

Research Article

The Implementation of the Indonesian Council of Ulama (MUI) Halal Certification to Msme? Products to Realize Consumer Protection

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Abstract.

The consumer protection law regulates the rights and obligations to obtain clear information about the products consumed. One essential piece of information is halal certification, specifically the presence of halal labeling issued by BPJPH (Halal Product Assurance Executing Agency). However, many consumers have not obtained or found halal labels on certain food products made by UMKM in Pekalongan City. Moreover, the majority of consumers in Pekalongan City are Muslims who strongly require need a halal labeling on food products. Business operators should seek halal certification of their processed products; however, in reality, many processed products lack halal guarantees. This research addresses the problem of educating UMKM business operators in the food product sector about the importance of halal certification, how to protect consumers if the food product already has a halal label, what is the role of the MUI if someone falsifies the halal label. The research method used is empirical juridical, normative juridical. Analysis using qualitative analysis.

Keywords: halal certification, consumer protection

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1. INTRODUCTION

As a country with the largest Muslim population, namely 237.55 million people out of a total population of 275.33 people or 89.18%, it is only natural that halal food is an interesting issue to study and discuss. This is in line with the increasingly rapid development of food technology, especially in the field of processed food which has resulted in the use of raw materials in food processing to be very varied. The development of the use of raw materials is driven by the need for raw materials with certain desired characteristics at low prices. Every human being definitely needs primary needs in life, these primary needs are for example in the form of food and drink. To meet these primary needs, the community carries out economic activities, namely providing food

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and beverage products that are widely traded. In Indonesian society, choosing halal products is an obligation that is worth worship and the government is responsible for this in providing protection and guarantees for halal products for the Muslim community. Certainty of halal products can be reassuring for people who consume or use them [1]. Guaranteeing halal products in the last period is also a hot issue discussed among the public, such as business people, government, academics, practitioners, students. Since the enactment of Law No. 33 of 2014 concerning Guaranteed Halal Products brings fresh air, especially for Muslim consumers. In Article 4 of Law No. 33 of 2014 it is stated “products that enter, circulate, and are traded in the territory of Indonesia must be halal certified” this means that the government has shown its concern for Muslim consumers.

This is where the MUI’s role is urgently needed, especially in determining the halalness of products circulating in the community, especially Pekalongan City, which is an area with a majority Muslim population, and is often referred to as the City of Santri in Central Java, the population of Pekalongan City who is Muslim in 2020 is 304,989 people or 96.48%, and in 2021 as many as 305,329 people or 95.56% [2]. So that the demand for halal food products is relatively large. Halal food is food that does not contain elements or ingredients that are haram or prohibited for consumption by Muslims, both regarding food raw materials, food additives, auxiliary materials and other auxiliary materials including food ingredients processed through genetic engineering and food irradiation, and whose management is carried out in accordance with the provisions of Islamic religious law regulated in Article 1 number 5 of Government Regulation Number 69 of 1999 concerning Labels and Advertisement [3].

The concept of halal and haram plays an important role in the areas of production and consumption. This is the comprehensive teachings of Islam which regulate matters of worship and muamalah which have a myriad of wisdom and falah for its people [4].

Halal in production and consumption is not only halal in terms of substance, but also halal in how to obtain it. Today the halalness of a product or processed food consumed is halal, it must be proven by the existence of a halal label as a form of halal certification. The phenomenon of halal certification is a landmark that shows that there is a very strong affinity between Islamic teachings and their adherents. Halal and haram issues in Islam have a very important position, because these issues cover most of the teachings of Islam. So that a Muslim’s need for halal products should be supported by halal guarantees, but not all of the products circulating in Pekalongan City are guaranteed to be halal. Muslim consumers are among those who are disadvantaged by the large number of products without a halal label or non-halal information [5]. In

order to provide comfort and peace for Muslims, the products consumed must be halal certified according to Islamic law. The majority of the people of Pekalongan City are Muslims, that's why you need to pay attention in consuming a product [5].

The existence of halal product certification can provide justice, legal certainty, protection, transparency, and professionalism in issuing new products [6]. Given the increasingly sophisticated science and technology, both in the fields of medicine, food and cosmetics [7]. Food/beverage products made by UMKM in Pekalongan City totaling 2451 [8]. does not necessarily have a halal product guarantee, to get a halal product guarantee the output of halal certification must go through procedures that have been regulated in Islamic law through its Shari'a and carried out in actions or operations that must be carried out or executed in a standard (same) way so that you always get results lawful. The procedure for including guarantees for halal products is regulated in Law Number 33 of 2014 concerning Guarantees for Halal products and Law Number 8 of 1999 concerning consumer protection and government regulations and other relevant institutions to ensure certainty of halal food products for Muslims. These laws and government regulations are valid until October 16 2019 before being ratified by the Halal Product Guarantee Agency (BPJPH) officially operating on October 17 2019. In accordance with article 67 of Law Number 33 of 2014 concerning Halal Product Guarantee (JPH) which states that the rules must come into effect five years after this law is enacted. When viewed from the flow of mechanisms and procedures for obtaining halal certificates for food products produced by IKM Pekalongan City, they have experienced changes and a more effective bureaucracy. According to the BPJPH, which was officially operated on October 17 2019, all food products are required to include a halal certificate from the Halal Product Assurance Agency (BPJPH) under the Ministry of Religion (Kemenag) and halal certificates are no longer issued by the Indonesian Ulema Council (MUI) as per regulations. has happened before.

The problem is, how is legal protection carried out to protect MSME food product consumers in Pekalongan City who do not yet have a halal label?

2. RESEARCH METHOD

This research uses empirical and normative juridical research types. Empirical juridical research was carried out to identify concepts and principles as well as procedural principles and mechanisms in obtaining halal food product certificates for MSMEs in Pekalongan City due to guaranteeing halal products and convenience for Muslim

consumers. Normative juridical research is an approach based on the main legal material by examining theories, concepts, legal principles and laws and regulations related to research. The researcher evaluates the implementation of the halal certification used and also makes conclusions. The nature of the research used in research is qualitative research, which is a procedure that produces descriptive data in the form of written or spoken words from people and observable behavior. This is used because there are several considerations, namely first, qualitative research, of course, using qualitative methods is easier if faced with a double reality; secondly, this method presents directly the nature of the relationship between researchers and respondents and third parties, this method is more sensitive and more able to adapt to the many sharpening of joint influence on the value patterns encountered. This qualitative method, broadly distinguished in two kinds, namely qualitative interactive and non-interactive. Interactive qualitative method, is an in-depth study using direct data collection techniques from people in their natural environment [9].

Qualitative research examines the perspective of participants with interactive and flexible strategies. Qualitative research is aimed at understanding social phenomena from the participant's point of view. Thus the notion of qualitative research is research that is used to examine the condition of natural objects where the researcher is the key instrument. Tertiary data is a collection and compilation of primary and secondary sources. Examples of tertiary sources are biographies, library catalogs, directories, and reading lists. Encyclopedias and textbooks are examples of material that includes both secondary and tertiary sources, providing on the one hand commentary and analysis, and on the other hand attempting to provide a summary of the available material on a topic.

Data collection techniques obtained from primary data are data collected directly by researchers or first parties. The data analysis used in this study is a qualitative analysis, namely the description that the researcher did on the collected data, not using statistics or mathematics or the like, but in the form of descriptions of sentences arranged systematically in accordance with the problems discussed in this study. In drawing conclusions, the authors using the deductive method, which is a way of thinking that draws conclusions from a statement or proposition that is general in nature to be a statement that is specific in nature.

3. RESULTS AND DISCUSSION

3.1. Legal Protection that Was Conducted to Protect Consumers of Food Products Umkm in Pekalongan City that Don't Have Halal Labels

The issue of the halalness of products that will be consumed by the public is a big and urgent issue, so that what is to be consumed is truly halal, and is not mixed in the slightest with unlawful goods. On the other hand, not everyone can know with certainty the halalness of a product. The results of this study discuss legal protection for consumers of food products that are not labeled as halal in Pekalongan City. The government plays a very important role in implementing the implementation of legal protection for consumers, while one of the efforts taken by government agencies in tackling food products that are not labeled halal according to the research team is supervision, namely supervision in the form of guarantees for halal products, issuance of laws that regulate Halal labeling, socializing, appealing or withdrawing products that violate the provisions of halal labeling, by establishing a halal product assurance organization, establishing a halal inspection agency, forming a halal auditor, then having an official halal label logo, and providing strict criminal sanctions for violators of the provisions. the provisions stipulated in Law No. 18 of the year 2012 concerning Food, Law No. 8 of 1999 concerning Consumer Protection and Law No. 33 of 2014 concerning Guarantees for Halal Products. Community participation in forming halal product guarantees can be in the form of conducting socialization regarding halal product guarantees, supervising products and halal products in circulation which can be in the form of complaints or reporting to BPJPH. food that is not labeled as halal can be carried out by the government or by the Non-Governmental Organization for Consumer Protection (LPKSM) and the people themselves. Foreign Halal Products imported into Indonesia do not need to submit an application for a Halal Certificate as long as the Halal Certificate is issued by a foreign halal institution that has carried out mutual recognition cooperation must be registered by BPJPH before the Product is distributed in Indonesia. Businesses who do not carry out the registration are subject to administrative sanctions in the form of withdrawal of goods from circulation. 15 While withdrawing from circulation is regulated in the Consumer Protection Act article 8 paragraph 4 "Business actors who commit violations in paragraphs (1) and paragraphs (2) are prohibited from trading these goods and or services and are obliged to withdraw them from circulation. The law against consumers by the Pekalongan City government in tackling products that are not labeled halal

is “By conducting supervision, training and education, both consumers and business actors, then giving special executions, and investigating when violations occur against food circulating through the trade service. the government’s efforts are “by conducting socialization, food sampling, hygiene, food safety, warnings, and coaching”.

The food sampling here is by promoting health in collaboration with the Pekalongan City Health Office and cross-sectors for Household Industry Food (PIRT). The authors are of the opinion that the Health Office of Pekalongan City does not have the authority to handle the halal labeling process in particular, but the Health Office only handles ready-to-eat food and snacks for school children. If the health service finds packaged food and does not include any information such as product name, list of ingredients used, net weight, name and address of the business actor, date of month and year of expiration on the packaging, the health office will only provide counseling and not necessarily confiscate or withdraw the packaged food. Meanwhile, the Department of Industry, Trade and Cooperatives also does not have authority in halal labeling, “Clauses that are not in conformity with SNI for trade goods circulating in Indonesia, such as packaged mineral drinks must be SNI, the labeling must be written as SNI clearly, and there must be the name of the producer as the business actor, suitability of the weight of the goods, whether or not the goods are dangerous by consumers, selection of damaged goods, and a clear expiry time. “If it is not labeled as guaranteeing the quality of its production, then it doesn’t matter, because the halal label is still persuasive in nature and is not mandatory in its entirety. Meanwhile, SNI is mandatory for packaged drinks.” The Trade and Cooperative Industry Service (Disperindagkop) adheres to the Consumer Protection Act, in chapter IV concerning Prohibited Actions for Business Actors in article 8. TIM argues that the Trade and Cooperative Industry Service (Disperindagkop) does not have authority in halal labeling or halal labeling , they refer more to the application of goods with Indonesian National Standards, as trade goods that enter Indonesian territory. To support the truth of the halal statement, every person who produces or imports packaged food into the territory of Indonesia and Pekalongan City in particular for trading, is obliged to have the food inspected beforehand by an accredited inspection agency in accordance with statutory provisions. For consumers, the benefits of having a halal certificate have several functions, firstly, to protect Muslim consumers from consuming non-halal food, medicines and cosmetics; second, psychologically the feelings of the consumer’s heart and mind will be calm; third, defending the body and soul from adversity due to illicit products; and fourth, will provide certainty and legal protection. In the opinion of the authors, for business actors

and producers, if they have a halal certificate and include a halal label from BPJPH, they will have more advantages. If a product carries a halal label (Halal BPJPH) without having a halal certificate from BPJPH it can be categorized as falsifying or deceiving consumers and can be prosecuted by law. The benefits obtained for business actors who have halal certificates have several important roles. First, as the responsibility of producers to Muslim consumers, bearing in mind that halal issues are part of the principles of Muslim life; second, increasing consumer trust and satisfaction; third, improve the company's image and competitiveness; and fourthly, as a marketing tool and to expand the marketing network area, and fifthly, to provide benefits to producers by increasing the competitiveness and turnover of production and sales [10].

While the examination of the sharia aspect is carried out by the MUI Fatwa Commission, which is one of the commissions within the MUI whose task is to provide Islamic legal advice and *ijtihad* to produce an Islamic law for issues being faced by Muslims. MUI is a written fatwa from an institution that has competence in issuing fatwas. Business Actors who have obtained Halal Certificates are required to include halal labels on products that have received halal certificates, maintain the halalness of products that have obtained halal certificates, separate locations, places and slaughter, processing equipment, storage, packaging, distribution, sales, and presentation between products Halal and non-halal, renew the halal certificate if the validity period of the halal certificate ends, report changes in the composition of the ingredients to BPJPH [11]. The purpose of giving food labels to packaged food is so that people who buy and or consume it obtain correct and clear information about each packaged food product, both regarding origin, safety, quality, nutritional content, and other information needed before deciding to buy and/or consume the food. This provision applies to food that has gone through the final packaging process and is ready to be traded (pre-packaged), but does not apply to trade in packaged food before the buyer. According to the compiler of a Halal information or statement in food products is very important for the people of Pekalongan City, where the majority embrace Islam in particular. However, the inclusion of it on food labels is only an obligation if everyone who produces food and or imports food into their territory for trading and states that the food in question is halal for Muslims, which is intended to prevent people from consuming food that is not halal (haram). Obstacles faced by the government in informing the importance of halal labeled food, namely "business actors find it difficult to arrange halal certificates so they put their own halal labels, on the other hand the government is difficult to supervise itself because of the large number of almost 80% micro producers in Pekalongan City not yet optimal, overseeing it is clearly difficult.

“Even though there are laws that regulate and guarantee consumer rights, in reality the constraints from the government have not been fully socialized to the community.” According to the compiler, the implementation of JPH (Halal Product Assurance) also has technical problems that require special attention, namely the following. First, the limited human resources and the large number of production activities which are quite attention-grabbing; second, the use of animal-derived ingredients is a problem that often becomes an obstacle in the practice of the halal assurance system; third, maximum support for infrastructure such as: laboratories, transactions and documentation; and fourth, the formation of a new law has not been fully implemented.

According to TIM, the existence of halal decrees through fatwas by scholars in the halal certification process has proven to be able to encourage added value for food products, has its own advantages so that it acts as a selling point to increase product market share, both domestically and in export markets, especially for products that marketed in countries with a Muslim majority population. It even has a competitive advantage in facing the invasion of products from outside in the current era of international free trade. By convening the Halal Product Assurance, it can provide convenience, security, safety, and certainty of the availability of Halal Products for the public in consuming and using the Products, and increase added value for Business Actors to produce and sell Halal Products. According to TIM, the process that must be followed by consumers in submitting complaints to the Directorate of Complaint Services, after confirmation of consumer information, the official concerned will conduct an analysis of the problem being complained, then clarification will be held with consumers by asking for evidence and a chronology of events. Then the official concerned clarifies the business actor regarding the accusation and there is no point of clarity, so several steps will be carried out, such as mediation or conciliation. But so far there have been no cases of consumers feeling disadvantaged by business actors within the scope of halal labeling. As for the number of producers who violate the provisions within the scope of halal labeling and certificates cannot be listed because the documents are confidential by LPPOM.

3.2. The Role Played by the Mui in Following Cases of Fake Halal Labels and Food Products that Do Not Accept Standards

In its role in prosecuting cases of counterfeit halal labels and food products that do not comply with standards, the Indonesian Ulema Council (MUI) has several duties and responsibilities, including:

Setting halal standards: MUI has the duty to set halal standards for food and beverage products, which will be used as a reference by manufacturers in producing halal products. The halal standards set by the MUI are based on sharia principles and science.

Providing halal certification: MUI is also responsible for providing halal certification to producers who meet established halal standards. Halal certification issued by the MUI serves as a guarantee for consumers that the product meets halal requirement

Supervise the production and distribution of halal products: MUI has the duty to oversee the production and distribution of halal products, both those that have received halal certification and those that have not. This is done to ensure that the products sold in the market comply with established halal standards.

Following up on violations: If there is a violation of the established halal standards.

In handling cases of counterfeit halal labels and food products that do not comply with standards, the MUI (Indonesian Ulema Council) has a very important and strategic role. The following are some of the roles played by MUI in prosecuting cases of counterfeit halal labels and food products that do not comply with standards:

Providing Halal Certification MUI has a role in providing halal certification for food and beverage products. In the certification process, MUI verifies and validates the materials used and the production process. With the existence of halal certification from the MUI, it is hoped that it can provide certainty and assurance for consumers that the product is truly halal and in accordance with standards.

Supervise and Prosecute Cases of False Halal Labels MUI also has the duty to supervise and act on cases of counterfeit halal labels. MUI is working with the police and other relevant agencies to take action against perpetrators of counterfeiting halal labels. MUI also conducts outreach and education to the public about the importance of paying attention to the halal label on food products to be consumed.

Establishing Halal Product Standards MUI also plays a role in establishing halal product standards that must be met by food producers and entrepreneurs. This standard covers requirements that must be met in raw materials, production processes, and how to store halal products. With clear and orderly standards, it is hoped that food producers and entrepreneurs can meet the requirements to obtain halal certification from the MUI.

Providing Information About Halal Products MUI also has a role in providing information about halal products to the public. This information can be in the form of a list of halal products, how to check the authenticity of halal labels, and how to avoid non-halal

food products. With accurate and easily accessible information, it is hoped that people can more easily choose food products that are halal and in accordance with standards.

4. CONCLUSION

In protecting UMKM food product consumers in Pekalongan City who do not yet have a halal label, there are several legal protection measures that can be taken. Some of these actions include (1) Implementation of Law Number 33 of 2014 concerning Guarantees for Halal Products, which requires producers and business actors to include halal labels on food products that are produced and traded. In this case, the City Government of Pekalongan can supervise and examine UMKM food products sold in their area to ensure that these products meet halal requirements in accordance with applicable laws, (2) Increase outreach to producers and UMKM business actors about the importance of the halal label for food products that are produced and sold. In this case, the City Government of Pekalongan can provide counseling and training to MSME producers and business actors to understand more deeply about the rules and procedures for issuing halal labels, (3) Increase supervision and control of UMKM food products sold in traditional and modern markets. The Pekalongan City Government can conduct periodic laboratory tests to ensure that the food products being sold meet health and food safety standards, and (4) Give sanctions to producers and UMKM business actors who do not meet halal requirements and do not place halal labels on the food products they produce. Sanctions given can be in the form of a warning, a fine, or even revocation of a business license.

By carrying out legal protection measures as mentioned above, it is hoped that it can improve the quality and safety of UMKM food products sold in Pekalongan City and protect consumers from food products that are not halal and unsafe for consumption. The Indonesian Ulema Council (MUI) has a very important role in prosecuting cases of counterfeit halal labels and food products that do not comply with standards. As the agency responsible for issuing halal certification in Indonesia, MUI is responsible for ensuring that food products sold in the market meet strict halal requirements. MUI takes action on cases of counterfeit halal labels and food products that do not comply with standards in several ways. First, MUI supervises food producers and distributors who have received halal certification. MUI also conducts regular inspections to ensure that they comply with the established halal standards. Second, MUI cooperates with authorities, such as the Food and Drug Supervisory Agency (BPOM) and the Ministry of

Religion, to carry out inspections of food products that are suspected of not meeting halal standards. MUI also has a special team that focuses on prosecuting cases of counterfeit halal labels and food products that do not comply with standards. The public can submit complaints directly to the MUI through the channels provided. By carrying out this role, the MUI helps ensure that food products sold in the market comply with strict halal standards and do not pose a danger to consumers. MUI also helps protect consumer rights to obtain food products that are halal and safe for consumption

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