**Implementation of Halal Product Guarantee Policy In Indonesia**

**Ananda Gymnastiar Dwijaya1\*, Harmono2, Rois Harliyanto 3**

1Fakultas Hukum (Faculty of Law), Universitas Swadaya Gunung Jati, Cirebon/Jawa Barat, Indonesia.

2Fakultas Hukum (Faculty of Law), Universitas Swadaya Gunung Jati, Cirebon/Jawa Barat, Indonesia.

3Fakultas Hukum (Faculty of Law), Universitas Swadaya Gunung Jati, Cirebon/Jawa Barat, Indonesia.

\*Correspondence: Tyar24anjay@gmail.com, harmono@ugj.ac.id, rois.harliyanto@ugj.ac.id

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| ***History:***Submit: January 20, 2023Review: February 26, 2023Publish: September 2024***Keywords****:***Halal Certification, Halal Products,** Consumer **Protection**  | ***ABSTRACT****The implementation of Halal Product Guarantee in Indonesia has been in effect since the new order period and currently the regulation of halal certification is regulated in Law Number 33 of 2014 concerning Halal Product Guarantee. This study aims to determine the legal aspects of community compliance with mandatory halal and to find out what are the challenges and obstacles in the implementation of halal product guarantees. The method used in this research is descriptive qualitative method (Normative Empirical). The results of this study indicate that the public has begun to be aware of the mandatory halal policy, but there are still several obstacles such as the lack of socialization related to understanding the mandatory halal itself, miscommunication between parties, obstacles to certification of slaughter animal products, therefore stakeholders (Government and related institutions) must be more vigorous in educating the public about the importance of halal certification, because indeed this halal certification aims to protect the public (consumers) from products that are not halal.* |

**INTRODUCTION**

Food, beverages and other consumer goods are products of daily human needs, which all needs must be fulfilled properly, safely, and of course must be of good quality and contain good nutrition. Then in terms of the price of the products traded must be in accordance with the purchasing power of the community itself. Moreover, products that are traded in the community must not contradict religious rules and customs. Therefore, a production system is needed which can provide a guarantee and also protection for producers and especially for consumers.

On the other hand, business actors in the field of *daily* necessities must also have a sense of responsibility for the products they sell, both in terms of health and halalness. Consumers also have the right to know what composition is contained in each product, which composition must be presented clearly, the composition listed is related to where the product comes from, then related to safety, quality, nutritional value contained in the product and also other information that may be needed. Access to information is an important part of fulfilling the principle of openness to the general public, which means that there will be legal certainty as mandated in the protection of consumers. Digital media is very effective for improving promotion and information. Through this media, parties involved in promotion can easily provide and obtain information widely without space and time limitations. (Wulandari, S., Agustina, H., & Nurlia, T. (2021)).

Our country is the country with the largest Muslim population, so it is fitting that we pay more attention to the products around us regarding safety and fulfillment of halal standards. The problem is that Muslims are directly the largest consumers as well as the target of imports from other countries. Therefore, domestic consumers need to be protected by providing guarantees related to comfort, safety, and also most importantly related to the halalness of the products being circulated.

The position of consumers in front of business actors is generally very weak. Consumers become the object of business activities of business actors through promotions, advertisements and other sales methods as well as the application of standard agreements that are often deliberately detrimental to consumers. The weak position of consumers is an easy target for business people who often trick consumers through the products offered. With a fast product circulation process, it is alleged that business people have free space to move in providing products that are not appropriate (Warto & Samsuri (2020)). Therefore, the government must be able to provide legal protection to consumers.

Meeting the needs of halal life is a basic right for every Muslim. This is not only related to religious beliefs, but also related to the dimensions of health, economy, security and worship needs. As a country with a majority Muslim population, without being asked, the state should be present to protect its citizens in fulfilling the fundamental rights of its citizens. In line with that, business actors (producers) should also provide protection to consumers. For this purpose, a more active role of the state in regulating the economic system is required, which is outlined in the strategies carried out by the state in carrying out business instruments, including through regulation. (Hidayat & Siradj (2015)).

On the other hand, the halal *lifestyle has* recently become a worldwide trend, not only in countries with a majority Muslim population but also in countries with a majority non-Muslim population. Awareness of the fulfillment of halal needs is increasing in the global arena along with the stretching of global halal tourism which is not merely limited to the sector of tourist destinations related to Islamic sites (religious) but involves fulfilling the needs of tourism itself. (Satriana & Faridah (2018)).

Multinational corporations have now implemented a halal system, such as Japan Airlaines, Singapore AirLines, Qantas, Chatay Pacific (Hong Kong), America Airlines provide a halal menu (*moslem meal)*. This symptom has also spread to America, Australia, Japan, China, India, and Latin American countries (Charity (2017)). Especially for Japan, this country has more attention related to halal trends, this can be seen from the Japan Halal Expo event.

Providing halal products again safe is a promising business, the existence of halal certification and labeling can be a special attraction for consumers who can become loyal customers, it can also attract the attention of non-Muslim consumers. Conversely, products that do not have halal certification and labeling that are circulated in countries with a majority Muslim population will be less attractive, so that it becomes a disadvantage for producers.

Halal products for Muslims themselves are proven to be very *thayyib* (good) and also have high quality for the health of the body. Halal certification and labeling of products in addition to aiming to provide inner peace to consumers can also be a peace of production for producers. Especially at this time, economic globalization and global markets make halal certification and labeling of products indispensable. Therefore, this halal industry has a considerable opportunity to be able to compete and compete in providing food products that are safe, high quality, and also healthy.

Based on the above background, the authors are interested in further research related to how the implementation of halal product guarantee policies in Indonesia and what are the obstacles in the implementation of halal certification in Indonesia.

**METHOD**

The research method used in this research is descriptive qualitative research (Normative Empirical) which focuses on the implementation of halal product guarantees through halal certification in processed food and beverage products. This research will use a qualitative approach to produce information in the form of descriptive notes and data on the topic under study. With a systematic and critical analysis method, it is hoped that this research can provide a clear and objective picture of how the implementation of halal certification is carried out.

A written fatwa stating the halalness of a product is known as halal certification, and is given by MUI for goods that have gone through the registration process, audits, and meetings required by the MUI Fatwa Commission. Halal certificate is a recognition of the halalness of a product given by the Halal Product Guarantee Agency (BPJPH) based on a written halal fatwa given by the Indonesian Ulema Council, in accordance with Government Regulation Number 39 of 2021.

If we look at Law No. 33 of 2014 concerning Halal Product Guarantee, all goods sold in Indonesia must have a halal certificate. This certification is important to ensure the halalness of a product and ensure that the product is safe for consumption by consumers. Halal certification can be valid for 4 years and can be extended, provided that there is no change in the composition or ingredients used by the manufacturer, if there is a change in the composition of the ingredients, the manufacturer is required to report it.

There is a new body that we know as the Halal Product Guarantee Organizing Agency or we usually shorten it to BPJPH, which is under the Ministry of Religion, this body was formed based on the mandate of the JPH Law, which BPJPH must verify the product submitted for certification, before this JPH Law took effect product certification was carried out by MUI. However, in its implementation it turned out that BPJPH was not fully prepared, so the Decree of the Minister of Religion of the Republic of Indonesia Number 982 of 2019 concerning halal certification services was issued.

This JPH Law emphasizes the importance of the rights of every consumer (especially for Muslims) to get goods that are thayyib and halal for consumption. Before the existence of Law No. 33 of 2014, producers were already required to carry out halal certification, this was stated in Law No. 7 of 1996 and Law No. 8 of 1999. The implementation of this halal labeling certification has become an important part of maintaining consumer satisfaction and trust in the products they consume, so consumer protection related to compliance with halal principles is a top priority to improve the quality of life of the community.

The importance of halal certification cannot be ignored in the food industry, especially in a country with a majority Muslim population like Indonesia. This certification not only provides protection to consumers against products that are not in accordance with Islamic teachings, but also increases the competence and competitiveness of producers in the international market. With halal certification, Indonesian food products can be more easily accepted and compete in the global market. The inclusion of halal labels is also useful for protecting domestically produced goods from the invasion of foreign products due to free trade. (Adam (2017)).

Halal certification is not only an obligation but also a very important effort in protecting consumers, especially Muslim consumers. This is enforced to ensure that all food products are in accordance with halal principles in Islam. Islam sees this not only as a civil relationship, but also related to the interests of society at large (habluminannas), even concerning human relations with Allah SWT (habluminallah).

In Indonesia, efforts to protect Muslim consumers related to goods and services are so important because they cover many things, Professor Achmad Kholiq explained that this regulation (JPH Law) was formed in order to protect the Muslim community, because this halal issue is related to mental attitude issues, issues of religious acceptance and principle issues. So that Muslims in Indonesia in particular need to be protected from being trapped in haram products, because as we know now many foreign products enter the Indonesian market area where we do not know whether the product is halal or not.

Professor Achmad Koliq explained that related to the issue of mental attitude there is a study conducted by Alexis Carrel related to this, he said that the compounds consumed by humans have an influence on mental attitudes, so if the compounds are halal (positive) then the behavior will be positive but vice versa if the consumed compounds are negative then there is a tendency that the behavior that arises will be negative. Therefore, a procedure is needed that regulates the consumption of halal products.

Then the second is related to one's worship, in religious theory someone who consumes haram goods will have his prayers closed, Prof. Achmad Kholiq said there is a prophet's saying "there are people who raise their hands every day praying to be forgiven but the food and drink they consume is not halal, the clothes they wear are not halal then the prophet said how god (Allah) can grant their prayers". Therefore, from the prophet's words, halal products have an influence on whether or not a person's worship is accepted.

Then the third is about the principle of Prof. Achmad Kholiq said there is a prophet's saying "every meat that grows from something haram then it has a great potential to be touched by hellfire". So indeed regulations related to halal products are needed because it is to protect humans (Muslims), so it has indeed become a principle of Islam to provide enormous protection so as not to be trapped in something that is not halal. Halal product certification brings benefits to consumers and producers. With halal products, consumers, both Muslims and non-Muslims, feel more confident and confident to consume these products.

Information related to the halalness of a product must be socialized to the public in accordance with clear and fair and non-discriminatory laws. Regulations related to halal product guarantees are contained in Law No. 33 of 2014. This product halal guarantee covers various types of goods, such as drugs, food, cosmetics, chemicals, biology, genetic engineering, and daily supplies.

The certainty of halal products includes the selection of good and halal raw materials, good and correct processing, then proper storage, appropriate packaging and correct distribution and sale of products. Providing protection to the public regarding the products they consume in accordance with the principles, justice and legal certainty, accountability and transparency and also efficiency-effectiveness, is the goal of the Halal Product Guarantee Law.

Halal certification financing is not only borne by business actors who apply for halal certificates, but also involves the government in facilitating certification costs for micro and small businesses through the state budget. This aims to facilitate the implementation of halal product guarantees for all business actors in Indonesia.

At this time, the government is intensively holding a free halal certification program (SEHATI) for MSME actors, the purpose of holding this program is none other than so that all products (especially food-consumption products) can get a halal certificate where this halal certificate is a marker (*labelling*) that the product has passed the halal test both from raw materials to the production process so that it is safe for consumption by the public.

However, in its implementation in the field, there are still many people who do not know about this SEHATI program, there are even some business actors who do not know that food and beverage products are required to obtain halal certificates. The challenge in implementing halal certification is the lack of socialization and education of stakeholders regarding mandatory halal policies to the public so that the public lacks information about mandatory halal and free halal certification programs. Due to the lack of socialization and education related to mandatory halal, the public does not know the halal certification procedure, even though by pocketing a halal certificate, MSME players' products receive more attention and trust from consumers, consumers also become more confident and interested in products that already have a halal label on the packaging.

# RESULTS AND DISCUSSION

## 1. HALAL PRODUCT ASSURANCE POLICY IN A CERTIFICATION AND LABELIZATION

Efforts to obtain halal certification-labeling of products have been in effect since the era of the new order government, as evidenced by the Regulation of the Minister of Health of the Republic of Indonesia No. 280 / Menkes / Per / XI / 1976 concerning foods containing ingredients from pork. After this Regulation, a Joint Decree of the Minister of Health and the Minister of Religion of the Republic of Indonesia No. 427 / Menkes / VIII / 1985 and No. 68 of 1985 concerning the writing and inclusion of "Halal" on food labels was issued.

Presidential Instruction (Inpres) No. 2 of 1991 discusses the need for increased guidance and supervision of the production and circulation of processed foods. This is important to protect the public from unqualified food products, especially in terms of quality, health, safety, and religious beliefs. To realize this instruction, continuous and coordinated improvement and supervision of processed food production, circulation and marketing activities are required. This step aims to ensure that the public has access to food that is safe, of good quality, and in accordance with religious rules.

The Minister of Health is authorized to supervise and conduct research on food products, this is stated in Law No. 36 of 2009, this grant of authority includes aspects of health and food halalness. The inclusion of halal writing on food products is already stated in the Indonesian Minister of Health Decree No. 924 / Menkes / VIII / 1996, in this Decree it is explained in detail about the procedures for inclusion of halal writing on food labels which must have gone through halal certification first. Therefore, this regulation provides important technical guidance for food producers in ensuring the conformity of their products with the halal standardization that has been determined.

The inclusion of the Halal label on a product indicates that the product does not contain prohibited and harmful ingredients and has obtained a halal certificate from the Indonesian Ulema Council and approval from BPOM. The halal certification and labeling process is carried out through a single inspection door involving the Ministry of Health, Ministry of Religion, and MUI. After research by the Joint Team, the results will be evaluated by the MUI Expert Team and discussed in the MUI Fatwa Commission. If it gets approval from MUI, then the product can be labeled "Halal" after permission from the Ministry of Health.

Products circulating in Indonesia are very diverse, both local products and imported products from abroad. Each of these products needs a halal marker to make it easier for consumers to choose halal products. Therefore, there is a need for product certification and labeling in providing halal product guarantees to the public, especially Muslim citizens. (Afroniyati (2014)).

Certification and labeling are two different but interrelated things. Halal certification is a process to obtain a halal certificate through several stages to prove that the ingredients, production process and Halal Assurance System (SJH) meet LPPOM MUI standards. After the implementation of the Halal Product Guarantee Law Number 33 of 2014, halal certification is defined as recognition of the halalness of a product issued by BPJPH based on a written fatwa issued by the Indonesian Ulema Council. (Agus Panji Adam (2017)).

The implementation of halal certification before the JPH Law was carried out on a voluntary basis handled by the Indonesian Ulema Council (MUI) which was technically carried out by the Institute for Food, Drug and Cosmetics Assessment (LPPOM). The halal label on a product provides information that the product is free from prohibited ingredients, which can be a reference for consumers (Muslims in particular) to choose and buy products that have obtained halal certification and labeling. This halal certificate is a requirement to include a halal label on product packaging, with the aim of providing certainty of the halalness of a food product, medicines and cosmetics, so that it can reassure the minds that consume it. The halal certificate of a product is issued after being decided in the MUI Fatwa Commission session which is previously based on the audit process carried out by LPPOM-MUI. This Halal Certificate is a requirement to obtain a permit to include a halal label on product packaging from the authorized government agency. (Sari (2018)).

The process of obtaining a halal certificate is something that must be carried out by business actors, the process includes completing business data, inputting what raw materials are used, explaining how the production process is carried out, what packaging is used, to the tools and production sites used in the production process, all of which must avoid something that is prohibited (haram), then an inspection is carried out by the Halal Production Process Assistance (P3H) which is a competent halal auditor, and if the inspection of all stages passes the test, the halalness will be determined and the producer gets a halal certificate.

This halal certificate is then used by producers as a requirement to be able to include a halal label and halal registration number on product packaging. This halal label is usually used by business actors in order to fulfill their obligation to provide information to consumers regarding the halalness of their products. This label serves to show consumers that the product is a halal status product. (Faridah (2019)).

The procedure and registration system which was originally carried out voluntarily has now turned into an obligation for business actors after the issuance of Law No. 33 of 2014 concerning Halal Product Guarantee. This law mandates the establishment of a new agency, namely the Halal Product Guarantee Agency (BPJPH), which replaces the role of MUI in certifying the halalness of products.

After the PP JPH is issued, the authority to issue halal certification is fully vested in BPJPH as the leading sector of halal product assurance. Based on the 2014 JPH Law and 2019 PP, BPJPH replaces the role of LPPOM MUI in the halal certification process, but this change is not accompanied by BPJPH's readiness, which has the potential to hinder the halal certification process that has been running. (Warto & Samsuri (2020)). To avoid this, KMA RI No. 982 of 2019 was issued regarding the halal certification service, the halal certification scheme is as follows:

1. Submission of halal certification application.
2. Product halal inspection and/or testing.
3. Scientific assessment of the results of product halal inspection and testing.
4. Implementation of halal fatwa sessions.
5. Issuance of halal certificate.

Based on a decree from the Minister of Religious Affairs on Halal Certification Services, BPJPH is responsible for assisting producers in obtaining halal certificates. Meanwhile, LPPOM MUI will check and test the halalness of the product. The scientific assessment process of the product is carried out by the MUI Fatwa Commission. If the audit does not pass, improvements and re-examination will be made. However, if the Fatwa Commission gives approval, the product will be announced as a halal product.

## 2. PROBLEMS AND CHALLENGES IN IMPLEMENTING HALAL CERTIFICATION

In Indonesia, on September 25, 2014, the Halal Product Guarantee Law came into force as a legislative framework that regulates halal certification for all goods. However, there are weaknesses in the halal certification requirements contained in the JPH Law, such as the long bureaucratic process that is prone to conflicts of interest. In addition, business actors are also required to pay halal certification fees, and are still required to maintain accountability and transparency of their performance.

The implementation of the Halal Product Guarantee Law (JPH) can cause various problems that need to be overcome. One of them is an increase in the workload for the State / Regional Budget (APBN / APBD) in terms of providing infrastructure that supports the production of halal products. In addition, skilled and trained human resources are needed to socialize the implementation of JPH to the public so that understanding of halal products can increase. In addition, the costs associated with applying for halal certification from small and micro businesses are also an important concern in an effort to support the successful implementation of JPH evenly throughout the industrial sector. Therefore, there needs to be good coordination between the government, business actors, and the community so that the implementation of the Halal Product Guarantee Law can run smoothly.

One of the challenges faced by MSME actors is the issue of business legality. Business legality is one of the requirements that must be met by business actors to obtain various facilities from the government, such as licensing, taxation, capital assistance, legal assistance, consumer protection, and others. However, there are still many MSME actors who do not have business legality, either due to lack of knowledge, difficulties in the processing process, or high costs. (Marlina et al (2024)).

Obstacles and challenges that occur in the development of halal implementation:

1. Lack of socialization and education to the community by the local government.
2. Lack of public understanding regarding mandatory halal policies.
3. There is miscommunication between some stakeholders and business actors, such as between business actors and the village government regarding the creation of a Business Identification Number (NIB).
4. Business actors are afraid / worried that they will be taxed if they already have a halal certificate.
5. Human resources, many producers still pay little attention to halal products, and small business actors still lack awareness about halal products.
6. An obstacle for businesses that use basic ingredients of slaughtered animals, where they take these basic ingredients from slaughterhouses or poultry slaughterhouses that do not yet have halal certificates.

Professor Achmad Kholiq said that in every application of everything there are obstacles and the focus in implementing this halal policy is on the strength of management, he argues that a good idea that is not managed properly and professionally will be defeated by ideas that are not good but are managed properly and professionally, at this time there are many products that are not halal but because the management is good and professional it finally controls the market while halal products are still poorly managed and less professional, so according to him, systems and management must be strengthened in the stakeholder elements so that this halal policy regulation can be implemented properly and thoroughly to the community.

Then Professor Achmad Kholiq also added that related to the obstacles to implementing this halal policy, namely regarding public awareness, according to him, if the community does not have awareness of the importance of halal products, it will hinder the implementation of this mandatory halal regulatory policy, therefore according to him these stakeholders (Government and related institutions) must be more aggressive in socializing providing education to the public about the importance of halal product certification, so that public awareness grows.

The Ministry of Religious Affairs' BPJPH collaborates with various parties such as other ministries / agencies, local governments, institutions, and the business world in the Sehati Program. This program aims to provide free halal certification to Micro and Small Enterprises (MSEs), the majority of which do not yet have such certification. With the Sehati initiative, it is expected that more MSEs can enter the global halal market. This collaboration is supported by various parties including several ministries, organizations, institutions, local governments, BUMN / BUMD, and the general public who provide funds to facilitate MSEs in obtaining halal certification.

BPJPH has determined that all processes for applying, examining, and issuing halal certification must be carried out online through the Sehati Program using the Halal Information System (SIHALAL). The aim is to speed up the process and make it easier for business actors to obtain halal certification. BPJPH has currently implemented a digital process in conducting halal certification through the website <https://ptsp.halal.go.id/> and can also be done through the Ministry of Religion's Pusaka application.

To increase the preference of businesses or producers in the halal field in obtaining halal certification, the halal industry integration strategy needs to be seen from various market factors, especially in Indonesia where the majority of Muslims believe that all products in the market must be halal. The government can play a role in making laws that support halal certification and encourage businesses to pay attention to it. By raising awareness of the importance of consuming halal-labeled goods, manufacturers will be more motivated to ensure the halalness of their products.

Professor Achmad Kholiq said that at this time there are many other countries that are *aware of* halal product certification, which it turns out that these countries do not have a majority Muslim population but indeed the products they sell have the potential to be ogled by Muslim consumers, so they are finally *aware of* certifying their products to obtain halal certificates. Therefore, in Indonesia, where the majority of the population is Muslim, this halal regulation must continue to be socialized to the wider community about the importance of halal certification of food products in Indonesia, because it is not only a business orientation but it is more directed towards consumer protection, especially Muslim consumers in order to get products that are religiously, socially and normatively considered halal. Efforts to be able to solve the challenges of mandatory halal implementation :First, the government must more often / intensely socialize and educate the public regarding the importance of consuming halal products, especially for village governments, village governments as much as possible hold socialization to their citizens regarding halal policies and the importance of consuming halal food and drinks. The government must also educate the public regarding taxes imposed on business actors.Secondly, the Government must immediately complete halal certification for slaughterhouses and poultry slaughterhouses, because how can business actors who use the basic ingredients of slaughtered animals get halal certificates if RPH and RPU have not obtained permits and halal certification.Thirdly, stakeholders, both government and related institutions such as the Halal Assistance Agency (LPH) and also the Halal Product Process Assistance Agency (LP3HH) must always coordinate so that there is no miss-communication which can harm the community (Business Actors).Fourthly, LPH and LP3H assistants who are directly in contact with business actors must provide education regarding the importance of mandatory halal and the benefits obtained when business actors already have a halal certificate so that in the future business actors are more *aware /* concerned about halal certification.

# CONCLUSIONS

Halal certification has been running well but there are still some shortcomings, in its implementation in the field there are several challenges and obstacles both from the government side which is still lacking in socializing mandatory halal certification and from the community itself which is still low in interest in halal certification and considers this halal certification not so much benefit.

In general, the level of public understanding regarding mandatory halal policies and understanding of "Halal" itself varies quite a lot, there are differences in understanding halal products due to several factors such as the level of education and religiosity of the community. At this time the mandatory halal policy (JPH Law) is quite widespread, but in its implementation there are still many people who are reluctant to carry out halal certification, this is due to the lack of socialization and information to the public by policy makers regarding this mandatory halal policy. The lack of enthusiasm of the community, especially business actors, can be an obstacle in the implementation of this mandatory halal. Even though from research on people's behavior (consumers), they have now begun to switch to buying and consuming products with halal labels.

The mandatory implementation of halal has been sufficiently implemented, but there are still quite a lot of people who do not really understand the concept of halal itself, therefore the government and related institutions must continuously conduct socialization in the form of providing understanding regarding the importance of halal certification of food products, especially to MSME players.

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# Interview

1. Prof. Dr. Achmad Kholiq, M. Ag. Professor of Sociology of Islamic Law/Sharia Economic Society.
2. M Rifki Fadlil, Member of P3H UGJ.
3. Ernang, Staff of LPH IAIN Sheikh Nurjati Cirebon.