidation of Article 8 of Law Number 33 Year 2014 concerning Halal Product Guarantee, it is mentioned that first, BPJPH forms of cooperation with ministries that carry out governmental affairs in the industry sector, for example in the regulation and guidance and supervision of industries related to raw materials and food additives that are used to produce Halal Products. Second, the form of cooperation between BPJPH and the ministries that carry out government affairs in the field of trade, for example in fostering business people and the community, monitoring halal products circulating in the market, and expanding market access. Third, the form of cooperation between BPJPH and the ministries that carry out government affairs in the health sector for example in terms of determining how to produce and how to distribute drugs, including vaccines, traditional medicines, cosmetics, medical devices, household health supplies, food, and beverages. Fourth, the form of cooperation between BPJPH and the ministries that carry out governmental affairs in agriculture, for example in the determination of slaughterhouses or poultry and slaughterhouses or poultry units units, guidelines for slaughtering animals or poultry and handling of animal meat, guidelines for veterinary control certification in the food business unit animal origin, and quality assurance system and food safety of agricultural products. Fifth, the form of cooperation between BPJPH and

³⁰Susilowati Suparto, Djanurdi, Deviana Yunitasari, dan Agus Suwandono, "Harmonisasi dan Sinkronisasi Pengaturan Kelembagaan Sertifikasi Halal Terkait Perlindungan Konsumen Muslim Indonesia", in *Mimbar Hukum*, Vol. 28, No. 3, October 2016 (427-438), page 433. Accessed September 4, 2019, at 07.40 WIB. <https://media.neliti.com/media/publications/114843-ID-harmonisasi-dan-sinkronisasi-pengaturan.pdf>

government agencies that carry out government affairs in the field of standardization and accreditation, for example in terms of requirements for inspection, testing, auditors, examining institutions, and certification bodies in the JPH system in accordance with established standards. Sixth, the form of cooperation between BPJPH and government agencies that conduct government affairs in the fields of cooperatives, micro, small and medium enterprises, for example, in preparing micro and small business actors in the socialization and assistance of product halal certification. Seventh, the form of cooperation between BPJPH and government agencies that conduct government affairs in the field of drug and food control, for example in the supervision of domestic and foreign food products, medicines and cosmetics which are registered and certified as halal. Then the BPJPH collaboration with the LPH will be carried out for product inspection and testing. Then the cooperation between BPJPH and MUI was carried out in the form of Halal Auditor certification; determination of product halal status; and LPH accreditation. Continuing from that, business actors wishing to apply for halal certification must come to BPJPH because BPJH is the party requested for the halal certification application. In addition, BPJPH also establishes Halal Inspection Institution (LPH) to carry out inspection and product halal testing. Another function of BPJPH is to establish a form of Halal Label that applies nationally. Then the Halal Product Guarantee Agency will supervise JPH. Then BPJPH, ministries, and related institutions that have JPH supervision authority can carry out supervision individually or together. Then also BPJPH can give awards to the people who participated in the implementation of JPH. BPJPH has now been formed with Presidential Regulation Number 83 of 2015 concerning the Organization of the Ministry of Religion and this is in accordance with Article 65 of Law Number 33 of 2014 concerning Halal Product Guarantee stating that BPJPH was formed no later than 3 years from Law Number 33 of 2014 concerning Halal Product Guarantee promulgated. From this description, a common thread can be drawn that BPJPH in implementing halal certification must work well together with MUI and LPH. BPJPH in organizing halal product guarantees needs to synergize its authority with the duties, functions and authorities of relevant ministries and institutions. Synergy of duties, functions and authority of BPJH with relevant ministries and institutions starting from before the certification process to the supervision of halal product guarantees.³¹

Cooperation between BPJPH and MUI is carried out in the form of Halal Auditor certification; determination of product halal status; and LPH accreditation. Determination of halal products issued by MUI in the form of Decision on Halal Product.³²

³¹Susilowati Suparto, Djanurdi, Deviana Yunitasari, dan Agus Suwandono, "Harmonisasi dan Sinkronisasi Pengaturan Kelembagaan Sertifikasi Halal Terkait Perlindungan Konsumen Muslim Indonesia", dalam *Mimbar Hukum*, Volume 28, Nomor 3, Oktober 2016 (427-438), hal. 437. Diakses pada 4 September 2019, pukul 07.40 WIB. <https://media.neliti.com/media/publications/114843-ID-harmonisasi-dan-sinkronisasi-pengaturan.pdf>

³²Saan, "Penyelenggaraan Jaminan Produk Halal Berdasarkan Undang-Undang Republik Indonesia Nomor 33 Tahun 2014 Tentang Jaminan Produk Halal", in *Jurnal Hukum Replik*, Vol. 6, No. 1, March 2018, page 53. Accessed September 1, 2019, at 23.00 WIB. <http://jurnal.umt.ac.id/index.php/replik/article/download/1177/739>

Conclusions and Suggestion

1. Conclusion

Regarding the authority of LPPOM MUI in determining halal products after the enactment of Law no. 33 of 2014, it was concluded that there was a change in the authority of LPPOM MUI before and after the enactment of Law no. 33 of 2014. For 23 years since its establishment, LPPOM MUI has full authority over the determination of halal certification, but after the birth and enactment of Law no. 33 of 2014, LPPOM MUI no longer has full rights to the issuance and determination of halal product guarantee certification, but only as a partner. The need for halal certification or halal labels is really needed in Indonesia. Moreover, the general public and especially the Muslim community in Indonesia, with the availability of guaranteed halal food products, at least Muslim consumers are no longer worried about the presence of a mixture of ingredients containing hazardous substances that have been prohibited by both state and religious law. The handling of halal certification in Indonesia has so far been carried out by the MUI Food and Drug Study and Research Institute (LPPOM) as a non-governmental organization which is a forum for Indonesian scholars from various Islamic elements in Indonesia. However, with the issuance of Law Number 33 of 2014 concerning Halal Product Assurance, halal certification has become the authority of the Halal Product Assurance Organizing Agency (BPJPH), which is a state institution, which means there is a shift from a civil society movement to a state program.

The shift in authority led to a dispute over authority between BPJPH and another institution, namely LPPOM MUI. This should be done with deeper coordination, one way is by including the solution of authority in the draft government regulation that is being drafted, so that when BPJPH performs its duties and functions, they do not impose authority on each other, so that in its implementation order it does not confuse the public, especially business actors who want to register their products because in the Halal Product Guarantee Act in 2019, all products must be certified halal. While leading to this process, the public should pay attention and observe continuously so that the implementation of the Halal Product Guarantee Act goes well, so that in its implementation later there will not be too many problems, and its implementation will spread to all levels of society, both as producers and as consumers. Blessings and convenience in using halal goods and services are the main attraction for the community, so it is hoped that through the introduction of the benefits of the halal lifestyle, the path to a halal-conscious society will be more open. In time, the realization of Indonesia as a world halal paradise, will soon be realized.

2. Suggestion

With the enactment of the Act and the presence of BPJPH, the authors hope that debates and polemics between related institutions related to halal certification can be resolved. Thus the allegations related to abuse of the authority of this certification can be resolved and not cause slander. MUI and the Ministry of Religion as well as security forces must be able to oversee the implementation of Law no. 33 of 2014. A transparent process is also a must so as not to raise accusations and slander to the competent authorities. In addition, it is hoped that this law can require producers to obtain halal certification, as a consequence of that in its implementation, the government or BPJPH needs to emphasize on opening access as much as possible for the community to obtain halal certification. According to the author, this access opening is important so that this

regulation does not appear to be detrimental to lower-middle class producers who lack information. This law must be able to accommodate all interests, not only for Indonesian Muslims, but also all consumers in Indonesia and its beneficial effects must be seen immediately.

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