

Implementation Government Regulations Number 31 of 2019 Accelerates Halal Product of Indonesian Excelled on the World Stage



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ABSTRACT: Many developed countries with a majority of non-Muslim population have advanced to introduce the country as a country supporting halal products, which are good from food products, medicines, cosmetics and tourism products. Businesses in Indonesia must learn from the majority of non-Muslim countries such as Thailand, South Korea, Mexico, Japan and Spain. Demographically the Muslim population in the country is relatively minimal, but the awareness of businesses towards the needs of the global industry is very high. Lately, halal products are considered as a very potential market. The existence of Law Number 33 of 2014 concerning Halal Product Guarantee and regulated in Government Regulation Number 31 of 2019 concerning certification of halal products, is a breath of fresh air for the acceleration of halal products in Indonesia to be able to compete on the world stage. Indonesia has natural diversity that can be promoted for halal and cultural tourism with a variety of foods and tastes manifested in a variety of typical snacks products that number in the thousands. Referring to BPS data, the food and beverage industry is one of the reliable manufacturing sectors. The important role of this strategic sector can be seen from its consistent and significant contribution to Gross Domestic Product (GDP) over the past five years. This number is predicted to increase along with the awareness of business actors to register their halal legalization. This study aims to see the Indonesian people have legal awareness to use halal products to support the halal industry in Indonesia and see the awareness of businesses in Indonesia that halal products in the industrial era 4.0 is now a must. With the PP No. 31 of 2019 apparently not all business operators in Indonesia have registered their products to have halal label certification.

KEYWORDS: halal products, business actors, legal awareness, acceleration

INTRODUCTION

Islam today is the religion with the second largest population in the world, after Christianity. Based on a report by the Pew Research Center Forum on Religion and Public Life, the world's Muslim population is expected to increase by around 2030. On the other hand, Surkes said that between 2010 and 2025 the Muslim population had a projected growth rate of around 73 percent.¹

Its growth will be faster than the average global population growth of 37 percent. As the world's Muslim population increases, the demand for halal commodities will continue to increase. This condition is strengthened by the increasing awareness of Muslims to prioritize consumption of halal products. Besides that, the trend of consuming halal products among non-Muslims also continues to increase due to ethical and health reasons.

Facts in the field show that, Indonesia is the 4th largest halal food importer country in the world. Until 2018, Indonesia is still recorded as the largest consumer or halal product / service market and has not been a major player in the world Islamic economy.² In fact, when considering the abundance of existing natural resources coupled with the majority of the Muslim population, Indonesia should be a leader in the trade of Asian halal products and be able to penetrate the world market. The strengthening of the halal chain (halal value chain) continues to be intensified as an acceleration of Indonesia's vision to become a Global Islamic Economy with a focus on sectors or clusters that are considered potential and highly competitive.

¹ Indonesian Sharia Economics Master Plan 2019-2024, Ministry of National Development Planning, 2018, p. 52.

² *Ibid.*, p. 54.

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The issue of the halal status of a product and service will always be attached to Muslim consumers. For Muslim consumers, halal food is a product that has been through the halal certification process. This is marked by the inclusion of halal symbols on the packaging. At present, the halal symbol has become the world barometer standard that determines product quality. For Muslims, the halal symbol indicates that the product has fulfilled the requirements stipulated by sharia law (*halalan thayyiban*) so that it is fit for consumption. As for non-Muslims, the halal logo represents a symbol of cleanliness, quality, purity, and safety.³

The issuance of Law Number 33 Year 2014 concerning Halal Product Guarantee (or abbreviated UUJPH) actually reinforces the urgency of halal issues in the production chain from business actors to the hands of consumers and consumed by consumers, where there are also roles of intermediaries such as distributors, subdistributors, wholesaler and retailer before reaching the end consumer.⁴

The definition of halal product is regulated in Article 1 point (2) UUJPH, namely: "Halal Products are products that have been declared halal in accordance with Islamic law". Referring to the notion that food, non-food, and services are basic needs for humans. Its existence is very crucial in everyday life. For Muslim consumers, consuming food and beverage products and using halal and guaranteed services is not negotiable, except in an emergency.⁵

Islam provides guidance to people to only consume halal and guaranteed, both from food products, drinks, food and health supplements, vaccines, medicines, cosmetics, and others. Objection, is a fundamental for Muslim consumers. For Muslims the legal basis is clear. In Al-Qur'an Q.S al-Maidah verse: 3, explicitly and categorically mentioned types of food that is halal and haram. Such as the prohibition on eating carcasses (other than fish and grasshoppers), blood, pork, meat of animals slaughtered by mentioning names other than Allah, animals slaughtered for idols, animal flesh choked, beaten, dropped, gore / pounced on wild animals, except for being able to slaughter by name God.⁶

Article 4 letter (a) of Law Number 8 of 1999 concerning Consumer Protection (hereinafter referred to as UUPK) states that "consumer rights" are the right to / comfort, security, and safety in consuming goods and or services ". Then it is also emphasized in Article 8 letter h, that business actors are prohibited from producing and / or trading goods and / or services that: "do not follow the provisions of halal production, as stated in the" halal "statement stated on the label. Seeing the provisions of Article 2, all consumers in Indonesia have the right to obtain goods that are safe, secure and lawful for consumption. The definition of safe for consumers is that the goods also do not conflict with the rules of religion, in the sense of halal. The regulation is supported by other laws and regulations, namely UUJPH, Health Act, Law No.7 of 1996 concerning Food and Government of the Republic of Indonesia Regulation No. 69 of 1999 concerning Halal Labels and Advertisements, and the latest is Government Regulation Number 31 of 2019 concerning Halal Product Guarantees which was passed by the President of Indonesia Mr. Joko Widodo on May 17, 2019, and the PP is valid from October 17, 2019.⁷

Since the birth of PP Number 31 Year 2019, certification of halal products is not only permissible (*mogen*) but has become an obligation. This means building public awareness, especially producers, that halal certification is urgent and very urgent. The issue of halal-haram cannot be imposed on standards of trust without legality. This is a problem as well as the challenge of legal development is an obligation, especially in the current 4.0 industrial revolution. One of the legal developments is to increase public legal awareness, especially business actors whose products are circulating in Indonesia in order to answer the success or failure of the 2019-2024 Indonesian Sharia Economy master plan.

Departing from this phenomenon, this paper is going to explore how to build a law-conscious society in the halal industry era and how to maximize halal certification as an acceleration of Indonesian products so that they can succeed on the world stage. This study uses a normative juridical approach, by examining from primary data sources namely Law Number 33 of 2014 concerning Halal Product Guarantee and Government Regulation Number 31 of 2019 concerning Halal Product Guarantee using secondary data, namely from books, other laws and regulations, journals, articles and academic texts. And an explorative descriptive analysis of the problem being studied, in the study is to look at the phenomena in the from of the use of halal product by the public and the awareness of businesses to have halal certificates of product and then analyzed based on theory and legislation.

³ *Ibid.*, p. 51.

⁴ May Lim Charity, "Halal Products Guarantee in Indonesia, (Journal of Indonesian Legislations Vol. 14 No. 01, March 2017), p. 10.

⁵ <http://repository.unpas.ac.id/31767/1/BAB%203.pdf>, p. 1.

⁶ *Ibid.*

⁷ Certified or Excluded by Imported Halal Product, www.hukumonline.com, accessed on 15 September 2019, at 22.24 WIB.

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This study aims to see the extent of Indonesian people's legal awareness of the importance of the use of halal products in Indonesia and the implementation of the Halal Product Guarantee Law and PP No. 31 of 2019 concerning Certification of Halal Products for halal products circulating in the community, as one of the acceleration of Indonesian halal products to be able to succeed in the world stage.

THE CONCEPT OF LAW AWARENESS

Understanding legal awareness, then regarding the word or understanding awareness, in the dictionary are listed no less than five meanings, namely quoting Webster's opinion in the book Soerjono Soekanto:⁸

1. Awareness esp. Of something within oneself; also: the state or fact of being conscious of an external object, state or fact.
2. The state of being characterized by sensation, emotion, volition, and thought; mind.
3. The totality of conscious states of an individual.
4. The normal state of conscious life.
5. The upper level of mental life as contrasted with unconscious processes.

So awareness actually refers to mental interdependence and mental interpenetration, each of which is oriented to the "I" of humans and to "their rooms."⁹ Legal terms also need to be given understanding. This is not a definition, because as Van Apeldoorn said by mentioning Kant, then Apeldoorn in the book Soerjono Soekanto:¹⁰ "*Wat Kant... schreef: 'Noch suchen die Juristen eine Definition zu ihrem Begriffe vom Recht', geldt nog altijd... Dit is althans ten dele te verklaren uit de veelzijdigheid... de grootsheid van het recht: het heeft zovele kanten..., dat men het niet op bevredigende wijze kan samenvatten onder een formule.*"

The meaning of law can be aimed at the ways to realize the law, and also on the understanding given by the community in this case will be endeavored to explain the understanding given by the public about the law are:¹¹

1. Law as science;
2. Law as a method;
3. Law as a legal system;
4. Law as a legal officer;
5. Law as a provision from the authorities;
6. Law as a government process;
7. Law as patterns of behavior;
8. Law as a tangle of values;

Now the problem arises, is legal awareness a combination of the two notions described above? In jurisprudence, there are sometimes differences between legal awareness and legal feelings as stated by van Schmid, as follows: "*Van rechtsgevoel dient men te preken bij spontaan, onmiddelijk als waarheid vastgestelde rechtswaardering, terwijl bij het rechtsbewustzijn men met waarderingen te maken heeft, die eerst middelijk, door nadenken, redeneren en argumentatie aannemelijk gemaakt worden.*"¹²

Legal feelings are defined as legal judgments arising out of the community immediately. More legal awareness is the formulation of the legal community regarding the assessment, which has been done through scientific interpretations because: "*het onmiddelijk rechtsgevoel verhoudt zich tot het weloverwogen rechtsbewustzijn, als in het dagelijks leven het subjectieve gevoel van de waarheid tal het zet tot het weloverwogen rechtsbewustzijn, als in het dagelijks leven het subjectieve gevoel van de waarheid talet. en beweringen zich verhoudt tot de weloverwogen wetenschappelijke overtuiging.*"¹³

Before expressing his opinion on legal awareness, Paul Scholten first conducted a review of the conception of legal awareness proposed by Krabbe, as follows:¹⁴ "*Met den term rechtsbewustzijn meent men and niet het rechtsoordeel over eening concreet geval, doch het in ieder mens levend bewustzijn van wat recht is of behoort te zijn, een bepaalde categorie van ons geestesleven, waardoor wij met onmiddelijke evidentie los van positieve instellingen scheiding maken tusschen recht en onrecht, gelijk we dat doen en onwaar, goed en kwaad, schoon lejj, schoon lejj.*"

⁸ Soerjono Soekanto, "Legal Awareness and Legal Compliance", (Jakarta: Rajawali Press, 1982), p. 150.

⁹ *Ibid.*, p. 150 – 151.

¹⁰ *Ibid.*, p. 151.

¹¹ *Ibid.*

¹² *Ibid.*, p. 152.

¹³ *Ibid.*

¹⁴ *Ibid.*

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Then Scholten also quoted Kranenburg's opinion, as: "*Elk lid der rechtsgemeenschap is ten aanzien der verdeling van de voorwaarden van het lust en onleli ameli en gelijk en gelijkwaarding, voorzoover hij niet zelve de voorwaarden van de voorwaarden van het lust en onleli gelijk en gelijkwaarding, voorzoover hij niet zelve de voorwaarden van de voorwaarden van het lust en onleli ameli en gelijkwaarding, voorzoover hij niet zelve de voorwaarden, voorwaarden van het lust en onleli ameli onlust als waarover elk de voorwaarden heeft gecreeerd comment aan hem toe. Dit is de laatste wet van het rechtsbewustzijn; naar dezen maatstaf gescheedt de waardering van belangen; daarnaar wordt aan ieder het zijne afgewegen; deze afweging en toebedeeling is de eingenlijke functie van het recht.*"

On the basis of the descriptions above, Scholten states that: "*De term rechtsbewustzijn is dubbelzinnig. Hij duidt ten eerste categorie van het individueele geestesleven aan, do dient tegelijk om het gemeenschappelijke in oordelen in een bepaalden kring aan te wijzen. . . Wat we "rechtsbewustzijn" noemen is in dit verbandt niet anders and een min of meer vage woorstelling omtrent wat recht behoort te zijn ...*".¹⁵ Here, too, it is clearly seen, that Scholten emphasizes the values of society about what functions should be carried out by the uttrent. law in society. In line with this opinion it can be said that the problem here is back to the basic problem rather than the validity of the applicable law, which ultimately must be returned to the values of society (in the sense of its citizens).

So legal awareness is the awareness or values contained in human beings about existing laws or expected laws exist. So, what is emphasized are values about the functioning of the law and not a legal assessment of concrete events in the community concerned.¹⁶

The indicators of legal awareness are concrete rather than a system of values that prevails in society. A situation that is aspired to is the compatibility of the law with the system of values.¹⁷ The consequence is that changes in the system of values must be followed by changes in the law or on the other side the law must be used as a means to make changes to the value system this value.¹⁸ Thus it is evident that the problem of legal awareness is actually a matter of values.¹⁹ So legal awareness is abstract conceptions in human beings, about the difficulty between order and the desired tranquility or as appropriate. The indicators of the problem of legal awareness are Kutschinsky in Soerjono Soekanto's book:²⁰

1. Knowledge of legal regulations (law awareness).
2. Knowledge of the contents of legal regulations (law acquaintance)
3. Attitudes towards legal regulations (legal attitude)
4. Patterns of legal behavior (legal behavior)

Each of the aforementioned indicators refers to a certain level of legal awareness starting from the lowest to the highest.²¹ While Zainuddin Ali concluded that the problem of legal awareness of citizens actually involves the factors whether certain legal provisions are known, understood, obeyed, and respected? If the community members only know that there is a legal provision, then the level of legal awareness is lower than those who understand it, and so on. That is what is called legal consciousness or knowledge and opinion about law.²² Matters relating to legal awareness are as follows:²³

1. Legal knowledge

If a statute has been promulgated and issued according to a legal and official procedure, then legally it will apply. Then the assumption arises that every community member is considered to know the existence of the law.

2. Understanding the law

If only legal knowledge is owned by the community, it is not yet sufficient, an understanding of the applicable law is still needed. Through understanding the law, the community is expected to understand the purpose of the legislation and its benefits for those parties whose lives are governed by the laws and regulations in question.

3. Legal compliance

A community member obeys the law for various reasons. The causes referred to, can be exemplified as follows: a. Fear of negative sanctions, if violating the law is violated; b. To maintain good relations with the authorities; c. To maintain good relations with

¹⁵ *Ibid.*

¹⁶ *Ibid.*, p. 153.

¹⁷ *Ibid.*

¹⁸ *Ibid.*, p. 152.

¹⁹ *Ibid.*, p. 159.

²⁰ *Ibid.*

²¹ *Ibid.*

²² Zainuddin Ali, "Legal Sociology", (Bandung: Sinar Grafika, 2007), p. 65.

²³ *Ibid.*, p. 67-70.

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colleagues; d. Because the law is in accordance with the values adopted; and e. Its importance is guaranteed Theoretically, the fourth factor is the best thing. That is caused by the first, second, and third factors, the application of the law is always in reality.

4. Hope for the law

A legal norm will be respected by members of the community if he already knows, understands, and obeys it. That is, he really can feel that the law produces order and peace in him. The law is not only related to the outward aspects of humans, but also from the inner side.

5. Increasing legal awareness

Increasing legal awareness should be done through regular legal information and counseling on the basis of sound planning. The main purpose of information and legal counseling is for citizens to understand certain laws, according to the legal problems being faced at one time. Legal information and counseling is the duty of the legal community in general, and in particular those who may be in direct contact with community members, namely legal officers.

CONCEPT OF HALAL PRODUCT GUARANTEE

Halal product is regulated in Law Number 33 of 2014 concerning Halal Product Guarantee (UUJPH) in Article 1 point (2): "Halal products are products that have been declared halal in accordance with Islamic law". Referring to the notion that food, non-food, and services are basic needs for humans. Its existence is very crucial in everyday life. For Muslim consumers, consuming food and beverage products and using halal and guaranteed services is non-negotiable, except in emergencies.²⁴

Islam provides guidance to people to only consume halal and guaranteed, both from food products, beverages, food supplements, vaccines, medicines, cosmetics, and others. Objection, is a fundamental for Muslim consumers. For Muslims the legal basis is clear. In Al-Qur'an Q.S al-Maidah verse: 3, explicitly and categorically mentioned types of food that is halal and haram. Such as the prohibition on eating carcasses (other than fish and grasshoppers), blood, pork, meat of animals slaughtered by mentioning names other than Allah, animals slaughtered for idols, animal flesh choked, beaten, dropped, gore / pounced on wild animals, except for being able to slaughter by name Allah.²⁵

For Muslim consumers, halal guarantee of a product / service is a very important thing of its existence. Because consuming halal food is an absolute religious command due to the Muslims. Islam does not only focus on the material aspects alone, and also not only focuses on the aspects of body development alone but Islam also pay attention to something that affects the morals, soul (personality) and behavior. Consuming halal products guarantees that the product is also safe, good and guaranteed quality. Although halal products are legal in Islam, the results of their products can also provide benefits and have a healthy guarantee, so they can also be used by non-Muslim consumers too.²⁶

Article 4 letter (a) of the UUPK states that "consumer rights" are rights to / comfort, security and safety in consuming goods and or services ". Seeing this Article, all consumers in Indonesia, including Muslim consumers, constitute the majority of consumers in Indonesia, entitled to obtain goods that are safe, secure, and lawful for consumption. The definition of safe for consumers is that the goods also do not conflict with the rules of religion, in the sense of halal. The regulation is supported by other laws and regulations, namely UUJPH, Government Regulation of the Republic of Indonesia No. 69 of 1999 concerning Halal Labels and Advertisements, and the latest is Government Regulation Number 31 of 2019 concerning Regulations of Act Number 33 of 2014 concerning Halal Product Guarantees.

In the Law on Halal Product Guarantee, it is emphasized that all business actors, both private and public, both individuals and corporations from those not legal entities to those with legal entities, must have a halal product guarantee certificate. This certificate will later be issued by the Halal Product Guarantee Agency (BPJPH). Indonesian Ulema Council (MUI) is an institution that provides an assessment of products to be marketed and consumed by the public, whether lawful or not, and the issuing later is BPJPH. This is affirmed in Article 1 point (10) of the UUJPH which reads: "Halal Certificate is a recognition of the halal status of a Product issued by BPJPH based on a written halal fatwa issued by the MUI." And the implementation regulation will be based on PP Number 31 of 2019.

The problem that is still happening today, is that not all consumers, especially Islamic consumers have enough knowledge to know whether the food and goods they consume will actually have halal certification or not. Article 4 letter (c) of the UUPK also states that "consumers are entitled to true, clear, honest information about the conditions and guarantees of goods or services". This article provides an understanding that the information provided by business actors is true and tested. A product and / or

²⁴ <http://repository.unpas.ac.id/31767/1/BAB%203.pdf>, p. 1.

²⁵ *Ibid.*

²⁶ Ahmad Syauqi al Fanjari, "Health Values in Islamic Sharia", (Jakarta: Earth Literacy, 1996), p. 44.

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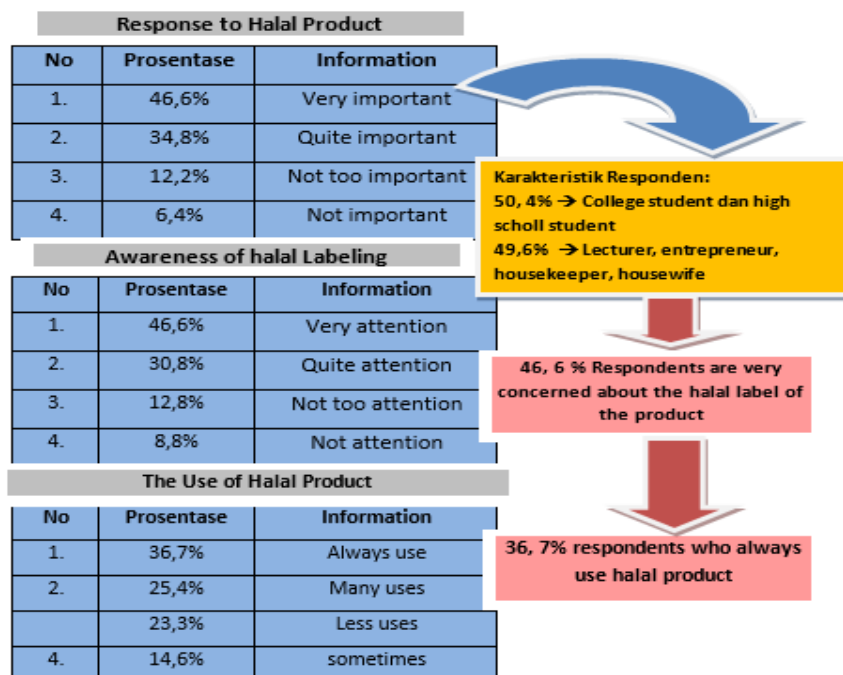
service that has been tested for halal status, it is clear that the product's condition and guarantee are safe for consumption. Therefore, based on PP No. 31 of 2019 concerning Halal Product Guarantee, all business actors whose products are circulating in Indonesia are obliged to guarantee their halalness by first submitting an inspection to the authorized official and having declared halal. On the one hand there is halal certification for Muslim consumers, meaning that in accordance with Islamic law, while for non-Muslim consumers halal certification represents a symbol of cleanliness, quality, guaranteed in terms of health, purity and safety.²⁷

Before the PP No. 31 of 2019 regarding Halal Product Guarantee, had to go through several institutions for the processing of halal product certification, namely the Institute for Food, Medicine and Cosmetics Study of the Indonesian Ulema Council (LPPOM MUI) as the institution that issued halal certificates, and the Supervisory Agency Drug and Food (BPOM) which grants permission to install halal labels and the Ministry of Religion in charge of disseminating and promoting halal food. So it is hoped that if this PP is truly treated there will be a simplification of the management of halal product certification, so that it can be faster and more efficient. The goal is that all small, medium and large business entrepreneurs want to take care of the products they produce to get halal certification from the government.

EFFORTS TO BUILD COMMUNITY AWARENESS IN THE HALAL INDUSTRY ERA

The halal industry is experiencing rapid development in several sectors including: halal food, finance, travel, fashion, cosmetics and medicine, media and entertainment, as well as other sectors such as healthcare and education. The word "industry" is defined as the activity of processing or processing goods using facilities and equipment, such as machinery.²⁸ Whereas in the Indonesian context, the word "halal" means to be permitted, permitted by Islamic sharia, not haram or legitimate. From these two meanings, the halal industry is the activity of processing goods using the facilities and equipment permitted by Islamic law.

For Muslim consumers, halal guarantee of a product / service is a very important thing of its existence. Because consuming halal food is an absolute religious command for Muslims. Islam does not only focus on the material aspects alone, and also not only focuses on the aspects of body development alone but Islam also pay attention to something that affects the morals, soul (personality) and behavior. Consuming halal products guarantees that the product is also safe, good and guaranteed quality.²⁹ Although halal products are legal in Islam, the results of the products can also provide benefits and have a healthy guarantee, so they can also be used by non-Muslim consumers too. Based on the results of research conducted from 5 to 20 December 2019 in Madiun, Ponorogo, Magetan, Ngawi and Jember areas with a total of 120 correspondents, indicating that the level of legal awareness of Indonesian people to use halal products is still minimal. This can be seen from the following chart



²⁷ May Lim Charty, "Guaranteed Halal Product In Indonesia...", p. 100.

²⁸ Waharini Faqiatul Mariya dan Annisa Hakim Purwantini, "Models of Development of The Halal Food Industry", (Muqtasid Journal No. 9, Vol. 1, June 2018), p. 2.

²⁹ Ahmad Syauqi al Fanjari, "Health Values in Islamic Sharia"... , p. 44.

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Legal awareness is the awareness or values contained in human beings about the existing law or the expected law there. So, what is emphasized are the values about the function of law and not a legal assessment of concrete events in the community concerned.³⁰ Seeing the responses of some of the correspondents in the above table, it can be seen that awareness Indonesian community law related to the use of halal products, is still low.

In growing public legal awareness, there are three indicators, namely knowledge, understanding and obedience to the law. When seen from the indications of Indonesian people's legal awareness about the use of halal products:

1. Related to the knowledge and understanding of community law on halal products, it can be seen from the table above that the community's legal knowledge of halal products is still low. The effort that can be done is to educate the public about the importance of consumer legal protection, the importance of using halal products, the benefits and the guaranteed products used. Education can be done by the Indonesian Consumers Institute, law lecturers through legal counseling conducted during KKN or KPM, law students, so they do not have to wait from the Government or the Central Government.
2. With respect to community legal compliance with halal products, from providing legal knowledge and understanding of the importance of halal products, it is hoped that the Indonesian people will be able to obey the law. Obedience to the law, by some people in Indonesia is always connoted as carrying out orders, because of sanctions. Halal Product Guarantee and PP No. 31 of 2019 concerning Halal Product Certification, only regulates and imposes sanctions on business actors, but related to non-compliance or public disobedience to use halal products, the rules only exist in the Consumer Protection Act, while the sanctions of the three rules do not exist. That a rule of law must be balanced, both business people and consumers (the public) so that, if the business actor is already obedient, then the consumer or the community must also obey. Not because the rules made contain sanctions or not.
3. Hoping to the law, the community always demands that businesses in producing their products must comply with existing regulations, so that the products produced are halal products, guaranteed quality and safety. However, the community itself is lacking in legal compliance. People always hope that good law is a law that can provide as much prosperity as possible and minimize misery, so that in order for the law to provide this goal, the law must be made perfect. No matter how good the law is made, but legal awareness is weak, then no matter how well the regulation is made, it still cannot run optimally.

APPLICATION OF HALAL CERTIFICATION AS ACCELERATION OF INDONESIAN PRODUCTS TO BE SUCCESSFUL IN THE WORLD STAGE

In Article 8 paragraph (1) letter h of the Capital Market Law it is stated that business actors are prohibited from producing and / or trading goods and / or services that do not comply with the provisions of halal production, as stated in the "halal" statement stated on the label. However, the Consumer Protection Act does not regulate whether goods traded must bear a halal label or not. So that the regulation of the sound of Article 8 paragraph (1) letter h of the UUPK is further regulated in Law Number 33 of 2014 concerning Halal Product Guarantee.

The government issued UUJPH as a form of Consumer Protection, especially Muslim consumers.³¹ In accordance with Article 3 letter a The enactment of this Law aims to provide comfort, security, safety, and certainty of Halal Products for the public in consuming and using products.³² Whereas for business actors, the presence of UUJPH provide guidance on how to process, process, produce, and market products to the consumer community, as well as how to make halal product information to consumers. In addition, producers also reap the benefits of this law, namely the existence of legal certainty for all goods produced, so that UUJPH will have a positive impact on the business world.

In order to accelerate the acceleration of the halal industry in the country, the Government finally issued Government Regulation Number 31 of 2019 concerning Regulation on Implementation of Law Number 33 of 2014. The presence of this Government Regulation has strengthened Indonesia's position as a producer of halal products. Bearing in mind that starting on October 17, 2019, all products in the form of food, medicines and other consumer goods must be halal-certified.³³ This is in accordance with Article 2 (1) which reads "Products that enter, circulate and trade within the territory of Indonesia must be halal certified ". This means that as of that date all products in circulation are subject to legal legality (halal certificates). Law is an inseparable part of a person's life in society. The law is a human juridical will. Law works based on the system, and the national

³⁰ Soerjono Soekanto, "Legal Awareness an Legal Compliance" ..., p. 152.

³¹ Look at article 3 letter (a) of Law Number 33 Year 2014 concerning Halal Product Guarantee : "Provide comford, security, safety, and certainty of the availabilily of Halal Products for people in consumer and using product."

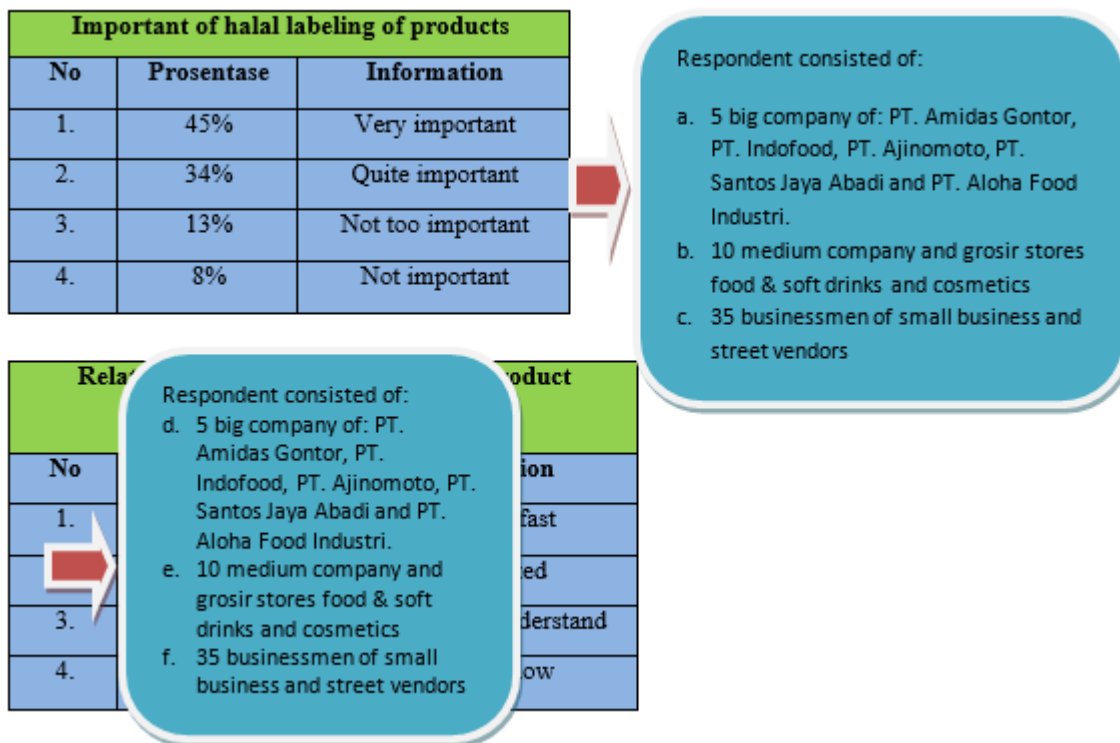
³² "Halal Product Guarantee Act Provides Legal Certainly To Consumers", www.hukumonline.com, is accessed at September 13 2019, 13.15 WIB.

³³ Certified or Excluded by Imported Halal Products", www.hukumonline.com, is accessed at September 15 2019, 22.24 WIB.

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legal system that is built does not only concern the legal substance, but also the legal structure and legal culture. To uphold the supremacy of the law as intended in the constitutional, the three systems must be developed in a stimulant and integrated manner.³⁴

With the Government Regulation it is expected that many business actors will even legalize halal products that will be offered to the public. However, based on research conducted by researchers on several business actors, both producers and sellers, both large, medium and small scale, in East Java, the data obtained are:



Problems with halal-standard products should have become an integral part of global trade and economic practices that demand international standards and quality to gain the trust of consumers across countries. So that the flow of goods, services, capital, knowledge between countries will become easier.³⁵

Food and other products consumed by halal and safe consumers are the basic rights of every human being. This is not only related to religious beliefs, but there are well-maintained dimensions of health, economy and security. So with a majority Muslim population, without being asked, the state should be present to protect its citizens in the fulfillment of their citizens' fundamental rights, namely by issuing Law No. 33 of 2014 concerning Guaranteed Halal Products and PP No. 31 of 2019.³⁶ In line with that business actors (producers) should also provide protection to consumers, which is regulated in Law No. 8 of 1999 concerning Consumer Protection. Therefore, the state is demanded to be more active in regulating the economic system that is outlined in the strategy carried out by the government or the state in carrying out trade or business instruments, among them through regulation.³⁷

In the current era of globalization, and the launching of industry 4.0 in the implementation of MDGs (Millennium Development Goals), halal lifestyle has indeed become a trend in world countries. This phenomenon is not only adopted by countries with a majority Muslim population but also in countries with a majority non-Muslim population. In addition, awareness of the fulfillment of halal food is increasing in the global arena along with the stretching of global halal tourism which is not merely limited to the tourist destination sector which is linked to Islamic sites (religious) but involves the fulfillment of tourism needs themselves. Because the world community has realized that halal food has been guaranteed in terms of health. This has been implemented by multinational corporations with halal-based food products and services, such as Japan Airlines, Singapore

³⁴ KN. Sofyan Hasan, "Legal Certainty and Certification Halal Labeling of Food Products", Journal of Legal Dynamics, Vol. 14 No. 2 (2014), p. 232.

³⁵ Violetta Sumatupang, "Based Tourism Law Traditional Cultural Expressions", (Bandung: Alumni, 2015), p. 155.

³⁶ Ali Yafie et al, "Free Trade Fiqh" (Jakarta: Teraju, 2004), p. 77.

³⁷ Asroun Ni'am Sholeh, "Halal Becomes a Global Trend", Article GATRA, July 29, 2015.

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AirLines, Qantas, Chatay Pacific (Hong Kong), America Airlines provides a halal menu (moslem meal). This phenomenon also spreads to America, Australia, Japan, China, India, and Latin American countries.³⁸

Even the State of Japan, has very serious attention to the development of halal trends and is now well developed. One of the indications is the holding of the Japan Halal Expo since 2015 until now, which is always crowded, so that it has attracted the attention and interest of various parties. It began mid-2015, with the holding of the Japan Halal Expo, a large-scale exhibition containing halal products made in Japan. Noted, to date there have been more than 400 restaurants in Japan that have provided halal food, 54 of which are specialty foods for the country.⁴² Data from the State of the Global Islamic Economy 2014-2017 states that indicators of the halal business trend are seen in five industry sectors continues to show progress even until 2019 today. These include Islamic financial services, halal food, Muslim fashion, halal media and recreation, as well as halal pharmaceuticals and cosmetics. Unfortunately, Indonesia ranks tenth among the countries implementing the Islamic economy. The top ten countries are Malaysia, United Arab Emirates, Bahrain, Oman, Saudi Arabia, Qatar, Kuwait, Jordan, Pakistan and Indonesia.³⁹

Provision of products that are very prospective business, because with the label (certification) halal can invite loyal customers who are not only interested by Muslims but also non-Muslim communities. Because with the halal certification of the products offered to consumers, people will feel safe in using them. In contrast to business actors who do not provide halal information marketing their products in countries such as Indonesia with a Muslim majority population, their products are less desirable, and consequently they will harm the business actors themselves. By requiring halal certification for business actors whose products are circulating in Indonesia, based on PP No. 31 of 2019 is not only aimed at giving peace of mind to Muslims and society in particular but also production calm for business people. Therefore, in the current era of economic globalization and free markets, halal food certification and labeling is increasingly needed.

In Indonesia, the issue of halal services and goods products has a very important meaning which is intended to protect the Muslim community, especially in order to avoid consuming food that is not halal (haram). Sanctions for business actors violating the provisions in Article 8 of the UUPK pursuant to Article 62 paragraph (1) of the UUPK are punishable by a maximum imprisonment of 5 (five) years or a maximum fine of Rp 2,000,000,000.00 (two billion rupiah). From the sound of the regulation in the UUPK above, it is clear that if the seller or business actor does not include a halal label, the sanction may be imposed. However, the Consumer Protection Act does not regulate whether goods traded must bear a halal label or not. So that the regulation of the sound of Article 8 paragraph (1) letter h of the UUPK is further regulated in Law Number 33 of 2014 concerning Halal Product Guarantee.

Halal certificate is very important for Muslim and non-Muslim consumers because it involves religious principles and consumer rights, as well as providing security and security in the health sector. However, the birth of UUJPH has not shown significant results from business actors to take care of the results of their products in order to get halal certification. In Article 2 paragraph (1) UUJPH states that: "Products that enter, circulate and trade within the territory of Indonesia must be halal certified". This means that with the passing of PP No. 31 of 2019, all products both services and goods circulating in Indonesia that will be consumed or enjoyed by consumers in Indonesia are subject to legality must be halal-certified.

Consumers who are increasingly critical really need certainty about the products they consume and the service products they use both in terms of legality and good and halal quality according to Article 8 paragraph (1) letter h of the Capital Market Law. In UUPK Article 2 concerning the principle of consumer protection which reads "Consumer protection is based on benefits, justice, balance, security and consumer safety and legal certainty". The article clearly states that the consumer has the right to obtain legal protection. Article 4 regulates consumer rights and Article 5 specifically regulates consumer obligations.

Based on the two articles above (article 4 and article 5), it is clear that consumers have the right to get the truth, clear, honest and regarding the conditions and guarantees of goods and / or services and are obliged to read and follow information instructions and procedures for the use or utilization of goods and / or services, for the sake of security and safety. So the obligation of entrepreneurs who make products must provide true, clear and honest information about the conditions and guarantees of goods or services and provide user explanations, repairs and maintenance (regulated in Article 7 of the UUPK). This is where the role of government must be able to enforce the Consumer Protection Act (UUPK) by means of socializing to consumers in using and consuming a product.

At the global level, LPPOM MUI actively cooperates with international halal certification bodies. LPPOM MUI initiated the World Halal Food Council (WHFC). The WHFC Congress in 2004 strengthened steps by issuing agreements between halal certification bodies to create the same halal inspection standards for all member countries of the World Halal Council. MUI halal

³⁸ Japan Halal Expo 2015, in Halal Journal No. 133/ May – June Th. XVII 2015, p. 18.

³⁹ Waharini Faqiatul Mariya dan Annisa Hakim Purwantini, "Models of Development of The Halal...", p. 2-3.

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standard and halal auditor LPPOM MUI has become a guideline in Indonesia and has become a reference for 43 overseas halal certification bodies in 23 countries.⁴⁰

Article 29 of the UUPK states that the state is the party most responsible and responsible for fostering the implementation of consumer protection, the implementation of which is submitted to the relevant Minister, in this case the Minister of Industry and Trade. In full, Article 29 states:

- (1) The state is responsible for fostering the implementation of consumer protection that guarantees the acquisition of consumer and business actors' rights as well as the implementation of consumer and business actor obligations.
- (2) Guidance by the state for the implementation of consumer protection as referred to in paragraph (1) shall be carried out by the Minister and / or relevant technical ministers.
- (3) The Minister as referred to in paragraph (2) coordinates the implementation of consumer protection.⁴¹

Fostering the implementation of consumer protection as referred to in paragraph (2) includes efforts to:

1. the creation of a business climate and the growth of a healthy relationship between business people and consumers;
2. the development of non-governmental consumer protection institutions;
3. increasing the quality of human resources and increasing research and development activities in the field of consumer protection;
4. Further provisions regarding the development of the implementation of consumer protection are regulated by Government Regulation.⁴²

In addition to coaching, an important role of the state is supervision of the implementation of consumer protection. Article 30 of the UUPK states that the state, together with the community and non-governmental consumer protection institutions, are the parties that have been given the task of supervising.

State supervision is carried out on the implementation of consumer protection and the application of the provisions of the legislation. Supervision is carried out by the public and non-governmental consumer protection institutions, in addition to the implementation of consumer protection and the application of the provisions of the legislation, also carried out on goods and or services circulating in the market. The form of supervision is carried out by means of research, testing and or surveying. Supervised aspects include loading information about the risks of using goods, installing and completing information on labels / packaging including halal labels, advertisements and others, as required by legislation and trade practices. The results of supervision conducted by the community and non-governmental consumer protection institutions can be disseminated to the public and can be conveyed to the Minister and technical ministers.⁴³

In the provisions of Article 30 above it is also mentioned, if in the supervision found irregularities in the legislation, the state must take administrative action and or legal action, as sanctions are threatened by the UUPK. This decisive action will increase consumer confidence in the consumer protection legal system established by the government, increase public participation in supervision and consumer institutions, as well as encourage businesses to produce quality and create a better business climate and also want to include a halal label on the products they produce.

Solutions so that businesses want to take care of halal certification which aims to provide adequate protection to the interests of consumers, then with the issuance of Government Regulation Number 31 of 2019 concerning Halal Product Guarantee is an appropriate alternative from the Government. Where one of the reasons is the requirement of business actors whose products are circulating in Indonesia must have halal certification from BPJPH Indonesia. So it is not only Indonesian businesses but also business people from abroad whose products are sold or circulated in Indonesia, both food products, medicines, vaccines and so on.

CLOSING

Legal awareness of halal products is not only demanded by business actors both business actors, small, medium and large business actors only, but also the public as consumers, both domestic and international communities visiting Indonesia, to also use Indonesian halal products. Because the use of halal products in UUPK and PP is no longer a recommendation but it is our shared obligation. So that it is expected that in the current technological era 4.0, halal products in Indonesia can at least succeed in their

⁴⁰ Japan Halal Expo 2015, in Halal Journal No. 133..., p. 18.

⁴¹ Martha Eri Safira, "Economic Law in Indonesia", (Ponorogo: Nata Karya, Cet. 4, 2019), p. 52.

⁴² Muhammad Djumhana, "Consumer Protection Law in Indonesia", (Bandung: Citra Aditya Bakti, 2003), p. 12.

⁴³ Sofyan Hasan, "Halal Certification in Positive Law, Regulation and Implementation in Indonesia, (Yogyakarta: Aswaja Presindo, 2014), p. 351.

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own country, and later they can also become superior halal products in Southeast Asia and even in Pasiffic Asian Countries, Europe, the Middle East, America, Africa and Australia. So it is from us that Indonesian halal products are cultivated and we love them, because the advancement of Indonesian halal products is ours.

Law is an inseparable part of a person's life in society. The law is a human juridical will. The law works based on the Indonesian legal system and system which is built and developed not only in legal substance, but also in the legal structure and legal culture. Related to this, the existence of legal substance to protect business actors and consumers from the UUPK, UUJPH and PP regarding the certification of halal products, already contains a very concrete and clear. What remains is the legal structure developed by the Government, together with law enforcement officials and the public (both business and consumers) in establishing a synergistic relationship to be able to realize integrated and mutually supportive consumer protection. Then the development of a good legal culture includes guidance and supervision from the Government, and legal awareness to increase consumer protection efforts that are not only from businesses, but also the community as consumers must also be well built and synergy as well.

REFERENCES

BOOK

- 1) Ali, Zainuddin, 2007, Legal Sociology, Bandung: Sinar Grafika.
- 2) Djumhana, Muhammad, 2003, "Consumer Protection Law in Indonesia", Bandung: Citra Aditya Bakti.
- 3) Eri Safira, Martha, 2019, "Economic Law in Indonesia", Ponorogo: Nata Karya, Cet. 4.
- 4) Hasan, Sofyan, 2014, Halal Certification in Positive Law, Regulation and Implementation in Indonesia, Yogyakarta: Aswaja Pressindo.
- 5) Soekanto, Soerjono, 1982. Legal Awareness and Legal Compliance, Jakarta: Rajawali Press.
- 6) Subekti and Tjitrosudibio, 1983, Legal Dictionary, Jakarta: Pradya Paramita, 1983.
- 7) Sumatupang, Violetta, 2015, Tourism Law Based on Traditional Cultural Expressions, Bandung: Alumni.
- 8) Syauqi al-Fanjari, Ahmad, 1996, Health Values in Islamic Sharia, Jakarta: Earth Literacy, 1996.
- 9) Yafie, Ali, et al, 2004, Free Trade Jurisprudence, Jakarta, Teraju.

ARTICLES AND JOURNALS

- 1) Certified or Excluded by Imported Halal Products, www.hukumonline.com is accessed on 15 September 2019 at 22:24 WIB.
- 2) Faqiatul Mariya, Waharini, and Anissa Hakim Purwantini, "Model of Development of Halal Food Industry in Indonesia". Muqtasid Journal. No. 9. Vol. 1, June 2018.
- 3) Halal Product Guarantee Law Provides Legal Certainty to Consumers, www.hukumonline.com is accessed on 13 September 2019 at 13:15 WIB. <http://repository.unpas.ac.id/31767/1/BAB%203.pdf>.
- 4) Japan Halal Expo 2015, in Halal Journal No. 113 / May-June Th XVIII 2015, (May-June 2015).
- 5) Lim Charity, May, "Halal Products guarantee in Indonesia. Journal of Indonesian Legislation. Vol. 14. No. 01. March 2017.
- 6) Indonesian Sharia Economics Master Plan 2019-2024, Ministry of National Development Planning, 2018.
- 7) Ni'am Sholeh, Asrorun, Halal Becomes Global Trend ", GATRA Article, 29 July 2015.
- 8) Sofyan Hasan, KN., Legal Certainty in Certification and Labeling of Halal Food Products, Journal of Legal Dynamics, Vol. 14 No.2, 2014.

LAWS AND REGULATIONS

- 1) Law Number 8 of 1999 concerning Consumer Protection (Statute Book of the Republic of Indonesia Number 42 of 1999, Supplement to Statute Book of the Republic of Indonesia Number 3821).
- 2) Law Number 33 of 2014 concerning Guaranteed Halal Products (State Gazette of the Republic of Indonesia of 2014 Number 295, Supplement to the State Gazette of the Republic of Indonesia Number 5604).
- 3) Government Regulation Number 31 Year 2019 Regarding Implementation Regulation Law Number 33 Year 2014 Regarding Halal Product Guarantee (State Gazette of the Republic of Indonesia 2019 Number 88, Supplement to State Gazette of the Republic of Indonesia Number 6344).



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