

legal study of consumer protection regarding halal certification of food and beverage products using the self-declare scheme in Indonesia

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Abstract: Law in economics actually plays a role in creating the economy and competitive markets. As long as consumers have full power to choose goods and/or services in accordance with the desired standards, then business actors certain people actually cannot dominate the market, market the product with low quality, as well as setting prices because there are still other business actors who become an alternative choice for consumers to meet their needs. Several important issues that are of concern to society, one of which is obligation halal certification based on independent declaration by Micro Business actor Small (UMK), so in this case business actors refer to the established standards by the Halal Product Guarantee Organizing Agency (BPJPH). The type of research used is Normative Legal Research.

Normative is research carried out by examining library materials or secondary data, can be called normative legal research or research library law. Provisions relating to the Halal Certification Process, BPJPH Cooperation, Halal Inspection Institution (LPH) and Halal Auditor, Halal Supervisor, in this case already quite synergistic but requires more active community participation and business actor commitment to maintaining the halal status of the product due to the Halal Certificate, The Halal label, with the Self-Declare model, has Administrative Sanctions.

Research Highlights:

- Highlights are a way of connecting your work with members of the research community.
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- Highlights are three to five bullet points that should capture the novelty of your research results as well as the new methods that were used.
- Each highlight should be brief and concise.
- No abbreviations, acronyms, or jargon: employ keywords and a broad audience in mind.

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Consuming halal goods is part of religious orders can be seen as worship in Indonesia, a country with a majority population Muslim. The Qur'an and hadith are very in-depth to explain things This. In the context of the state, religion is the obligation of all humans provide protection to fellow humans, including within providing protection in halal products for Muslim citizens in Indonesia. Every consumer definitely demands the halalness of a product, however This is especially true for Muslim consumers. Halal certification issues and product marking receives great attention in the trading system internationally to protect Muslim consumers around the world and as means to overcome problems in the era of globalization.

A halal product is a product that is declared halal in accordance with Islamic law (article number 2 UUJPH). There are 3 first halal criteria namely halal from the substance from which it is made, the second is halal from the method obtain it, and the third is halal from the way the guarantee is processed Halal products provide legal certainty that a product is halal demonstrated by a halal certificate (Article 1 Number 5 UUJPH). According to art 1 point 10 UUJPH, a halal certificate is a statement of the halal status of a product provided by the JPH/BPJPH organizing body based on facts written halal law issued by the Indonesian Ulema Council (MUI). There is a number of rules regarding synchronization and regulatory pruning for make it easier for business actors, especially micro and small businesses (UMK), to halal licensing of its business and declaring its own halal products (self declare), which is contrary to Law no. 33 of 2014 concerning halal product guarantee. These rules are contained in article 4 a Paragraph 1 Halal has become part of a person's lifestyle or is known as halal lifestyle. Halal lifestyle is not only liked by Muslims, but non-Muslims too (Indonesia Halal Lifestyle Center. 2019).

Indonesia is a country with the largest Muslim population in the world, namely 229 million people or around 87.2%. Thus, Indonesian citizens consuming halal food in accordance with Islamic law (World Population Review, 2022). In the Al-Quran surah Al Maidah (5) verse 88, Allah commands humans consuming food and drinks that are not only halal but must also be good. Law in economics actually plays a role in creating the economy and competitive markets. As long as consumers have full power to choose goods and/or services in accordance with the desired standards, then business actors certain people actually cannot dominate the market, market the product with low quality, as well as setting prices because there are still other business actors who become an alternative choice for consumers to meet their needs (Basri; 2002) Regulations related to halal certification in 2014, which are implemented in the implementation several important issues that are of concern to society, one of which is obligation halal certification based on independent declaration by Micro Business actors Small (UMK), so in this case business actors refer to the established standards by the Halal Product Guarantee Organizing Agency (BPJPH) 1Changes to Law Halal Product Guarantees create juridical problems. One of them is Article 4A of the Job Creation Law in the Halal Product Guarantee cluster regarding the obligation for halal certification micro and small businesses.

The obligation for halal certification is only based on the perpetrator's statement Micro and Small Enterprises, although this statement must be carried out according to standards determined by the Halal Product Guarantee Organizing Agency (BPJPH). However, the Foundation The Indonesian Consumers Institute (YLKI) considers self-declaration of halal products has the potential to violate consumer rights because supervision is difficult.2 Simplification of regulations through the Job Creation Law or Omnibuslaw aims to create a more fertile investment climate in Indonesia so that impact on community welfare. (Prabu: 2020) The previous study regarding this discussion was written by Ani'atus Sholichah UIN Maulana Malik Ibrahim Malang with the title Consumer Protection Against Information Legality Self Declare in Guaranteeing Halal Products for Online Applications Analysis of Article 8 of 1999 published by the Journal of Islamic Business Law Volume 6 Issue 4 2022 in his writing the researcher examines implementation Many people use the GoFood, Grab Food, Shopee Food applications The public, as consumers, must know the guarantee of product halal information it is good for consumption by the public.

BPJH as the Organizing Body The Halal Product Guarantee mandated by law makes it easy to MSEs through the GoFood, Grab Food, Shopee Food applications in the certification process halal through the Self Declare route. (Solichah: 2022) Then the writing by Mutiara Fajrin Maulidya Mohammad Faculty of Law, Airlangga University, Surabaya-Indonesia published by the journal Kertha Wicaksana: Communication Means for Lecturers and Students Volume 15, Number 2 20217 with the title Halal Product Guarantee Certification Regulations in Indonesia and written by Hafiznur Arifin UIN Sultan Maulana Hasanuddin Banten with the title Analysis Self Declare Category Halal Certification System published by the journal Sinomika Journal Volume 1 No.5 (2023) Based on the description above, the author is interested in discussing more continued in the form of a scientific paper regarding legal study of consumer protection regarding halal certification of food and beverage products using the self-declare scheme in Indonesia

METHOD

The type of research used is Normative Legal Research. Normative is research carried out by examining library materials or secondary data, can be called normative legal research or research library law. (Soekanto: 2011). Normative is legal research that uses secondary data sources or data obtained from library materials (Ahmad: 2015) In this type of legal research, law is conceptualized as what is written in statutory regulations (law in books) or law conceptualized as rules or norms that are benchmarks for behavior humans who are considered appropriate and the data source is only secondary data.²⁷ This research is called doctrinal legal research because of this research carried out or addressed only to written regulations or other legal materials (Waluyo: 2008) The type of normative legal research in this writing is study legislation (statue approach), research that wants to examine horizontal synchronization of legal regulations, namely examine the extent to which legislation regulates various These fields have a consistent functional relationship. (Asikin: 2012) The data collection technique used was collecting secondary data which is carried out by means of literature study and document study, namely Data collection based on books is carried out on privately owned books, journals, online library books and websites. In writing this paper the author analyzed the data which is carried out qualitatively based on statutory regulations applies, expert opinions and general knowledge to answer problems raised in this research

RESULTS AND DISCUSSION

The policy regarding halal certificates in Indonesia is contained in three (3) regulations, Firstly, Law of the Republic of Indonesia Number 33 of 2014 concerning Guarantees Halal Products, 2nd Republic of Indonesia Government Regulation Number 31 of 2019 Regarding the Implementing Regulations of Law Number 33 of 2014 concerning Halal Product Guarantee and finally Republic of Indonesia Government Regulations Number 39 of 2021 concerning the Implementation of Halal Product Guarantees. In Republic of Indonesia Government Regulation Number 31 of 2019 Regarding the Implementing Regulations of Law Number 33 of 2014 Regarding the Halal Product Guarantee that the author has described above, Its policies include:

1. JPH, halal certificate and provisions for halal certified products.
2. International cooperation on halal certificates, halal certificate institutions and overseas halal certificate.
3. Procedures for registering overseas halal certificates.
4. Types of products that are halal certified.
5. Phasing in the types of products that are halal certified.
6. Halal Certificate prior to the enactment of this Government Regulation remains valid until the validity period of the Halal Certificate

In Republic of Indonesia Government Regulation Number 39 of 2021 About the Implementation of the Halal Product Guarantee Sector which has been written by the author described above, the policies include:

1. Halal certificate as proof of legal certainty of halal products.
2. Obligations of business actors who apply for a Halal certificate must.
3. Requirements for submitting a halal certificate application.
4. Issuance of halal certificates.
5. Extension of halal certificate.
6. Fee for applying for a halal certificate.
7. Inclusion of halal labels on certified products.
8. Supervision of halal product guarantees.
9. International cooperation to guarantee halal products abroad.
10. Submission of overseas halal certificate registration.
11. Checking the completeness of external halal certificate registration documents country.

Functions, Goals and Objectives of Halal Certification

1. Obtain legal certainty regarding the proven halalness of a product with a halal certificate.
2. To guarantee the halalness of the Product includes providing materials, processing, storage, packaging, distribution, sales, and Product presentation.
3. Goals The purpose of including a halal label is to provide protection Muslim consumers.

This is due to the many labeling problems halal on products that contain haram ingredients consumed In accordance with the meaning of a halal certificate, which is stated in Law NUMBER 33 OF 2014 concerning Halal Product Guarantees Article 1 Paragraph 10, Halal Certificate is the recognition of the halalness of a product issued by the Organizing Body Halal Product Guarantee based on a written halal fatwa issued by the Assembly Indonesian Ulema Related to legal protection for consumers against counterfeiting halal labeling, Food Law and Protection Law Consumers are provided with similar legal protection, namely in the form of provisions sanctions stipulated therein. Another form of legal protection is in the form of supervision. Because of the behavior carried out by business actors has a certificate or includes a halal label that is not in accordance with the truth has basically violated consumer rights. Therefore, in order to enforce applicable laws and regulations guaranteeing consumer rights requires supervision of goods circulating on the market.

In this case the Protection Law Consumers also regulate provisions regarding supervision. It is related to that The Consumer Protection Law is a form of law which provides protection for consumer rights Furthermore, in accordance with the Halal Product Guarantee Law, No. 33 In 2014, in Chapter 1 General Provisions, article 1 paragraph 5 which reads "Halal Product Guarantee, hereinafter abbreviated as JPH, is legal certainty regarding the halalness of a product as proven by a Halal Certificate" and In this case, what the author means in this research is self-declare halal certificate/self-declaration of halal certificate. Consumer Protection Law Article 1 number 1 states that, consumer protection is all efforts that guarantee the existence of legal certainty to provide protection to consumers. It means Consumer protection is a legal instrument created by government agencies to provide legal protection and guarantees legal certainty for consumers from various disputes or problems due to feeling disadvantaged by business actors. Including in guarantee the halalness of a product Halal Certification, Cooperation with BPJPH, Halal Inspection Institute (LPH) and Halal Auditor, Halal Supervisor, Community Participation, Halal Certificate, Label Halal, Self-Declare, and Administrative Sanctions. There is absolutely no breakthrough in the Job Creation Law, including self-declaration eliminate the halal substance of the product. In the halal certification process, MUI also continues to act as an institution that has internal authority determine halal fatwa.

Self-declaration or halal statements by MSEs must comply The criteria are using no-risk raw materials and existing supporting materials it's definitely halal. Apart from that, a simple production process is carried out MSE business actors must also fulfill halal aspects. Self-declaration must fulfill certain conditions. Among other things there must be assistance by experts and the halal determination process by the MUI Fatwa Commission. Provisions in the Halal Product Guarantee Law (UU JPH) concerning unilateral halal statement by small and micro business actors (UKM) or It is often called self-declaration and cannot be done haphazardly by business actors. A unilateral halal statement or self-declaration must fulfill certain requirements. Among other things, there must be assistance from experts, as well as a Fatwa Commission process. Based on existing regulations, self-declaration is carried out using a scheme a pledge or contract which is a statement by a business actor. This is related to halal products and materials used as well as production methods. After that, verification will be carried out by a companion from the organization communities, universities, and government or private agencies. After that, the results of the verification will be submitted to the fatwa committee Indonesian Ulema Council (MUI). After receiving a halal statement from MUI, then a halal certificate will be issued from BPJPH.

Determination of fatwa from MUI to ensure halal products for MSEs. In the process of self declare Accordingly, the government also ensures that no fees will be charged to MSEs. We can see these rules and provisions more clearly in the Regulations Government No. 39 of 2021, Part Seven, Halal Certification for Actors Micro and Small Enterprises, Article 79 Paragraphs 1 - 8. The halal food sector is the leading sector in the halal industry in Indonesia. Issue Food is the 2nd target of the 17 targets of the Sustainable Development Goals (TPB) or known as Sustainable Development Goals (SDG's), namely eliminating hunger, achieving food security and good nutrition, and improving agriculture sustainable. Surabaya City Government, to support this implementation development with priorities of local economic empowerment, increased marketing regional products/services, and strengthening business partners A good food or food product must contain goodness in it. Every product that is made is not only distributed and distributed, as it should be introduced to the wider community so that people become more familiar and informed.

Besides only introduced but also packaged with food safety guarantees such as certification halal. Halal certification has procedures that have been established on a legal basis clear. Consuming halal products is important and an obligation for the people Muslim. Therefore, every person should be able to choose products which is clearly halal, namely by choosing products that have a logo or certification halal.

Please note that halal product certification is obtained after the manufacturer undergoes it. The halal certification process is carried out systematically and responsibly by Halal Product Guarantee Organizing Agency (BPJPH). Indonesia is a country of law, a country of law must have protection towards its people so that society is maintained, protected and safe from things that happen undesirable, such as human rights, consumer protection in everyday production.

There have been several cases in Indonesia related to consumers, one of which is negligence on the part of manufacturers who produce products that do not comply with standards. It has been standardized by the government through statutory regulations considering the digital era and technology is very advanced, a lot of production uses machines and other digital devices and also genetic engineering products that are used as additional materials and auxiliary materials in the production process that cannot be separated from the system error and human error as the subject who uses the material, but if the perpetrator efforts to comply with all applicable provisions will minimize the occurrence of errors which can harm other people. In the concept of legal protection of Halal self-certification declare this, the government through BPJPH as the leading sector program determines the model halal certification through self-declaration for based business actors Micro, Small and Medium Enterprises (MSMEs).

Related to legal protection for consumers against counterfeit labeling halal, the Food Law and Consumer Protection Law provide similar legal protection, namely in the form of sanctions provisions regulated therein. Another form of legal protection is supervision. Because of that behavior carried out by business actors who have a certificate or carry a halal label which is not in accordance with the truth basically violates consumer rights. By because it is for the sake of upholding applicable laws and regulations and guaranteeing rights Consumers need to monitor goods circulating on the market. In this case the Consumer Protection Law also regulates the relevant provisions supervision. This is related to the Consumer Protection Law form of law that provides protection for consumer rights (Hamzah: 1995). Article 3 Halal certificate as intended in Article 2 paragraph (1) is given for products originating from halal materials and complying with PPH. Protection efforts legally carried out by the Indonesian government by providing criminal sanctions for business actors who do not implement the stipulated provisions. It is good The Food Law and Consumer Protection Law have included sanctions imposed when violations of its provisions occur. Apart from providing legal protection, it provides: supervision of circulating food products. In 2 main regulations about guaranteed legal protection for consumers in consuming halal products through self-declaration regulated by the Government Regulation of the Republic of Indonesia Number 39 of the Year 2021 concerning the Implementation of Halal Product Guarantee Sector, as well as Law No. 11 of 2020 About Job Creation. Further related to this material, the Law that related to ensuring protection for consumers in using the product labeled through self declare halal certificate:

1. Law number 33 of 2014 concerning halal product guarantees
2. Republic of Indonesia government regulation number 31 of 2019 concerning implementing regulations for law number 33 of 2014 concerning guarantees halal products.
3. Republic of Indonesia government regulation number 39 of 2021 concerning implementation of halal product guarantees.
4. Law number 8 of 1999 concerning consumer protection.
5. Law number 7 of 1996 concerning food.
6. Law number 11 of 2020 concerning work copyright

For MSME business actors, mechanisms and procedures for requesting product guarantees Halal is also the same as other business actors. But there is a difference, wrong the other, Business Actors in MSMEs, is not charged at all. After that product submitted for halal certification has been approved and halal has been determined, then the business actor include halal labels for their products. This is done as a form of certainty law and legal guarantees for the halalness of a product. Inclusion of the Halal logo on food and beverage products is to protect consumer rights, especially Muslim consumers towards non-halal products. The condition of the global halal food market opens opportunities for producers and SME exporters in Indonesia, especially for processed food. Food processing creates ambiguity about the halalness of products due to the process and use of food additives, so a system that can guarantee product halalness is required, i.e., a halal assurance system. Based on the JPH Law, all products in Indonesia must be certified halal, including MSE products. This opens more opportunities for MSEs to export their products. Food products certified by the MUI have been internationally recognized and accepted by the UAE because they have guaranteed halal and food safety. Halal certification is important for MSEs to increase product competitiveness. (Resma: 2021) According to the outcomes of the conversation, the

government has established a strategy to increase halal certification through the halal self-declaration program.

The initiative is still in its early stages and requires extensive socialization across all divisions of industry, particularly among those who utilize digital platforms. (Nurillah: 2023). The high number of Muslim consumers and a large number of Micro-Small and Medium Enterprises in Indonesia should be in line with the increase in the number of halal-certified products. Thus, it is necessary to formulate the right strategy to increase the number of Halal certifications in Indonesia. (Akbarizan: 2023). halal certification can enhance restaurant business performance as significant results were flagged in analysis. Results have also elaborated that partial mediation due to ethical compliance exists in the relationship between halal certification and restaurant business performance. Restaurants with halal certification are more focused on complying with ethics and laws to ensure higher productivity. (Yama: 2019). Building partnerships among certification bodies, industry associations, and other parties involved in halal certification could be the prioritized strategy to increase the number of halal certifications. To increase MSE understanding and compliance with halal certification in Jakarta's culinary sector, policy recommendations include the implementation of intensive training programs and active partnerships. (Salsabilla: 2024).

Providing legal certainty to consumers regarding food and beverage products This is truly halal according to Islamic law. Muslim consumers will not hesitate to buy food and beverage products, because of the packaging Food and beverage products contain the Halal logo as proof of product guarantee Halal. For consumers, a halal certificate has several functions, namely:

1. protection Muslim consumers from consuming food, medicines and cosmetics that are not halal,
2. psychologically, the consumer's heart and inner feelings will be calm,
3. maintain the soul and body from adversity due to illicit products, d. providing legal certainty and protection. Meanwhile, for producers, halal certificates have several important roles, namely:58as The responsibility of producers towards consumers, especially Muslim consumers, is:
4. increase consumer trust and satisfaction,
5. improve image and competitiveness company, and
6. as a marketing tool and to expand the marketing network area, Food courts, cafeterias, bakeries, cake and pastry shops, fast food restaurants, hotel kitchens, and other establishments that prepare, serve, and sell food are all considered to be food premises under the food premises scheme.(Hasyim: 2022).

Food processing is converting raw materials into intermediate products and ready-to-eat products that can be directly consumed and have nutritional values. Food should be prepared, processed, packaged, transported, and stored according to the general principles of the Codex on Food Hygiene and other related Codex Standards. In processed foods, there is a change in the form of raw materials into products through several processes with the addition of food additives. The criteria for halal food are as follows (1) it must not contain anything that is considered haram according to Islamic law;

(2) At the stage of preparation, processing, transportation, and storage, the equipment used must be free from anything that is considered haram according to Islamic law; (3) At the stage of preparation, processing, transportation, and storage there is no direct contact with food that is haram according to Islamic law. There are three major benefits in Halal certificate which are (1) consumers are confident that the products they eat or use are clean, pure from prohibited substances and includes environmental cleanliness, (2) Halal certification give advantages in marketability and (3) Halal certification could give a competitive edge against competitors who do not apply for halal certification.

CONCLUSION

Provisions relating to the Halal Certification Process, BPJPH Cooperation, Halal Inspection Institution (LPH) and Halal Auditor, Halal Supervisor, in this case already quite synergistic but requires more active community participation and business actors commitment to maintaining the halal status of the product due to the Halal Certificate, The Halal label, with the Self-Declare model, has Administrative Sanctions. If not carried out in accordance with the Pledge that has been written. Breakthrough in the Law Job Creation, including self-declaration, does not eliminate the halal substance at all product. In the halal certification process, MUI is the first institution handling the halal certification process to this day also continues to act as an institution which has the authority to determine halal fatwas with new regulations and provide ease

of doing business for MSEs, including ease of management halal certification, through the self-declare program. 2) As regulated in Article 4 of Law Number 33 of 2014 concerning Halal Product Guarantee (UU JPH), the government provides specialization for perpetrators micro and small enterprises (UMK) in fulfilling halal product certification obligations which it produces, as stated in Article 48 number 1. Law Number 11 of 2020 concerning Job Creation (Job Creation Law) which contains a new article Article 4A of the JPH Law and legal protection for halal certification with a self model declare, in the context of legal protection with this self declare model for Business actors are very protected because business actors have complied with the provisions laws and regulations and are no longer affected by impacts related to sanctions both administrative and criminal sanctions. Can be achieved, namely, the Government always strives to perfect the regulatory instruments legislation that supports the implementation of halal product guarantees, improving governance of relations or cooperation between institutions, and continuous efforts socialize halal product guarantee regulations so that MSME business actors have them legal awareness of the importance of guaranteeing halal products.

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