

Research Article

Signification of Halal Product Assurance Post Law No. 11 of 2020 in Society 5.0 Era

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ORCIDSiti Magfiratun: <https://orcid.org/0009-0008-5461-977X>**Abstract.**

Halal Products Assurance in Indonesia has gone through various phases of changing regulations starting from KMA No. 518 and 519 of 2001 to UU No. 33 of 2014 and updated in UU No. 11 of 2020 about Cipta Kerja. This shows how serious the government is in implementing Halal Product Assurance. However, these changes are an appropriate step in fulfilling public demand regarding Halal Product Assurance. Apart from entering a new era, namely the Society 5.0, where everything will be based on technology. It can be a challenge itself in the process of ensuring Halal Product Assurance. So, this research wants to see a significant change in Halal Product Assurance in the Era of Society 5.0 after Law No. 11 of 2020 concerning Job Creation. This research is the type of library research with the data collection method by analyzing laws and regulations related to halal product guarantees and taking notes and documentation related to legal guarantees for halal products. The results of the study show that there has been a significant change in regulations for filing halal products that are neater and the time efficiency for issuing halal certificates is also much shorter. Apart from that legal certainty and sanctions after the amendment of the article in the cluster of UU Cipta Kerja are getting stronger. Even the entry of the Society 5.0 era has been anticipated by presenting some innovations such as the application based on android name PUSAKA and the application web-based name SIHALAL.

Keywords: halal, halal certificate, halal product assurance, Society 5.0.

1. Introduction

Halal Products Assurance is an important requirement for every Muslim related to food products, beverages, even cosmetic products. The terms halal and *tayyiba* are used in Islam to refer to the guarantee of food, drink and the use of products for Muslims (*halalan tayyiba*).^[1] Initially, the Ministry of Religion had the authority to regulate halal certification inspections based on the Decree of the Minister of Religion (KMA) Number 518 of 2001 concerning Guidelines and Procedures for Inspecting and Determining Halal Food. Furthermore, through the Decree of the Minister of Religion Number 519 of 2001 concerning the Executing Agency for Food Halal Inspection which appointed and delegated the implementation of halal certification to the Assessment Institute for Food, Drugs and Cosmetics, the Indonesian Ulema Council or known as (LPPOM-MUI).^[2]

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Along with its development, regulations on halal certification are seen as sectoral, incomplete, inconsistent, non-systemic and voluntary. In addition, there are still many products in society that are not guaranteed to be halal, such as in the market which is increasingly difficult to control due to an increase in food innovation, design innovation, biotechnology and natural synthesis cycles so that there is a need for a comprehensive regulatory agreement.[3] In order to guarantee halal products for the people of Indonesia, the government then made Law No. 33 of 2014 concerning Halal Product Assurance (UU JPH) as a substitute for the previous regulation.

Since the enactment of the JPH Law, it turns out that regulations regarding guarantees for halal products have not been widely accepted by the public. In fact, legal certainty over Halal Products Assurance has not had a significant influence on the growth of the industrial world and the acceleration of halal products in Indonesia. Apart from that, the times and technology have entered the era of society 5.0, where society has entered the era of technology-based humans (*technology based*). This causes everything to be effective and efficient. So that the role of humans is now starting to be replaced by intelligent robots or what is commonly called *artificial*. So in the future Society 5.0 era, everything will be based on technology whose function is to streamline human life. So that all lines of life must immediately prepare and adapt to this rapid progress.

Based on the conditions of this era that continues to develop, in contrast to the Halal Products Assurance which have not yet shown a significant influence on society, so the government is taking renewal steps. The government included several changes in the JPH Law but without making a new law. They changes to a number of articles that are no longer relevant to the current situation and conditions, were then included in the Omnibus Law cluster (Job Creation Law No. 11 of 2020). Articles in Law no. 33 of 2014 concerning Halal Product Assurance (UU JPH) which received renewal changes through Law no. 11 of 2020 concerning Job Creation, there are recorded 24 articles. The amended articles are included in Paragraph 8 concerning Trade, Legal Metrology, Halal Product Assurance, and Standardization and Conformity Assessment to be precise in article 48.[4] This is done to provide legal certainty for a halal product as evidenced by halal certification.[5]

Based on the description, the authors are interested for research regarding the Significance of Halal Products Assurance in the Era of Society 5.0. after the work Job Creation law No. 11 of 2020. Does the change in a number of articles really provide space and convenience for business actors. Especially the significance related to ease of administration and process in obtaining Halal Product Assurance through Halal Certification.

2. Methodology

This research is a type of *Library Research*, this research that aims to collect and analyze official documents, documents guaranteed for their validity and validity, legal and political documents or research reports.[6] This study using the method of "legal regulation" [7] researching and analyzing premiere data in the form of laws and regulations related to halal product guarantees. In addition, it is strengthened by taking secondary data in the form of records and documentation related to legal guarantees for halal products.

3. Results and Discussion

3.1. Halal and Halal Products Assurance

Halal is an actions that are justified and permissible by Islamic law. On the other hand, the opposite of Halal is Haram. Haram is an act that is prohibited by Islamic law. Basically all food and drinks that come from plants, vegetables and animals are halal, except for those that are toxic and endanger human life.[8]

Halal word comes from the word *halla*, *yahillu*, *hillan* which means liberating, releasing, solving, dissolving, and allowing. Halal is interpreted as anything that causes a person not to be punished if he uses it.[9] In the perspective of Islam, halal and haram are provisions that have been stipulated in the Al-Qur'an and As-Sunnah, all of which are provisions that cannot be changed by humans. As found in QS. Al-Baqarah: 168 [10]

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

"O mankind, eat from whatever is on earth [that is] lawful and good and do not follow the footsteps of Satan. Indeed, he is to you a clear enemy."

From the holy verses of the Qur'an, Islam requires that the products consumed by a Muslim must meet the elements of halal and *thoyyib* or good (according to sharia, healthy and of good quality) meaning both in terms of substance and how to get it,

Law No. 33 of 2014 concerning Halal Products Assurance indicates that halal must contain 6 (six) principles: (a) Protection, (b) Fairness, (c) Legal Certainty, (d) Accountability and Transparency, (e) Effectiveness and Efficiency and, (f) Professionalism. MUI as an official institution that cooperates with the government as an institution for reviewing Halal Products Assurance mention that halal is if the substances are fulfilled, halal is the way to obtain them and halal is the way to process them.[11]

Law Number 33 of 2014 concerning Halal Products Assurance stipulates that halal is; *first*, the products are goods and/or services related to food, drinks, medicines,

cosmetics, chemicals, biological products, genetically engineered products and used goods used by the public. *Second*, halal products are products that have been declared halal according to sharia. *Third*, Halal Products Assurance is legal certainty over product halalness as evidenced by a halal certificate.

3.2. Halal Certification and the Urgency

3.2.1. Halal Certification

Islamic banking is based on philosophy Islamic economics, which combines religious principles with element economics and finance. A number of principle philosophy economy The main principles used in Islamic banking are Principle This refers to belief will the oneness of God and how matter That impact on action economy. Tawhid principle in Islamic banking emphasizes that all activities and transactions economy must done with good and proper intentions with sharia provisions. Prohibition Riba in Islamic economics, usury, or interest, prohibited. According to principle this is an advantage from transaction finance No can based on interest on the contrary, it is must based on principles share risk and profit. Justice and Equality This idea emphasize that justice must is in every transaction economy.

In Indonesia, prior to the enactment of the JPH Law, halal certification was under the authority of MUI. MUI Halal Certificate is a written fatwa from the Indonesian Ulema Council which certifies the halalness of a product according to Islamic law. Halal certification is the process of obtaining a halal certificate through various stages of inspection to show that the natural ingredients, manufacturing cycle, and arrangements for halal confirmation of an item within an organization have met the established guidelines. Certification is carried out by carrying out a series of checks by: auditors who are experienced in their field to determine the halal status at a later date to compile a written fatwa stating the halal quality of the product in the form of a halal certificate.[12]

After the enactment of Law No. 33 of 2014 concerning Halal Product Assurance (UU JPH), the process of determining the halalness of a product has undergone regulatory changes. The JPH Law states that a Halal certificate is an acknowledgment of the halalness of an item granted by BPJPH (Halal Product Assurance Organizing Agency) based on a halal fatwa compiled by the MUI.

Halal certificate is a requirement to obtain permission to place a halal label on product packaging.[13] Halal certificates are valid for four years. Then it can be extended. Companies must provide halal guarantees by always maintaining product halal consistency.

Periodically every six months must report the implementation of the Halal Assurance System to the company. Halal labeling by including a halal label or logo on the packaging of halal products serves to show consumers that the product is a product with halal status.

3.2.2. The Urgency

Islam will attach a great importance to goodness and cleanliness in all things. Islam commands the muslim to eat food and use ingredients that are both pure and clean. With regard to Islamic teachings, every Muslim is obliged to investigate and be concerned about the food and goods that will be enjoyed. Thus identifying food for the family is the responsibility of every Muslim family.[14] To get a good halal product, at least five things that must be considered [15] :

1. Halal – Substance

Halal substance suggest the food consumed by humans is divided into three types; vegetable, animal and other types of preparations. In Islam there are several types of animal, vegetable and other types of preparations that are prescribed to be non-halal. So the halal status of this substance is important to note

2. Halal - Way To Get It

Halal food to be consumed must also be obtained in a halal way, because even though the food is already halal in substance, it is obtained in ways that violate sharia law, so its halal status is invalidated.

3. Halal - How To Process It

Animal/vegetable substance that is eaten must be halal, not obtained by illegal/haram ways, and of course not necessarily consumed immediately. It must go through a process of slaughtering or purification in accordance with Islamic teachings (sharia) and using serving utensils that are protected from uncleanness

4. Halal - Way Of Storage

The food storage area is also an important indicator of the halalness of the food. All stored food ingredients should be stored in a safe place and not stored in a place that is mixed with unclean

5. Halal - Way Of Serve/Presentation

In distributing and presenting products must have gone through various stages of halal testing, the presentation must be clean and free from unclean and dirty

Based on how Islam requires halal and *tayyib* for something that we will consume, then halal certification is a halal certificate and halal label is a very urgent issue to meet the needs halal of society in general. In addition to providing halal and clean guarantees, the certificates that will be obtained by these food ingredients producers cause their products to get legal guarantees regarding halal certainty.

3.3. Significance of Halal Product Assurance After Law no. 11 of 2020 concerning Job Creation

At first, the Ministry of Religion had authority to regulate the inspection of halal certification based on the Decree of the Minister of Religion (KMA) Number 518 of 2001 concerning Guidelines and Procedures for Inspecting and Determining Halal Food. Furthermore, through the Decree of the Minister of Religion Number 519 of 2001 concerning the Executing Agency for Food Halal Inspection which appointed and delegated the implementation of halal certification to the Assessment Institute for Food, Drugs and Cosmetics, the Indonesian Ulema Council or known as (LPPOM-MUI).[16]

Along with its development, regulations on halal certification are felt to be sectoral, incomplete, inconsistent, and non-systemic and voluntary. In addition, there are still many products in society that are not guaranteed to be halal, for example in the market it is increasingly difficult to control due to an increase in food innovation, design innovation, biotechnology and natural synthesis cycles so that there is a need for a comprehensive regulatory agreement.[17] Systems that do not provide clear guarantees regarding the authorities, duties and functions related to the implementation of Halal Product Assurance, so that halal certification does not have strong legal certainty in providing guarantees to consumers for halal products. So that in order to guarantee the need for halal products for the people of Indonesia, the government then stipulated Law No. 33 of 2014 concerning Halal Product Assurance (UU JPH) as a substitute for the previous regulation. The JPH Law aims to provide legal certainty for a product's halalness as evidenced by halal certification.[18] In accordance with the mandate in the JPH Law, the obligation for halal certification for all products circulating and those issued by Indonesia has been enforced since October 17, 2019. Even the government is responsible for implementing product halal guarantees, which in this case is carried out by the Ministry of Religion through the Halal Product Assurance Organizing Agency (BPJPH).

In fact, after seven years the JPH law was passed, the presence of the law on Halal Product Assurance still not felt by the public. Halal Product Assurance has not had

a significant influence on the growth of the industrial world and the acceleration of halal products, moreover based on research conducted by the Ministry of Research and Development.[19], the lack of knowledge of business actors about the JPH Law is one of a big problem, so some of them are reluctant to register their products to get halal certificates. This is because BPJPH also rarely provides socialization regarding the guarantee of this halal product to both the public and business actors. Other causes include the lack of presence of LPH and Halal Auditors in the field. This problem is considered to have arisen because the authority for Halal Auditor certification and LPH certification in the JPH Law is stated to still belong to the MUI. So that the ambiguity of the administrative process and authority is become a complicated polemic which causes halal certification to be still a foreign item for small entrepreneurs and UMKM. So that the implementation of the JPH Law in society is still far from satisfactory.

Based on condition of the JPH Law, it is considered not too strong enough to make a Halal Product Assurance for all levels of society. So the government then made changes to several articles in the JPH Law, but without making a new law. The government then included several articles that were considered ambiguous and not up to date with current conditions into the work Job Creation law cluster. One of the articles in Law no. 11 of 2020 concerning Job Creation, is Article 48 Paragraph 8 concerning Trade, Legal Metrology, Halal Product Assurance, and Standardization and Conformity Assessment. There are 22 articles that have received updates both in text and context plus 2 additional articles as reinforcement. The inclusion of the JPH Law in the structure of the Job Creation Law is essentially an impetus to overcome the problem of the non-implementation of guarantees for halal products circulating in the community. One of the main strengths of the JPH Law after Law no. 11 of 2020 concerning Job Creation, the nature of halal certification, which was previously voluntary, now has become mandatory. Meanwhile, several provisions in JPH Law that changed after the presence of the Job Creation Law included provisions for product certification from UMK, authority for LHP accreditation and Halal Auditor certification, involvement of legal Islamic organizations in the Halal certification process, simplification of bureaucracy, and the timing of issuance of halal certification. including changes to punishment/law enforcement norms.[20]

Several forms of changes related to Halal Product Assurance after the inclusion of several amendments to articles in Law no. 11 of 2020 concerning Job Creation, including:

3.3.1. Halal Product Regulations

Submission of Halal Certificate Applications was submitted by Businessman to BPJPH, where previously it was directly submitted to LPPOM-MUI as stated in article 29 paragraph 1.[21] Then BPJPH determines the Halal Inspection Agency (LPH) to carry out inspection and/or testing of product halalness based on the request of Businessman.[22] LPH can be submitted by Islamic religious institutions with legal entities, and private universities that are under the auspices of Islamic religious institutions with legal entities or Islamic foundations with legal entities.[23] The next step is inspection and/or product halal testing carried out by the Halal Auditor from the designated LPH no later than 15 (fifteen) working days.[24] The results of the Halal Auditor inspection are then officially submitted to LPH, then LPH submit the results of inspection and product halal testing to MUI with a copy sent to BPJPH.[25] The determination of product halalness is carried out by MUI through the MUI Halal Fatwa Session. The results of the trial were submitted by MUI to BPJPH as the basis for issuing Halal Certificates.[26] Then the Halal Certificate is issued by BPJPH no more than 1 (one) working day from the date of the product halal fatwa.[27] With the current flow, the clarity of the administrative system for the process of submitting a halal certificate is easy to understand. In addition, the efficiency of the processing time until the issuance of the halal certificate is noticeably shorter than the previous regulations.

3.3.2. Legal Certainty and Sanctions

Criminal acts against Halal Product Assurance are prohibited and disgraceful acts according to law relating to guarantee activities for the halalness of a product. This includes the provision of materials, processing, storage, packaging, distribution, sales and presentation of products in the form of goods or services related to food, beverages, cosmetic drugs, chemical products, biological products, genetic engineering products, as well as goods used or utilized by the public.

Main criminal aspects in the JPH Law are regulated in the form of sanctions. The provisions for sanctions in the JPH Law are contained in 56 and 57 of the following articles:

1. Article 56

Businessman who do not maintain the halalness of Products that have obtained Halal Certificates as referred to in Article 25 letter b shall be subject to imprisonment for a maximum of 5 (five) years or a maximum fine of Rp. 2,000,000,000.00 (two billion rupiahs).

Pelaku Usaha yang tidak menjaga kehalalan Produk yang telah memperoleh Sertifikat Halal sebagaimana dimaksud dalam Pasal 25 huruf b dipidana dengan pidana penjara paling lama 5 (lima) tahun atau pidana denda paling banyak Rp2.000.000.000,00 (dua miliar rupiah).

2. Article 57

Everyone who is involved in the implementation of the Halal Product Assurance process who does not maintain the confidentiality of the formula contained in the information submitted by Business Actors as referred to in Article 43 shall be subject to imprisonment for a maximum of 2 (two) years or a fine of up to Rp. 2,000,000,000. 00 (two billion rupiah).

Setiap orang yang terlibat dalam penyelenggaraan proses Jaminan Produk Halal yang tidak menjaga kerahasiaan formula yang tercantum dalam informasi yang diserahkan Pelaku Usaha sebagaimana dimaksud dalam Pasal 43 dipidana dengan pidana penjara paling lama 2 (dua) tahun atau pidana denda paling banyak Rp2.000.000.000,00 (dua miliar rupiah).

With this regulation make strengthens position the nature of halal certification, which was previously voluntary and now has become mandatory. On the other hand, the existence of criminal sanctions and administrative sanctions will make the government's hope to provide halal guarantees for every product circulating in the community can be achieved immediately. The change in a number of regulations through the stipulation in the work Job Creation law is enough to show the government's significant seriousness in implementing the Halal Product Assurance process.

3.4. Significance of Halal Product Assurance in Society 5.0 Era

Era Society 5.0 was first announce by Japan on January 21 2019 as a form of response to the rapid movement of industrial revolution 4.0 hot larvae.[28] in concep, the era of society 5.0 is a human-centered society based on the resulting technological sophistication. This causes everything to be effective and efficient. So that the role of humans is

now being replaced by intelligent robots or what is commonly called artificial. One of the main points in this concept is that artificial intelligence products are able to transform big data from internet transaction products in all areas of life into a new wisdom. Creating new hopes to increase human capabilities in opening up new opportunities for life and humanity.

The basic thing that distinguishes Industry 4.0 from the era of society 5.0 is that Industry 4.0 focuses on production, Society 5.0 seeks to place humans at the center of innovation. In addition, utilizing the results and impacts of Industry 4.0 technology by deepening the function of technology in order to improve the quality of life, social responsibility and social sustainability.[29] Society 5.0 has the concept of big data technology that is collected by a container or system called the *Internet of things* (IoT) to be further processed by Artificial Intelligence (AI) into something that can help humans towards a better life system.[30] Era of Society 5.0 will have an impact on all aspects of life, starting from health, urban planning, transportation, agriculture, education and industry. One of those affected is the Halal Products Assurance in Indonesia.

Halal Product Assurance after announcement change era from Industry 4.0 to the era of society 5.0 have a number of fundamental changes. By carrying out the main concept of the era of society 5.0, helping humans towards a better life system. the changes are into a number of articles in No. 33 of 2014 concerning Halal Products Assurance apparently has tried to accommodate the demand of this era. 22 articles that have changes, it implies that Indonesian government has prepared to welcoming the continuation of the era to society 5.0. This step is proven by the Ministry of Religion of the Republic of Indonesia by preparing several *Internet of things* (IoT) based Halal Products Assurance programs. The main Halal Product Assurance program declared by BPJPH Ministry of Religion of the Republic of Indonesia is the SEHATI (Sertifikat Halal Gratis) or Free Halal Certification.[31]

This program started on January 2, 2023 and will be open throughout 2023 with a mechanism for *self-declaring* businessman. Based on the stipulations related to halal certification for all products in circulation and dated October 17, 2019, all are required to have halal certification. The government has given a deadline for all entrepreneurs whose products are circulating in Indonesia to register and have halal certification by October 17, 2024. For food and beverage business actors, slaughter products, and slaughter services that do not yet have halal certification by the deadline, then will be punish.

In order to help Halal Product Assurance success and Halal Certification program, the government then responded by launching several innovations. This innovation is

of course at the same time answering the challenges of a new era, the era of society 5.0 which has been defined by technological sophistication. Some of these innovations include:

3.4.1. Pusaka

Indonesian government through the Ministry of Religion has created an Android mobile based application called Pusaka. Pusaka is an application that presents various online service features of the Ministry of Religion for the community. For example, Hajj registration, marriage registration, halal certification, and one of them is Halal Certification Registration. This heritage application was launched for the first time in mid-2022 as a response to advances in technology and work efficiency.

3.4.2. Sihalal

SIHALAL is a web-based application about Halal Certification service program, developed by BPJPH Ministry of Religion of the Republic of Indonesia to support halal certification services. SIHALAL can be accessed online via a computer or smartphone using internet access at the link <https://ptsp.halal.go.id/>. [32] SIHALAL application is intended to make it easier for businessman to take care of halal certification. By using this application, processing halal certificates will be easy and cheap and time efficient. Because you don't need to bother bringing files to BPJPH to take care of halal certification, just by using a gadget equipped with an internet network, you can register for halal certification.

These two applications all lead to the same institution, namely BPJPH (Halal Product Assurance Organizing Agency) belonging to the Indonesian Ministry of Religion. BPJPH does not work alone but synergizes with other parties, namely LPH (Halal Companion Institute) and MUI (Indonesian Ulema Council). In short, the duties and functions of these three institutions are that BPJPH has the task of establishing rules/regulations, receiving and verifying product submissions to be halal certified from business actors (product owners), and issuing halal certificates along with halal labels. Meanwhile, the Halal Inspection Agency (LPH) is tasked with carrying out inspections and/or testing the halalness of products submitted for halal certification. This inspection is carried out by a halal auditor owned by LPH. MUI has the authority to determine the halalness of products through a halal fatwa meeting. This halal stipulation, both related to standards

and product halalness. Halal certificates issued by BPJPH are based on MUI halal regulations.

The presence of the two applications is the main response to developments and advances in technology, especially welcoming the changing era from Industry 4.0 to the era of Society 5.0. It was recorded in the latest data update on February 20 2023 that since the halal certification program has been able to go through the Pusaka and SIHALAL applications, there have been 2,171 Halal certificates containing more than 38,480 products.[33] This shows there is a significance of understanding and enthusiasm for Halal Product Assurance in Society 5.0 Era.

4. Conclusion

Initially, guarantees for halal products were regulated through Decree of the Minister of Religion Number 518 of 2001 concerning Guidelines and Procedures for Inspecting and Determining Halal Food. Furthermore, through the Decree of the Minister of Religion Number 519 of 2001 concerning the Executing Agency for Food Halal Inspection which appointed and delegated the implementation of halal certification to the Assessment Institute for Food, Drugs and Cosmetics, the Indonesian Ulema Council or known as (LPPOM-MUI). Then according to the times and the urgency of halal products getting stronger, the government issued Law no. 33 of 2014 concerning Halal Product Assurance (UU JPH). However, as time went gone and change era from the Industry 4.0 era to the Society 5.0 era, the government then updated a number of articles in Law no. 33 of 2014 by including it in the Job Creation Law cluster. The changes to a number of these articles indicate quite significant changes, the Halal Product Assurance rules related to the Regulations for submitting halal products look more organized and neater administratively. The efficiency of the processing time until the issuance of the halal certificate is noticeably shorter than the previous regulations. Apart from that, legal certainty and sanctions after the amendment of the article in the Job Creation Law cluster are getting stronger. The entry of the Society 5.0 era has also been implied to have been anticipated by the JPH Law which was applied by BPJPH by presenting a number of innovations such as the Android-based PUSAKA application and web-based SIHALAL.

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