

Conference Paper

Consumer Protection Perception of Halal Food Products in Indonesia

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Abstract

Purpose - The purpose of this study is to uncover the conditions, dilemmas, and efforts to improve the customer perception of halal food products in Indonesia. The study uses secondary data with a conceptual approach with a study of social theory and facts in Indonesia. The results of the study show that the role of employers, government and consumer protection institutions still needs to be improved to promote consumer rights and obligations regarding halal products. Ongoing socialization efforts to bring intensive awareness are still needed to increase trust in halal food products. The limitations of existing empirical data regarding the behavior of consumers using halal products are the main things that further research is still needed. Consumer awareness of halal products still needs to be encouraged so that consumers are aware of their rights and obligations and are protected from producers who are misconducted. This can be done through mass media massively campaign. Synchronization between related institutions is the key to winning the consumer support, while still opening opportunities for entrepreneurs to honestly provide product information. Government policy in favor of protecting consumers with law enforcement is a picture given in this paper to foster more comprehensive literature in the field of consumer protection of halal products.

Keywords: Halal food product, Consumers protection, government policy

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Food is a basic human need that is always a priority and responsibility of the state. Food should always be available sufficiently and safely, with quality containing adequate nutrition, complemented with many choices in affordable prices, and certainly not in conflict with the values of religion, beliefs, and customs of the community. This needs to be supported by a strong protection system by the state, both for those who produce and especially for those who consume. Good quality food consumption will result in a healthy and strong generation to build the nation.

1. Introduction

Food producers have the main responsibility for food products that are being circulated and marketed, especially if there is a product that causes losses, involving health

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problems and deaths of people who consume them. Consumers have the right to obtain sufficiently clear information about each food product they will consume before making a purchase. The right to obtain this information is one that must be fulfilled by producers in relation to its origin, safety, quality, content and other necessary information. Obtaining correct and accurate information is the most important part in fulfilling the principle of information disclosure for consumers, which means there is legal certainty as an existing commitment from the implementation of consumer protection.

The accuracy and correctness of information for consumers are so important in order to prevent consumers from having a negative impact, considering that even now the progress of information technology is developing rapidly but data misdirection still occurs. On the other hand, the progress of processing food products by utilizing the advancement of science and technology enables the mixing between halal and haram food, whether intentional or not. To find out the halal status of a food, a special study is needed that requires multidisciplinary knowledge, such as knowledge in the fields of food, chemistry, biochemistry, industrial engineering, biology, pharmacy, and understanding of Shari'a. In reality, many products circulating in the community in Indonesia have not all been halal guaranteed. Although the producers state that the products being marketed are declared halal, data manipulation is still possible. Indonesia as the largest Muslim country in the world (85% out of 250 million people) holds a major stake in the circulation of products that are safe and halal since Muslims naturally become the biggest consumers in this country besides being the import target of other countries. As a Muslim-majority country, it impacts not only Muslims but also non-Muslims (Marmaya and Desa, 2019). It is fitting for Muslim consumers to get protection regarding the certainty of halal food products circulating in the community. Source-based data analysis shows the needs for halal food in Indonesia is 157 billion US \$ while halal food import is only 14.3 billion US \$. With a difference of 142.7 US \$, it can be said that halal food products are competitive because its value is bigger than the imports (Fithriana & Annissa, 2017). The supply of imported processed foods such as chocolate, yogurt, snacks, and others are still dominated by Carrefour, Nestle, Unilever, Coca-cola and so on. Various research shows that halal certification is no longer a mere domain of religious law, but also commodification of trade and economics. Although initially shown as an instrument intended only for Muslims, secular countries gradually became seriously committed to contributing to producing halal goods, and sometimes even more secure than production carried out by Islamic countries (Afroniyati, 2014).

The position of consumers when dealing with business actors, in general, is indeed very weak. Consumers often become the object of business activities from producers

through their advertising strategies which are often misleading and not in accordance with the marketing ethics standard so that it often causes losses to consumers. Consumers often do not have the ability to assess or detect whether a food or beverage product that they are going to buy is halal. On the other hand, social institutions do not have the power to influence producers on the information about the halal food and beverage products they make. In other words, consumers education cannot guarantee the welfare of consumers. The weak position of consumers allegedly occurred at the international level as stated in the UN General Assembly Resolution N.A / RES / 39/248 of 1985 concerning Guidelines for Consumer Protection. 9 (Nirwanda, 2015). The resolution requires that consumers everywhere from all nations have certain basic rights regardless of social status, religion and nationality. Their basic rights must be guaranteed, namely the right to obtain clear, honest and true information, the right for security, the right to vote, the right to be heard, and the right to get compensation. The United Nations mandates its members to protect the interests of every citizen from exploitation concerning any product.

Halal standard products have become an integral part of global trade and economic practices that demand standards and quality. International quality and security standards that can be trusted will increase cross-national international trade. The flow of goods, services, capital, knowledge between countries is a challenge for every country.

In line with rapid globalization and internationalization, the trade in halal food has also increased in non-Muslim countries, such as Japan and Korea (Yusof & Shutto 2014). Globally, Muslim consumers are essentially very concerned about a number of issues related to meat food products, such as pork substitution, undeclared blood plasma, unlawful use of raw materials, pork intestine chasing, and non-halal method of slaughter (Nakyinsige et al, 2012).

International trade has a big influence on the economy of these countries which can create a conducive climate that is mutually beneficial from reciprocal trade, and even more efficient in producing and marketing goods. Many experts concluded that the benefits of cross-country trade exceeded the benefits of military interests and territorial control. The existence of an economic motive to benefit from marketing halal products is the reason behind that. According to the Director of Global Food Research and Advisory Sdn Bhd, Irfan Sungkar, in Kuala Lumpur, as reported in the halalguide.info website in 2007, the world's halal industry reached a value of more than the US \$ 600 billion with a captive market population in around 1.6 billion people (Afronyati, 2014). It is projected that there will be an increase of 35 percent of Muslims and it will reach 26.4 percent of the world's total population by 2030 (Talib, 2017). Each person

producing or incorporating packaged food into Indonesia who states that the food is halal for Muslims is responsible for the correctness of the statement and must include the halal label, which is an integral part of the product. The fact that needs to be questioned is how the government controls the enforcement of legal rules and the following concrete actions that can protect Muslim consumers since food products are produced by non-Muslims and in addition to competitors for local products. Based on the above points, the main problem is whether halal food in packaged food products has provided adequate protection for Muslim consumers and whether it is sufficient to provide Muslim consumers the much-needed consumer protection.

2. Islamic Views on Halal Food

Islamic economics proclaims the ultimate goal of economic activities that is beneficial, and able to prevent harm and damage. Maslahah can be used as a foothold and goal of Islamic Economics. Maslahah is what sustains the upright and perfect life of human life, and fulfills what is required by emotional and intellectual qualities in an absolute sense.

The Muslim community who lives in a multi-religion country pays much attention to every halal product they consume. Indonesian consumers are very heterogeneous in composition, as they follow different religions, products, and services that are very diverse in order to follow their diverse traditions (Hermawan, 2009). For Indonesian Muslims, food must also meet the halal and thoyyib requirements based on the provisions found in the Qur'an scriptures and the Hadith of the Prophet Muhammad. The verse in the Qur'an instructs humans (Muslims) to eat halal and good food, meaning that it should be halal according to sharia and good in terms of health, nutrition, aesthetics, and others. Islam gives freedom in the matter of food and extreme in the matter of prohibition. Islam proclaims to all humans with the affirmation of Surah A-Baqarah verse 168:

يَا أَيُّهَا النَّاسُ كُلُوا مِمَّا فِي
الْأَرْضِ حَلَالًا طَيِّبًا وَلَا تَتَّبِعُوا خُطُواتِ
الشَّيْطَانِ ۚ إِنَّهُ لَكُمْ عَدُوٌّ مُبِينٌ

“Mankind! Eat of whatsoever is, the earth, lawful, and clean and follow not the footsteps of Satan; verily he is an enemy unto you manifest.”

The Qur'an implies that in food should not only be halal but also must be thoyyib. This is evidenced by the halal words in several verses of the Qur'an that are always

followed by the words *thayyiban* since not all *halal* food is *thayyib* for consumers. For example, the process of slaughtering livestock that does not mention the name of God is certainly not a process that is *thayyib* (Lahaling et al, 2015).

وَكُلُوا مِمَّا

رَزَقَكُمُ اللَّهُ حَلَالًا طَيِّبًا، وَاتَّقُوا اللَّهَ الَّذِي أَنْتُمْ بِهِ مُؤْمِنُونَ

“And eat of that wherewith Allah hath provided you as lawful and clean, and fear Allah in whom ye are believers.” (Surat Al-Maidah ayat 88).

Halal food that enters the body is very much important in Islam. Food from sources and ingredients and unclean processes will affect the vertical relationship with God and can affect the fulfillment of prayer. This fundamental concept has made *halal* food as values that are embedding and influencing good Muslim behavior. The essence of eating is not just eating since eating has the effect of significant religious behavior on a Muslim. In Islamic Sharia, *halal* it is clear and *Haram* is also. Among them, there are things that doubt people, as it is not known whether it is *halal* or non-*halal*. People who avoid them to honor their religion will be safe.

Halal food products are products that meet *halal* requirements in accordance with Islamic law, among others are food that (Ministry of Religion, 2003): (1) does not contain pork and ingredients derived from pork. (2). Does not contain ingredients that are forbidden such as ingredients derived from human organs, blood, and feces. (3). its materials derived from *halal* animals slaughtered according to the procedures of Islamic law. (4). the storage, sales, processing, management, and transportation places are not used for pigs and/or other non-*halal* goods. If it was used for pigs and/or other non-*halal* goods, it must first be cleaned by the procedure of Islamic law. (5). Does not contain *khamar*. According to Sharia law, *Halal* food must meet the following conditions: (1) does not contain parts or non-products from products or animals that are not slaughtered in the name of Allah's methods and Sharia; (2) does not contain ingredients that are considered unclean; (3) safe and harmless; (4) is not prepared, processed or produced using tools or equipment contaminated or used in conjunction with non-*Halal* or unclean; (5) does not contain human parts; and (5) during the manufacturing, preparation, packaging, storage or distribution process, the product must be physically separated between *Halal* and *Haram* products (Talib & Johan, 2012).

Business regulation in Islamic Economics is limited to the ultimate goal of economic activities, namely benefit, prevent harm and prevent damage. Ash-Syatibi expression (Abu Ishak ash-Syatibi, 1954) about *maslahah* can be used as a foothold and goal of

Islamic Economics. Maslahah is what sustains the upright and perfect life of human life, and fulfills what is required by emotional and intellectual qualities in an absolute sense.

Consumerism (consumer protection) is considered an important component of the Islamic economic system that unites material and meaningful elements. It also considers the problems of individuals and groups. Islamic jurists have created consumer product theory which consists of three elements: 1 - contract elements or Aqad, 2 - moral elements and 3 - Sharia elements (A'fifi et al, 2013). Members of Islamic jurisprudence also connect consumerism with Islamic economic theory. Thus, they make consumerism a basic component of the Islamic economic system as mentioned earlier. With this, legal experts apply the conditions or Dhawabit and the methodology that unites the principles of Sharia and changes in ijihad.

In general, the term consumerism in Islam refers to someone who obtains these goods or services to meet their needs while achieving legitimate goals in accordance with Islamic law [1]. In matters involving the purchase, Islam emphasizes the question of consumer quality and rights. The quality of goods sold must be guaranteed to meet consumer needs in return for the price they pay. In discussing the issue of consumerism, the status of halal or haram products is very important for Muslim consumers because they are related to religious claims. Therefore, any law or regulation designed must take this claim into account.

Many things are related to halal products, especially in relation to food products and services. The question is whether Muslim consumers are adequately protected in the product market. Full protection of goods consumed becomes important so that consumers do not become victims. The rights must not be ignored legally. For example, whether the content of food is in accordance with the rules of Islam, and how as Muslims can be protected by state laws and sufficient measures to fulfill their interests as consumers. The article examines issues related to consumer protection and their application regarding halal food in Indonesia.

3. The Need for Consumer Protection

In essence, there are two important legal instruments that form the basis of consumer protection policy in Indonesia, namely: First, the 1945 Constitution, as a source of all legal sources in Indonesia, which is a mandate that national development aims to create a just and prosperous society. The national development goals are realized through a democratic economic development system so as to be able to grow and develop a world that produces goods and services that are suitable for consumption by the community.

Second, Law No. 8 of 1999 concerning Consumer Protection (UUPK). The birth of this law gives hope for Indonesians to obtain protection for losses suffered on transactions of goods and services. UUPK guarantees legal certainty for consumers. The State is obliged to guarantee that every citizen carries out his religion and beliefs, including in the case of fulfilling the need for halal food according to the faith of every Muslim. This is in line with consumer rights regulated in Law Number 8 of 1999 concerning Consumer Protection (UUPK) Article 4 which include the right for comfort, security, and safety in consuming goods and or services, especially for convenience in consuming food that is in accordance with the beliefs. Based on UUPK, each producer must transparently list the elements of each food produced to protect the interests of consumers (Triasih et al, 2016).

Legal protection for food that is not halal certified has been supervised by the government and authorized institutions, such as the Food and Drug Supervisory Agency or BPOM. The main function of the agency relating to halal certification is to supervise the products issued by producers. BPOM will issue a halal label for a product based on a halal certificate that has been owned by the producer or business actor. With the halal label listed on the packaging of a product, it will make it easier for a consumer who wants to buy a product to see and know that the composition contained in the product is halal, so consumers do not need to worry about the composition contained in the product whether it is halal or not. BPOM (National Institution for Supervision of Food, Medicine, and Cosmetic) and MUI (Indonesian Ulama Council) are the only institutions that have a right to issue a halal certificate in Indonesia. BPOM data shows that among registered Indonesian medical industries, food industries, beverage industries, and cosmetic industries, only 59% of them have already had halal certificates (Chairunnisyah, 2017). The remaining 41% have not yet been certified, and this needs to be reaffirmed at the implementation level.

Despite the rapid development of the halal industry, the Muslim community in this country is still dealing with the problem of halal certificates, and food processing issues that are not in accordance with Islamic law. This condition needs to be solved in order to avoid doubts about the status of halal products as a source of global economic growth. Thus, the effectiveness of halal law needs to be improved. Most Muslim countries under the World Islamic Organization have also begun producing their own halal standards to ensure that halal standards in their respective countries are consistent with Islamic standards. Law No. 33 of 2014 concerning Guaranteed Halal Products, in Article 4 states that products that enter, circulate and trade in the territory of Indonesia must be halal certified. Every product of supervision will be carried out by the Government.

However, the obligation for halal certification for products circulated and traded in the territory of Indonesia will only take effect 5 (five) years from the promulgation of the Law on Guaranteed Halal Products. Only this year the legal effect was implemented, so it still needs implementation in the field. With the enactment of the Halal Product Guarantee Law, each producer who will market their products in Indonesia must carry out halal certification and include a halal label to provide certainty and guarantee for clear information about the halal food products for Muslim consumers. The Halal Product Guarantee Law also regulates sanctions that will be obtained by producers if they do not register halal certificates. They will be a subject to administrative sanctions in the form of withdrawal of goods from circulation. In addition to administrative sanctions, there are criminal sanctions for producers namely being punished with a maximum imprisonment of 5 (five) years or a maximum fine of Rp. 2,000,000,000.00 (Two Billion Rupiah). Halal certificates have a broad economic perspective where, in terms of producers, it has a role that includes: (1) as producers' accountability to Muslim consumers, considering that halal standards are parts of Muslim life principles, (2). increase the consumers' trust and satisfaction, (3). improve the company's image and competitiveness; and (4) as a marketing tool to expand the marketing area (Muslimah, 2012).

In line with the consumer protection law, customers' roles include: Article 4 in the Law concerning consumer rights, namely: (1) the right to comfort, security, and safety in consuming goods and or services. (2). the right to choose and obtain goods and or services in accordance with the exchange rate and conditions and guarantees promised, (3). The right for information that is correct, clear and honest regarding the conditions and guarantees of goods and or services, (4). The right to hear opinions and complaints about the goods and or services used, (5). The right to obtain advocacy, protection, and efforts to properly resolve consumer protection disputes, (6). The right to get guidance and consumer education, (7). The right to be treated or served correctly and honestly and not discriminatory, (8). The right to get compensation, if the goods and or services received are not in accordance with the agreement, (9). The rights stipulated in the provisions of other laws and regulations. Consumer rights as mentioned above can be briefly explained as follows.

The right to comfort, security, and safety mean that consumers have the right to get products that are comfortable, safe, and that provide safety. Consumers must be protected from all hazards that threaten their health, soul, and property caused by the use or consumption of products such as food. Thus, each product, both in terms of material composition, construction, and quality must be directed to enhance the sense of comfort, and consumer safety (Chairunnisyah, 2017). In fulfilling their needs, consumers

are always dealing with producers. There are interdependent relationships between producers and consumers as producers need consumers as parties who receive or need goods produced.

4. Discussion

In achieving the goal of making Indonesia a global halal center, various problems and challenges arise in connection with the enforcement of halal certification in Indonesia. The government and authorities must immediately take steps to overcome this problem because it has major implications for the Muslim community in particular. The aim is to educate and protect consumers. They also intend to help consumers obtain certainty that the products consumed are protected by halal status, as they should choose products and services correctly to avoid fraud and become wise consumers (Sumarwan, 2013). Ideally, Indonesian halal food products can compete in international trade because resources and raw materials are easily available and easily found in Indonesia. In this case, halal certification can be an economic driver. However, the challenges in providing and developing halal food products are not only related to meeting food needs but also in providing halal certification in food products. The amount and variety of food, whether processed or not, is plenty, coupled with imported food and food products that requires supervision and attention from the government regarding halal certification or labels (Fithriana and Annissa, 2017). Halal food products have become a part of the provisions of international trade, especially listed in the *Alimentarius* codex. This provision is a part of the provisions of the international trade regime, which is also part of the political platform since international actors can use this halal problem as a part of political policy to achieve the goals and interests of the nation.

There are several proposed improvements to overcome these problems and challenges: 1) Expansion of public awareness publicity so that the public can file complaints regarding halal abuse to the authorities, (2) Promote a real movement for halal socialization through the Halal Product Guarantee Agency (BPJPH) that regulates the halal matters in Indonesia that are independent, transparent and non-partisan even though they are still under the Ministry of Religion (3) Implementing halal law that has been seriously enacted. Without effective law enforcement, various problems will arise and it can dampen the government's efforts to lift the halal industry as a new source of world economic development, (4) Continuous efforts to bring consumers awareness about the importance of selectively choosing in food on display, since

consumers have an increasingly strong position in bargaining with intense competition. The formation of BPJPH must be seen as a real framework for improving the quality of consumer protection within the legal framework in Indonesia (Suparto et al, 2016). Synchronization between related institutions is the key to win the consumer without closing the opportunity for entrepreneurs to be honest in providing information on their products. Sincerity from producers is compulsory to recognize weaknesses and improve service to consumers. Consumers have the right to have their complaints or opinions be heard. Included in this case is the right for consumers to get reimbursement for losses suffered after consuming the product (Chairunnisyah, 2017). Problems related to health, safety, quality, environment, and ethical treatment on how to cut animals in relation with the rules of sharia law should also be able to increase awareness and understanding of the halal concept not only among Muslims but also for non-Muslims.

5. Conclusion

The form of consumer protection against halal-certified food products in the community is by providing socialization to the public from an early age, and gradually to the general public. Communities as consumers are also entitled to get the right information about halal-certified food products that they need. This is related to the safety of Muslim consumers, both in aqidah, spiritual and physical. In consuming food products, they are very dependent on the information of these food products. Some of the constraints experienced by the Government are the producers who falsify the halal status of their products and the companies that do not consistently maintain the halal status of their products after being certified. On the other hand, these conditions and phenomena can cause the position of business actors and consumers to become imbalanced that eventually causes consumers to be in a weak position. Consumers become the object of business activities to reap the biggest profits by business people through promotional tips or advertisements using various media. The role of the state is very vital since the state is a regulator of the welfare of the community by implementing transparency and accountability for the welfare and protection of the sharia of the Muslim community.

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