

The Implications of Application of Law Number 11 of 2020 Concerning Creation of Work on the Implementation of Halal Product Assurance

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ABSTRACT

This study analyzed the implications of the enactment of Law Number 11 of 2020 concerning Job Creation on the Implementation of Halal Product Guarantee. This is normative juridical research. The data gathered through secondary data and the research specification was descriptive-analytical. The data analysis was done qualitatively. This paper concludes that the enactment of Law Number 11 of 2020 concerning Job Creation has brought amendments to 22 articles and the addition of 2 new articles in Law Number 33 of 2014 concerning Halal Product Guarantee. There have been a number of significant changes in the implementation of the Halal Product Guarantee, including the matter of convenience for micro and small businesses, cutting the length of time for the application and the halal certification process, and changing a number of sanctions related to the regulation of halal product guarantees. The implications of this change are clearly visible in the halal certification business process, the cooperation between Halal Product Guarantee Agency (HPGA), the Halal Inspection Agency (HIA) and halal auditors, halal supervisors, community participation, halal certificates, halal labels, self-declare, and administrative sanctions.

Keyword: Halal Product; HPGA; HIA.

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1. INTRODUCTION

Halal products are products that have been declared halal in accordance with Islamic law (Article 1 point 2 of Law Number 33 of 2014 concerning Guaranteed Halal Products). The requirements for halal products in Islam are: (a) Does not contain pork and the ingredients come from pork. (b) Does not contain khamr and its derivative products. (c) All materials of animal origin must come from halal animals that are slaughtered according to the procedures of Islamic law. (d) Does not contain other materials that are forbidden or classified as unclean such as: carrion, blood, materials derived from human organs, excrement and so on. (e) All places of storage, sale, processing, management and means of transportation for halal products may not be used for pork or non-halal goods. If it has been used for pork or other non-halal and then used for halal products, then it must first be cleaned according to the method regulated according to Islamic law. Alternate use of production facilities for halal and non-halal products is not allowed (Ministry of Religion of the Republic of Indonesia, 2003: 2). Proof of the halalness of a product is evidenced by a "halal certificate" issued by the Halal Product Assurance Administration (formerly the Indonesian Ulema Council).

However, it does not mean that the product is not certified/halal label on the product is not necessarily or does not mean it is not halal. Halal labels do not always guarantee the halalness of the products in the packaging. Misuse of the halal label is also often carried out by "cheat" business actors. Fraud is in the form of substitute ingredients after obtaining a halal certificate or falsifying halal labels on their products (for business actors who have not obtained halal certificates). This forgery is very

likely to occur for several reasons, for example: (1) The bureaucratic system is too procedural. (2) Control from the government or the authorities is too loose. (3) Weak laws (Sri Nuryati, 2008:158).

Halal Certificate is an acknowledgment of the halalness of a Product issued by the Ministry of Religion's BPJPH based on a written halal fatwa issued by the MUI (Article 1 number 10 of the Halal Product Guarantee Act). After the enactment of the Halal Product Guarantee Act, the halal label for all products is issued by BPJPH. The basis for issuing a halal certificate is a written fatwa from the MUI which states the halalness of a product in accordance with Islamic law (Ministry of Religion of the Republic of Indonesia, 2003: 1). Halal certificate is a requirement to include a halal label. Halal label is a sign of the halalness of a product (Article 1 number 11 of the Halal Product Guarantee Act). Certification and labeling are 2 (two) interrelated activities. Halal certification is a process to obtain a halal certificate by going through several stages of inspection to prove that the raw materials, production processes, and product halal assurance system in a company are in accordance with the established standards (LPPOM, 2008).

The halal product industry is the focus of the government's attention, this can be seen from the government's efforts in issuing a legal framework for the development of the domestic halal product industry, one of which is the Halal Product Guarantee Act. The Halal Product Guarantee Act covers protection, justice, legal certainty, accountability and transparency, effectiveness and efficiency, as well as professionalism. With the Halal Product Guarantee, business actors can increase added value to produce and sell their halal products.

In addition, the Halal Product Guarantee can also increase product competitiveness in the global market, so that it can contribute to the nation's economic growth (BPJPH through www.kemenag.go.id). In addition to providing a legal umbrella, the government has also established a certain authority responsible for the development of the halal industrial system in Indonesia, namely, BPJPH. Halal Product Guarantee is needed as an effort to provide legal certainty to the halalness of a product as evidenced by a Halal Certificate (Article 1 point 5 of the Law on Halal Product Guarantee)

To perfect the process of realizing halal product guarantees, the government has ratified Law Number 11 of 2020 concerning Job Creation. Normatively, the purposes and objectives of the Job Creation Act are expected to be present with the flexibility of laws and regulations, providing simplification of business licensing and business processes. Thus, in relation to Halal Product Assurance, this law also has many positive implications, including the acceleration of halal certification services, facilitation of financing for halal certification for Micro and Small Enterprises (UMK), structuring authority, legal certainty, and encouraging ecosystem development . halal in Indonesia.

The focus of the discussion in this study is (1) How are the changes in the content of the Halal Product Guarantee in the Job Creation Act for the implementation of the Halal Product Guarantee? (2) What are the implications of Law Number 11 of 2020 concerning Job Creation in the development of the Halal Product Guarantee system?

The purpose of this study is (1) To change the regulation of halal product guarantee norms in the Job Creation Act for the implementation of Halal Product Guarantee. (2) To analyze the implications of Law Number 11 of 2020 concerning Job Creation in the development of the Halal Product Guarantee system.

2. RESEARCH METHOD

The method used in this research is normative juridical which includes positive law inventory research, research on legal principles and legal research in concreto, legal systematic research, legal history research and legal comparison (Ronny Hanitijo Soemitro, 1990: 9-10). . Sources of data are secondary data in the form of primary legal materials, secondary legal materials and tertiary legal materials (Soerjono Soekanto, 1986: 13-14). The specification of the research used is descriptive-analytical, namely by describing the applicable laws and regulations associated with legal theories and the practice of implementing positive law related to problems (Ronny Hanitijo Soemitro, 1990: 97-98). Data analysis was carried out qualitatively, namely data obtained through library research and then arranged systematically and then analyzed qualitatively to achieve clarity of the problems studied..

3. DISCUSSION AND ANALYSIS

Changes in the content of the Halal Product Assurance Norm in the Job Creation Act for the Implementation of Halal Product Assurance. There are 22 articles that have been amended in Law Number 33 of 2014 concerning Guaranteed Halal Products through Law Number 11 of 2020 concerning Job Creation. In addition, there are also the addition of 2 new articles. All of them include provisions related to the halal certification business process, BPJPH cooperation, Halal Inspection Agency (LPH) and Halal Auditor, Halal Supervisor, community participation, halal certificate, halal label, self declare, and administrative sanctions.

In the Job Creation Act, the cost of halal certification according to Article 48 number 44 paragraph (1), "Halal Certification Fees are charged to Business Actors who apply for Halal Certificates." In the event that the application for Halal Certification as referred to in paragraph (1) is submitted by UMK actors, there is no charge or free of charge. According to Article 56 paragraphs (1) and (2), according to Article 56 paragraphs (1) and (2), they are subject to administrative sanctions in the form of a fine of Rp. 2 billion. If they are unable to pay the fine, the business actor will be sentenced to imprisonment for 5 (five) years.

With regard to some of these changes, it is important to understand the statement by Tulus Abadi, Daily Chair of the Indonesian Consumers Foundation (YLKI), for example, the self-declaration policy has a high risk of violating consumer rights. He agreed that if the government tried to provide convenience for UMK actors, but with halal statements based on self-statements, it could lead to violations of consumer rights. The problem is that even though the statement is based on the halal standard set by BPJPH, how is it monitored?

Therefore, Tulus Abadi asks all parties to oversee the formulation of derivative regulations of the Job Creation Act. These provisions must have strong derivative rules, accompanied by strong articles. The intention to provide convenience for MSE actors agrees and deserves support. There is guidance for UMK actors also agrees. But what about the development of consumer protection aspects with all the pluses and minuses owned by the MSE sector? Consistency of halal policy is very important to protect consumers in the era of economic digitalization (The Need for Partisanship with Consumers of Halal Products in the Derivative Rules of the Job Creation Law, via Hukumonline.com accessed on January 24, 2021).

Ikhsan Abdullah, Executive Director of Indonesia Halal Watch (IHW), is of the opinion that the Self Declaration policy is contrary to the Halal Product Guarantee Act. The reason is that the Job Creation Act justifies this mechanism, which basically weakens the MUI and the Ministry of Religion, which structurally and institutionally have organs up to the sub-district level throughout Indonesia. The main problem is that halal is not a licensing issue which in the Job Creation Act is included in the licensing and ease of doing business cluster. But halal is related to sharia (Islamic) law which is the domain or authority of the ulama (The Need for Partisanship with Halal Products Consumers in the Derivative Rules of the Job Creation Law, via Hukumonline.com accessed on January 24, 2021). As is known, the government continues to be committed to strengthening the MSE halal sector and encouraging the development of MSE halal product business through simplification and acceleration of the licensing process, facilitation of halal certification fees for MSEs that are borne by the government, and a self-declare mechanism for MSE actors for certain products according to standards. determined by the BPJPH Agency.

In addition, the government also seeks to ensure the convenience of halal product business through the determination of halal products by the MUI in the province/Ulama Consultative Assembly (MPU) in Aceh which is carried out in the Halal Fatwa Session. The expansion of the Halal Inspection Agency (LPH) is also carried out by involving community organizations (ormas), State Universities, Private Universities under religious institutions or Islamic Foundations.

The existence of the Job Creation Act as a whole has raised several issues that have been heavily debated, namely the provisions regarding Halal Auditor Certification, LPH Accreditation and Provisions for Cooperation with International Halal Certification Agencies and Halal Self Declarations or self-declaration of the halalness of products specifically for SMEs and the Halal Assurance System. (SJH) positions BPJPH to be a super body, while at the same time placing MUI as a sub-ordinate or subordinate to BPJPH in the context of the Implementation of the Halal Assurance System.

However, if what happens is rigidity and rigidity as shown by BPJPH according to the experience for the last 3 (three) years, then there is concern that the Job Creation Law on the Halal Product Guarantee cluster is increasingly difficult to implement (Need to Support Halal Products

Consumers) in the Derivative Rules of the Job Creation Law, via Hukumonline.com accessed on January 24, 2021).

Broadly speaking, the Job Creation Act makes a number of significant changes to the Halal Product Guarantee Act. These include the issue of convenience for micro and small business actors, trimming the application period and the halal certification process, as well as changing a number of sanctions related to the regulation. The clearest substance is the addition of a new article inserted between Article (4) and Article (5) of the Halal Product Guarantee Act. In Article 4A paragraph (1), it is regulated that the obligation to be certified halal for micro and small businesses is based on "statements of UMK actors". Then in Article 4A paragraph (2), it is regulated that "The statement of UMK actors as referred to in paragraph (1) is based on halal standards set by BPJPH."

In the Halal Product Assurance Act, companies are required to provide a Halal Supervisor who is in charge of supervising PPH in the company, determining corrective and preventive actions, coordinating PPH, and assisting halal auditors. The supervisor in the Halal Product Assurance Act is required to be Muslim and has broad insight into halal matters (Article 48 number 28 paragraph (1) of the Job Creation Act). In the event that business activities are carried out by UMK actors, Halal Supervisors can come from Community Organizations (Ormas). Further provisions regarding Halal Supervisors are regulated in a Government Regulation (Article 48 number 28 paragraphs (4 and 5) of the Job Creation Law).

There are new norms related to halal supervisors from mass organizations, especially for UMK actors. Another norm relates to the authority to regulate Halal Supervisors, which were previously the authority of the minister, but later changed to being regulated in a Government Regulation. In the amendment to Article 48 point 29 of the Job Creation Law, it is added that the period of verification of the application for a halal certificate is no later than 1 (one) working day. Likewise, in the amendment to Article 48 number 30 of the Law on Halal Product Assurance, the period for determining the LPH for halal inspection of certain products was cut from 5 (five) working days in the Law on Halal Product Assurance to 1 (one) working day.

In the amendment of Article 48 number 31 of the Law on Halal Product Assurance in the Job Creation Act, inspection and/or testing of product halalness is carried out by a halal auditor, no later than 15 (fifteen) working days. This provision does not exist in the same article in the Halal Product Guarantee Act. Then, in the revision of Article 48 number 42 of the Halal Product Guarantee Act in the Job Creation Act, the recognition of the renewal of the halal certificate may not require inspection and re-testing. The amendment to Article 48 number 44 includes a new rule that applications for halal certification by micro and small business actors are free of charge.

The Job Creation Act also changes the provisions of Article 48 of the Halal Product Guarantee Act. Article 48 of the Law on Halal Product Guarantee reads: "(1) Business Actors who do not register as referred to in Article 47 paragraph (3) are subject to administrative sanctions in the form of withdrawal of goods from circulation." However, in Article 48 point 48 of the Job Creation Law the clause "in the form of withdrawal of goods from circulation" is removed so that it changes to: (1) Business Actors who do not register as referred to in Article 47 paragraph (3) are subject to administrative sanctions.

Bukhori Yusuf, Member of the Legislative Body of the DPR, assessed that the inclusion of a concrete form of administrative sanctions shows the state's firmness and alignment with the procurement of halal imported products. On the other hand, the abolition of the form of sanctions can make the halal registration policy of imported products more permissive to violations of registration obligations. Therefore, according to him, the implementation of halal product guarantees actually aims to provide comfort, security, safety, and certainty of the availability of halal products for the public in consuming and using the product. In an effort to support this, regulations regarding the form of clear sanctions have also been drawn up if in practice there are deviations by business actors (The Need for Partisanship with Halal Products Consumers in the Derivative Rules of the Job Creation Law, via Hukumonline.com accessed on January 24, 2021). Whereas the legal consequences that are clear in the laws and regulations (Article 48 of the Halal Product Guarantee Act) are in order, as much as possible, to close the gap for potential violations of registration obligations. The inclusion of sanctions is also an effort to convey a strong message to business actors and provide legal certainty for consumers who are Muslim. If this aspect is not heeded, consumer protection in obtaining halal imported products can be neglected. The impression is that the state will not side with consumers to get halal products if clear sanctions are abolished.

Implications of Law Number 11 of 2020 concerning Job Creation in the Development of a Halal Product Assurance System

If we understand further, some of the main points of the content of the amendments to the Halal Product Guarantee Act in the Job Creation Act are as follows. First, cooperation between BPJPH and MUI in terms of halal fatwas; BPJPH cooperation with LPH in terms of inspection and/or testing that can be established by the government and the community in the halal certification process. The role of MUI in issuing halal fatwas is very important. The role of universities will also be empowered. The ecosystem in guaranteeing halal products will be built with the participation of all elements of society, including the involvement of the community and Islamic organizations.

Second, halal product guarantee services can provide legal certainty, accountability, and measurability for business actors, especially in the management of halal certificates. Furthermore, the process of making and issuing halal certificates is carried out by the government, namely BPJPH. Third, the term self declare (recognition of product halalness by business actors) becomes the flow of halal certification in which there is a role for MUI in determining product halalness. Fourth, community participation through Islamic organizations in establishing LPH, preparing halal auditors, halal supervisors, socialization and education regarding halal product guarantees. Then the assistance of the halal product process, product publications are under the guidance, marketing in the network of Islamic organizations with legal entities, supervision of the implementation of halal product guarantees.

Fifth, in the Law on Halal Product Assurance, the domestic halal certification process takes 97 working days. Specifically, the issuance of halal certification abroad takes 117 working days. With the existence of the Job Creation Act, the halal certification process becomes 21 working days or is given additional time if there are doubts about the halalness of the product against the materials used.

Sixth, all components of the nation are intertwined to build an ecosystem for guaranteeing halal products in Indonesia according to their respective roles and functions. Starting from the government, MUI, community/Islamic mass organizations and universities, both public and private. Seventh, free halal certification for micro and small business actors (UMK) through various financing facilities. These include APBN/APBD, alternative financing for MSEs, financing from partnership funds, government grants or other institutions, revolving funds and corporate social responsibility.

Eighth, the provision of halal auditors and halal supervisors is sufficient with training organized by BPJPH/accredited universities/education and training institutions. The competency test as an effort to improve quality and competence is carried out by a state institution (National Agency for Professional Certification) in collaboration with BPJPH. Therefore, there is no longer any training and/or competency test through MUI. Ninth, facilitating the establishment of LPH is divided into several competencies, namely verification/validation, inspection of products and/or halal product processes (PPH), inspection of poultry slaughterhouses (RPU)/animal slaughterhouses (RPH), and/or audit inspections and testing if necessary. to the halalness of the product. Tenth, the halal label is determined by BPJPH which applies nationally after coordinating with the Ministry of Trade and BPOM. Eleventh, violations of the implementation of halal product guarantees are subject to administrative sanctions in the form of written warnings, administrative fines, revocation of halal certificates, and/or withdrawal of goods from circulation by business actors.

The urgent factor of the Job Creation Act in terms of product halalness involves the community and Islamic organizations. Then create regulatory flexibility, so that LPH accreditation is not complicated. Thus, there is no interlocking because it is based on existing rules, then simplification of licensing and business processes (Seeing the Content Material for the Halal Product Guarantee Sector RPP, via Hukumonline.com accessed on January 11, 2021).

The norm in the Job Creation Act regulates that the product halal provisions are still issued or the sole authority of the MUI. This is stated in Article 48 number 33 paragraph (1) which reads as follows: "The determination of the halalness of the product is carried out by MUI". The determination of the halalness of the Product as referred to in paragraph (1) is carried out in the Halal Fatwa Session. The Halal Fatwa Session as referred to in paragraph (2) decides on the halalness of the product no later than 3 (three) working days since MUI receives the results of inspection and/or product testing from LPH. The determination of the halalness of the Product as referred to in paragraph (2) is submitted by MUI to BPJPH as the basis for the issuance of the Halal Certificate. For halal certification itself, according to Article 48 number 42 paragraph (1) "Halal certification is valid for 4 (four) years from the date of issuance by BPJPH, unless there is a change in the composition of the ingredients. The Halal Certificate must be extended by Business Actors by applying for an extension of the Halal Certificate no later than 3 (three) months before the validity period of the Halal Certificate expires. If in the application for the

extension as referred to in paragraph (2), the Business Actor includes a statement that it meets the halal production process and does not change the composition, BPJPH can immediately issue an extension of the halal certificate. Further provisions regarding the procedure for the renewal of the Halal Certificate are regulated by a Government Regulation (Article 48 point 42 of the Job Creation Law).

Ikhsan Abdullah is of the view that all the authority of the MUI which had previously been regulated in the Halal Product Guarantee Act has been stripped away. Ikhsan Abdullah added that in the context of the Job Creation Act, the Halal Product Assurance cluster uses a humanist approach and remains devoted to MUI as a representation of the ulama, which is put forward as very important for the personnel at BPJPH, because it can smooth the implementation of the law. ((Seeing the Content Material for the Halal Product Guarantee Sector RPP, via Hukumonline.com accessed on January 11, 2021).

The following are six points of halal certification in Law Number 11 of 2020 concerning the Job Creation Law.

1. Law Number 11 of 2020 regarding halal for micro entrepreneurs. The Job Creation Law adds to Article 4A which states that halal certification for MSME actors is based on statements by business actors who previously carried out the Halal Product Process (PPH). The PPH mechanism is determined based on the halal mechanism carried out by the Halal Product Guarantee Agency (BPJPH). MSME actors also do not need to pay for halal certification. Article 44, "In the event that the application for Halal Certification as referred to in paragraph (1) is submitted by Micro and Small Business Actors, no fee is charged."
2. Law Number 11 of 2020 removes the requirement for halal auditors. Previously, Law Number 33 of 2014 contained several requirements for halal auditors, namely they were required to be Muslim, Indonesian citizens, have broad knowledge regarding product halalness and religious law. Auditors are also required to be educated at least S1 in the fields of food, chemistry, biochemistry, industrial engineering, biology, or pharmacy. With the abolition of this requirement, the opportunity to become a halal auditor is wider.
3. Law Number 11 of 2020 regarding PPH. Previously, business actors were required to separate locations, places, and tools used for PPH according to the Halal Product Guarantee Act. If they do not implement this rule, the entrepreneur is threatened with administrative sanctions in the form of a written warning or a fine. This sanction was changed in Law Number 11 of 2020 to become only an administrative sanction without being explained in more detail.
4. Law Number 11 of 2020 determines the length of the halal verification process. Article 29 of Law Number 11 of 2020 states, the period of verification of the application for a halal certificate is a maximum of one working day. Applications for halal certificates are accompanied by data from business actors, names and types of products, lists of products and materials used, and product processing processes. Employers submit applications for Halal Certificates to BPJPH.
5. Law Number 11 of 2020 regarding the process of extending halal certification. Law Number 11 of 2020 specifically regulates business actors who wish to extend halal certification, without changing the PPH and composition. BPJPH can immediately issue an extension of halal certification without the need to conduct a halal fatwa trial.
6. Law Number 11 of 2020 regarding administrative sanctions. The Law on Halal Product Assurance regulates the types of administrative sanctions that will be received if they do not implement the provisions of halal certification. Sanctions are imposed according to the violation committed. In Law Number 11 of 2020 administrative sanctions are not further explained along with the types of violations (the Omnibus Job Creation Law alludes to Halal Certification, these are the 6 points, through <https://food.detik.com/info-kuliner/d-5201088/uu-cipta-kerja-omnibus-law-singgung-sertifikasi-halal-ini-6-poinnya>, 6 Oktober 2020).

When compared with the previous Law Number 33 of 2014 which included halal certification, he considered Law Number 11 of 2020 as a complement. There are three core points in Law Number 11 of 2020 which are considered important for halal certification in the future. The first point is about the effectiveness of the implementation of halal certification in terms of time. At this point, the effectiveness of the time can be shortened. In Law Number 11 of 2020 there is an acceleration of certification processing to 21 days, from the previous Law Number 33 of 2014 for 92 to 97 working days. In fact, if the product comes from abroad, some can take up to 104 days.

The second material that is considered important is the determination of the halal status of the product which is still subject to the fatwa commission. The determination of halal according to the MUI decision will also not

change the process from before. Thus, the existing position is considered to be getting stronger, apart from shortening the time as short as possible. However, there are still consequences of shortening the processing time, namely LPH and MUI must discuss together according to the rules to speed up the process. The third point concerns MSMEs themselves, the article is that as the majority business actors, MSMEs will be prioritized. Especially when the Ministry of Religion budgeted for free certification for MSMEs. Of course BPJPH will work together to maximize budget preparation and others with the Ministry of Finance and other agencies. With the positive points in Law Number 11 of 2020, he assessed that there are benefits to encouraging the people's economy, which is mostly from the MSME sector. Regarding halal certification, it is also hoped that MSME actors can get added value as well as competitiveness for domestic and foreign needs. For more details, see the comparison of Law Number 33 of 2014 concerning Guaranteed Halal Products and Article 48 of Law Number 11 of 2020 concerning Job Creation in the following table.

Tabel 1. Comparison of Law Number 33 of 2014 concerning Guaranteed Halal Products and Article 48 of Law Number 11 of 2020 concerning Job Creation.

No	Law Number 33 of 2014	Article 48 of Law Number 11 of 2020
1	Article 4 Products that enter, circulate, and are traded in the territory of Indonesia must be certified halal.	Between Article 48 points 4 and 5, 1 (one) article is inserted, namely Number 4A so that it reads as follows: Figure 4A (1) For Micro and Small Business Actors, the obligation to be certified halal as referred to in Article 4 is based on the statement of Micro and Small business actors. (2) The statement of Micro and Small Business Actors as referred to in paragraph (1) is made based on the halal standard set by BPJPH.
2	Article 7 In carrying out the authority as referred to in Article 6, BPJPH cooperates with: a. relevant ministries and/or institutions; b. LPH; and c. MUI.	The Elucidation of Article 48 point 7 is amended as stated in the Elucidation. Alphabet a. Relevant ministries and/or institutions include ministries and/or institutions that administer government affairs in the fields of industry, trade, health, agriculture, standardization and accreditation, cooperatives and micro, small and medium enterprises, as well as drug and food supervision. b. LPH is independent. c. What is meant by MUI includes the provincial MUI and the Aceh MPU (Ulama Consultative Assembly).
3	Article 10 (1) Cooperation between BPJPH and MUI as referred to in Article 7 letter c is carried out in the form of: a. Halal Auditor certification; b. determination of product halalness; and c. LPH accreditation. (2) Determination of product halalness as referred to in paragraph (1) letter b is issued by MUI in the form of a Decision on Determination of Halal Products.	The provisions of Article 48 number 10 are amended to read as follows: Number 10 (1) The cooperation between BPJPH and MUI as referred to in Article 7 letter c is carried out in terms of determining the halalness of the Product. (2) Determination of product halalness as referred to in paragraph (1) is issued by MUI in the form of a Decision on Determination of Halal Products.
4	Article 13 (1) To establish an LPH as referred to in Article 12, the following requirements must be met: a. have their own office and equipment;	The provisions of Article 48 point 13 are amended to read as follows: Number 13 (1) To establish an LPH as referred to in Article 12, the following requirements must be met:

	<p>b. have accreditation from BPJPH; c. have at least 3 (three) Halal Auditors; and d. have a laboratory or cooperation agreement with other institutions that have laboratories.</p> <p>(2) In the event that the LPH as referred to in paragraph (1) is established by the community, the LPH must be submitted by an Islamic religious institution as a legal entity.</p>	<p>a. have their own office and equipment; b. have at least 3 (three) Halal Auditors; and c. have a laboratory or cooperation agreement with other institutions that have laboratories.</p> <p>(2) In the event that the LPH as referred to in paragraph (1) is established by the community, the LPH must be submitted by an Islamic religious institution with a legal entity, and a private university under the auspices of an Islamic religious institution with a legal entity or an Islamic foundation with a legal entity.</p> <p>(3) In the event that in an area there is no LPH established by the community as referred to in paragraph (2), Islamic religious institutions with legal entities and private universities under the auspices of Islamic religious institutions with legal entities or Islamic foundations with legal entities may cooperate with state-owned enterprises or the Food and Drug Administration.</p>
5	<p>Article 14 (1) The Halal Auditor as referred to in Article 13 letter c is appointed and dismissed by LPH. (2) The appointment of the Halal Auditor by LPH as referred to in paragraph (1) must meet the following requirements: a. Indonesian citizens; b. are Muslim; c. have a minimum education of bachelor degree 1 (one) in the field of food, chemistry, biochemistry, industrial engineering, biology, or pharmacy; d. understand and have broad insight regarding the halalness of products according to Islamic law; e. put the interests of the people above personal and/or group interests; and f. get a certificate from MUI.</p>	<p>The provisions of Article 48 number 14 are amended to read as follows: Article 14 (1) The Halal Auditor as referred to in Article 13 letter c is appointed and dismissed by LPH. (2) The appointment of the Halal Auditor by LPH as referred to in paragraph (1) must meet the following requirements: a. Indonesian citizens; b. are Muslim; c. have at least a bachelor's degree in 1 (one) in the fields of food, chemistry, biochemistry, industrial engineering, biology, pharmacy, medicine, catering, or agriculture; d. understand and have broad insight regarding the halalness of products according to Islamic law; and e. put the interests of the people above personal and/or group interests.</p>
7	<p>Article 16 Further provisions regarding LPH are regulated in a Government Regulation .</p>	<p>The provisions of Article 48 point 16 are amended to read as follows: Number 16 Further provisions regarding LPH and halal auditors are regulated in a Government Regulation .</p>
8	<p>Article 22 (1) Entrepreneurs who do not separate the location, place, and equipment of PPH as referred to in Article 21 paragraph (1) and paragraph (2) are subject to administrative sanctions in the form of: a. written warning; or b. administrative fines. (2) Further provisions regarding the procedure for imposing administrative</p>	<p>The provisions of Article 48 number 22 are amended so that it reads as follows: Number 22 (1) Entrepreneurs who do not separate the location, place, and equipment of PPH as referred to in Article 21 paragraph (1) or paragraph (2) shall be subject to administrative sanctions. (2) Further provisions regarding the criteria, types, amount of fines, and procedures for imposing administrative sanctions as</p>

	sanctions are regulated in a Ministerial Regulation.	referred to in paragraph (1) shall be regulated in a Government Regulation.
9	<p>Article 27</p> <p>(1) Business Actors who do not perform the obligations as referred to in Article 25 are subject to administrative sanctions in the form of:</p> <ol style="list-style-type: none"> written warning; administrative fines; or revocation of Halal Certificate. <p>(2) Business Actors who do not perform the obligations as referred to in Article 26 paragraph (2) are subject to administrative sanctions in the form of:</p> <ol style="list-style-type: none"> verbal warning; written warning; or administrative fines. <p>(3) Further provisions regarding the procedure for imposing administrative sanctions are regulated in a Ministerial Regulation.</p>	<p>The provisions of Article 48 number 27 are amended to read as follows:</p> <p>Number 27</p> <p>(1) Business Actors who do not perform the obligations as referred to in Article 25 or Article 26 paragraph (2) are subject to administrative sanctions.</p> <p>(2) Further provisions regarding the criteria, types, amount of fines, and procedures for imposing administrative sanctions shall be regulated by a Government Regulation.</p>
10	<p>Pasal 28</p> <p>(1) Penyelia Halal sebagaimana dimaksud dalam Pasal 24 huruf c bertugas:</p> <ol style="list-style-type: none"> mengawasi PPH di perusahaan; menentukan tindakan perbaikan dan pencegahan; mengoordinasikan PPH; dan mendampingi Auditor Halal LPH pada saat pemeriksaan. <p>(2) Penyelia Halal harus memenuhi persyaratan:</p> <ol style="list-style-type: none"> beragama Islam; dan memiliki wawasan luas dan memahami syariat tentang kehalalan. <p>(3) Penyelia Halal ditetapkan oleh pimpinan perusahaan dan dilaporkan kepada BPJPH.</p> <p>(4) Ketentuan lebih lanjut mengenai Penyelia Halal diatur dalam Peraturan Menteri.</p>	<p>Ketentuan Pasal 48 angka 28 diubah sehingga berbunyi sebagai berikut:</p> <p>Angka 28</p> <p>(1) Penyelia Halal sebagaimana dimaksud dalam Pasal 24 huruf c bertugas:</p> <ol style="list-style-type: none"> mengawasi PPH di perusahaan; menentukan tindakan perbaikan dan pencegahan; mengoordinasikan PPH; dan mendampingi Auditor Halal LPH pada saat pemeriksaan. <p>(2) Penyelia Halal harus memenuhi persyaratan:</p> <ol style="list-style-type: none"> beragama Islam; dan memiliki wawasan luas dan memahami syariat tentang kehalalan. <p>(3) Penyelia Halal ditetapkan oleh pimpinan perusahaan dan dilaporkan kepada BPJPH.</p> <p>(4) Dalam hal kegiatan usaha dilakukan oleh Pelaku Usaha mikro dan kecil, Penyelia Halal dapat berasal dari Organisasi Kemasyarakatan.</p> <p>(5) Ketentuan lebih lanjut mengenai Penyelia Halal diatur dalam Peraturan Pemerintah.</p>
11	<p>Article 29</p> <p>(1) Application for Halal Certificate shall be submitted by Business Actors in writing to BPJPH.</p> <p>(2) Application for Halal Certificate must be accompanied by the following documents:</p> <ol style="list-style-type: none"> Business Actor data; name and type of Product; list of Products and Materials used; and Product processing. <p>(3) Further provisions regarding procedures for submitting applications for Halal</p>	<p>The provisions of Article 48 point 29 are amended so that it reads as follows:</p> <p>Number 29</p> <p>(1) Application for Halal Certificate shall be submitted by Business Actors to BPJPH.</p> <p>(2) Application for Halal Certificate must be accompanied by the following documents:</p> <ol style="list-style-type: none"> Business Actor data name and type of Product; list of Products and Materials used; and Product processing.

	Certificates shall be regulated in a Ministerial Regulation.	(3) The period of verification of the application for a halal certificate is carried out no later than 1 (one) working day. (4) Further provisions regarding procedures for submitting applications for Halal Certificates shall be regulated by a Government Regulation.
12	Article 30 (1) BPJPH stipulates LPH to carry out inspection and/or testing of product halalness. (2) The determination of the LPH as referred to in paragraph (1) is carried out within a maximum period of 5 (five) working days as of the application document as referred to in Article 29 paragraph (2) is declared complete. (3) Further provisions regarding the procedure for determining LPH are regulated in a Ministerial Regulation.	The provisions of Article 48 point 30 are amended to read as follows: Number 30 (1) BPJPH stipulates LPH to carry out inspection and/or testing of the halalness of Products based on the request of Business Actor. (2) The determination of the LPH as referred to in paragraph (1) is carried out within a maximum period of 1 (one) working day as of the application document as referred to in Article 29 paragraph (2) is declared complete.
13	Article 31 (1) The inspection and/or testing of the halalness of the Products as referred to in Article 30 paragraph (1) shall be carried out by the Halal Auditor. (2) Inspection of Products is carried out at the business location during the production process. (3) In the event that the product inspection as referred to in paragraph (1) contains ingredients of doubtful halalness, they can be tested in a laboratory. (4) In carrying out the inspection at the business location as referred to in paragraph (2), the Business Actor is required to provide information to the Halal Auditor.	The provisions of Article 48 number 31 are amended to read as follows: Number 31 (1) The inspection and/or testing of the halalness of the Product as referred to in Article 30 paragraph (1) shall be carried out by the Halal Auditor no later than 15 (fifteen) working days. (2) Inspection of Products is carried out at the business location during the production process. (3) In the event that the product inspection as referred to in paragraph (1) contains ingredients of doubtful halalness, they can be tested in a laboratory. (4) In the event that product inspection as referred to in paragraph (3) requires additional inspection time, LPH may apply for an extension of time to BPJPH. (5) In carrying out the inspection at the business location as referred to in paragraph (2), the Business Actor is required to provide information to the Halal Auditor. (6) Further provisions regarding procedures for inspection and/or testing of product halalness are regulated by a Government Regulation.
14	Article 32 (1) LPH submits the results of inspection and/or testing of product halalness to BPJPH. (2) BPJPH submits the results of the inspection and/or testing of the Halalness of the Products to the MUI to obtain a determination of the Halalness of the Products.	The provisions of Article 48 number 32 are amended so that it reads as follows: Number 32 (1) LPH submits the results of inspection and/or product halal testing to MUI with a copy sent to BPJPH. (2) In the event that the results of the inspection and/or testing of the halalness of the Products do not meet the standards held by BPJPH, BPJPH submits considerations to MUI to issue a fatwa.
15	Article 33 (1) Determination of product halalness is carried out by MUI.	The provisions of Article 48 point 33 are amended to read as follows: Number 33

	<p>(2) The determination of the halalness of the Product as referred to in paragraph (1) is carried out in the Halal Fatwa Session.</p> <p>(3) The MUI Halal Fatwa Session as referred to in paragraph (2) shall include experts, elements of ministries/institutions, and/or related agencies.</p> <p>(4) The Halal Fatwa Session as referred to in paragraph (3) shall decide on the halalness of the Product no later than 30 (thirty) working days after MUI receives the results of inspection and/or Product testing from BPJPH.</p> <p>(5) The decision on the determination of Halal Products as referred to in paragraph (4) is signed by MUI.</p> <p>(6) The decision on the determination of Halal Products as referred to in paragraph (5) is submitted to BPJPH to be the basis for the issuance of Halal Certificates.</p>	<p>(1) Determination of product halalness is carried out by MUI.</p> <p>(2) The determination of the halalness of the Product as referred to in paragraph (1) is carried out in the Halal Fatwa Session.</p> <p>(3) The Halal Fatwa Session as referred to in paragraph (2) shall decide on the halalness of the product no later than 3 (three) working days after MUI receives the results of inspection and/or product testing from LPH.</p> <p>(4) Determination of product halalness as referred to in paragraph (2) is submitted by MUI to BPJPH as the basis for issuing Halal Certificates.</p>
16	<p>Article 35</p> <p>The Halal Certificate as referred to in Article 34 paragraph (1) is issued by BPJPH no later than 7 (seven) working days from the date the decision on the halalness of the Product is received from the MUI.</p>	<p>The provisions of Article 48 point 35 are amended to read as follows:</p> <p>Figure 35</p> <p>The Halal Certificate as referred to in Article 34 paragraph (1) and Article 34A is issued by BPJPH no later than 1 (one) working day as of the fatwa on product halalness.</p>
17		<p>Between Article 35 and Article 36, 1 (one) article is inserted, namely Article 48 number 35A so that it reads as follows:</p> <p>Figure 35A</p> <p>If the LPH cannot meet the time limit set in the halal certification process, the LPH will be evaluated and/or subject to administrative sanctions.</p>
17	<p>Article 40</p> <p>Further provisions regarding Halal Label are regulated in the Ministerial Regulation</p>	<p>The provisions of Article 48 number 40 are amended so that it reads as follows:</p> <p>Number 40</p> <p>Further provisions regarding Halal Label are regulated by Government Regulation .</p>
18	<p>Article 41</p> <p>(1) Business Actors who include the Halal Label not complying with the provisions as referred to in Article 38 and Article 39 are subject to administrative sanctions in the form of: a. verbal warning; b. written warning; or c. revocation of Halal Certificate.</p> <p>(2) Provisions regarding procedures for imposing administrative sanctions are regulated in a Ministerial Regulation.</p>	<p>Article 48 number 41</p> <p>(1) Business Actors who include the Halal Label not in accordance with the provisions as referred to in Article 38 or Article 39 are subject to administrative sanctions.</p> <p>(2) Further provisions regarding the procedure for imposing administrative sanctions as referred to in paragraph (1) shall be regulated by a Government Regulation.</p>
19	<p>Article 42</p> <p>(1) The Halal Certificate is valid for 4 (four) years since it is issued by BPJPH, unless there is a change in the composition of the Ingredients.</p>	<p>The provisions of Article 48 point 42 are amended so that it reads as follows:</p> <p>Number 42</p> <p>(1) The Halal Certificate is valid for 4 (four) years since it is issued by BPJPH, unless there is a change in the composition of the Ingredients.</p>

	<p>(2) The Halal Certificate must be extended by Business Actors by submitting a Halal Certificate renewal no later than 3 (three) months before the expiration of the Halal Certificate.</p> <p>(3) Further provisions regarding renewal of Halal Certificate are regulated in a Ministerial Regulation.</p>	<p>(2) The Halal Certificate must be extended by Business Actors by applying for an extension of the Halal Certificate no later than 3 (three) months before the validity period of the Halal Certificate expires.</p> <p>(3) If in the application for the extension as referred to in paragraph (2), the Business Actor includes a statement that it meets the halal production process and does not change the composition, BPJPH can immediately issue an extension of the halal certificate.</p> <p>(4) Further provisions regarding the procedure for the renewal of the Halal Certificate shall be regulated by a Government Regulation.</p>
20	<p>Article 44</p> <p>(1) The cost of Halal Certification is borne by the Business Actor who applies for the Halal Certificate.</p> <p>(2) In the event that the Business Actor is a micro and small business, the cost of Halal Certification can be facilitated by another party.</p> <p>(3) Further provisions regarding the cost of halal certification shall be regulated in a Government Regulation.</p>	<p>The provisions of Article 48 point 44 are amended to read as follows:</p> <p>Number 44</p> <p>(1) The cost of Halal Certification is borne by the Business Actor who applies for the Halal Certificate.</p> <p>(2) In the event that the application for Halal Certification as referred to in paragraph (1) is submitted by Micro and Small Business Actors, no fee will be charged.</p>
21	<p>Article 48</p> <p>(1) Entrepreneurs who do not register as referred to in Article 47 paragraph (3) are subject to administrative sanctions in the form of withdrawal of goods from circulation.</p> <p>(2) Provisions regarding procedures for imposing administrative sanctions are regulated in a Ministerial Regulation.</p>	<p>The provisions of Article 48 point 48 are amended so that it reads as follows:</p> <p>Number 48</p> <p>(1) Business Actors who do not register as referred to in Article 47 paragraph (3) are subject to administrative sanctions.</p> <p>(2) Further provisions regarding the procedure for imposing administrative sanctions as referred to in paragraph (1) shall be regulated by a Government Regulation.</p>
23	<p>Article 53</p> <p>(1) The community can participate in the implementation of JPH.</p> <p>(2) Community participation as referred to in paragraph (1) may be in the form of:</p> <p>a. conduct socialization regarding JPH; and</p> <p>b. supervising the circulating Halal Products and Products.</p> <p>(3) Community participation in the form of supervision of circulating Halal Products and Products as referred to in paragraph (2) letter b in the form of complaints or reports to BPJPH.</p>	<p>The provisions of Article 48 number 53 are amended to read as follows:</p> <p>Number 53</p> <p>(1) The community can participate in the implementation of JPH.</p> <p>(2) Community participation as referred to in paragraph (1) may be in the form of:</p> <p>a. conduct socialization and education regarding JPH;</p> <p>b. assistance in the process of halal products;</p> <p>c. publication that the product is in the process of mentoring;</p> <p>d. marketing in the network of Islamic organizations with legal entities; and</p> <p>e. supervision of circulating Halal Products.</p> <p>(3) Community participation in the form of supervision of circulating Halal Products as referred to in paragraph (2) letter e in the form of complaints or reports to BPJPH.</p>
24	<p>Article 55</p>	<p>The provisions of Article 48 point 55 are amended to read as follows:</p>

	Further provisions regarding procedures for community participation and awarding are regulated in a Ministerial Regulation .	Figure 55 Further provisions regarding procedures for community participation and awarding are regulated by a Government Regulation.
25	Article 56 Business Actors who do not maintain the halalness of Products that have obtained Halal Certificates as referred to in Article 25 letter b shall be sentenced to a maximum imprisonment of 5 (five) years or a maximum fine of Rp. 2,000,000,000.00 (two billion rupiah).	The provisions of Article 48 point 56 are amended so that it reads as follows: Number 56 Business Actors who do not maintain the halalness of Products that have obtained Halal Certificates as referred to in Article 25 letter b shall be sentenced to a maximum imprisonment of 5 (five) years or a maximum fine of Rp. 2,000,000,000.00 (two billion rupiah).

Referring to the table above, there are a number of differences regarding the provisions of halal certification as contained in Law Number 11 of 2020 with Law Number 33 of 2014 concerning Guaranteed Halal Products (Farid Wajdi and Diana Susanti, 2021: 113-121).

1. Halal Auditor Requirements

In Article 14 of Law Number 33 of 2014 concerning Halal Product Assurance, it is explained about the appointment of halal auditors by the Halal Inspection Agency (LPH). Halal auditors are people who have the ability to check product halalness. LPH is an institution that carries out inspection and/or testing activities on product halalness.

There are a number of requirements for the appointment of halal auditors by LPH, namely: (a) Indonesian citizens; (b) Is Muslim; (c) The minimum education is a bachelor's degree in the field of food, chemistry, biochemistry, industrial engineering, biology, or pharmacy; (d) Understand and have broad insight regarding the halalness of products according to Islamic law; (e) Prioritizing the interests of the people over personal and/or group interests; (f) Obtaining a certificate from MUI. However, in Law Number 11 of 2020, the requirement for point (f) is abolished or removed. Therefore, the appointment of a halal auditor only applies 5 (five) requirements.

2. How to get a halal certificate

Chapter V Article 29 of Law Number 33 of 2014 concerning Halal Product Guarantee explains the procedure for obtaining a halal certificate. Article 29 paragraph (1) explains that the application for a halal certificate is submitted by a business actor in writing to the Halal Product Guarantee Agency (BPJPH). Article 29 paragraph (2) states that the application for a halal certificate must be accompanied by data documents of business actors, names and types of products, lists of products and materials used, and product processing processes. Then, Article 29 paragraph (3) contains further provisions regarding the procedure for submitting an application for a halal certificate which is regulated in a ministerial regulation.

However, in the Job Creation Law, the provision for obtaining a halal certificate in Article 29 paragraph (3) is changed to a period of verification of the halal certificate application being carried out no later than 1 (one) working day.

3. Publishing Time

In addition, Article 35 of Law Number 33 of 2014 concerning Halal Product Guarantee states that a halal certificate is issued by BPJPH no later than 7 (seven) working days from the date the decision on the halalness of the product is received from the MUI. However, in Law Number 11 of 2020, Article 35 was changed to a halal certificate as referred to in Article 34 paragraph (1) and Article 48 number 34A issued by BPJPH no later than 1 (one) working day from the fatwa on product halalness. Regarding the time limit, Law Number 11 of 2020 changes the editorial of Article 31 paragraph (1) of the Halal Product Assurance Act by emphasizing the fifteen day time limit for the LPH Halal Auditor to conduct inspection and/or testing of product halalness. This time limit is not explicitly stated in the Halal Product Guarantee Act.

To ensure the certification process, Law Number 11 of 2020 has an article inserted between Article 35 and Article 36, namely Article 48 number 35A. Number 35A reads, if the LPH cannot meet the time limit set in the halal certification process, then the LPH will be evaluated and/or subject to administrative sanctions (Ciptaker Law Concerning Dangerous Halal Certificates, Why? via <https://rri.co.id/national/events/912619/uu-ciptaker-dunia-certifikat-halal-dangerous-why?>

accessed 14 October 2020). The Job Creation Law also shortens the time period for deciding the halalness of a product, which initially is a maximum of 30 working days to a maximum of 3 days since MUI receives the results of inspection and/or product testing from LPH (Article 48 point 14 of the Job Creation Act which amends Article 33 paragraph (3) of the Law on Halal Product Guarantee).

4. Cooperation between MUI and BPJPH

In addition, it should be noted that with the enactment of the Job Creation Law, the 3 (three) collaborations between BPJPH and MUI as described above have been amended through Article 48 point 3 which amends Article 10 of the Job Creation Act, so that it reads: "Cooperation BPJPH with MUI as referred to in Article 7 letter c is carried out in terms of determining the halalness of the Product. The stipulation of product halalness as referred to in paragraph (1) is issued by MUI in the form of a Decision on the Determination of Halal Products. Determination of product halalness by MUI is carried out in the Halal Fatwa Session to decide the halalness of a product no later than 3 working days after MUI receives the results of inspection and/or product testing from LPH (Article 48 point 14 of the Job Creation Law which amends Article 33 paragraph (1), (2), and (3) Halal Product Guarantee Act).

The stipulation is then submitted by MUI to BPJPH as the basis for issuing a halal certificate (Article 48 point 14 of the Job Creation Law which amends Article 33 paragraph (4) of the Halal Product Guarantee Act). Previously there was a provision that had been abolished by the Job Creation Law, namely, the MUI Halal Fatwa Session to include experts, elements of ministries/agencies and/or related agencies (Article 48 point 14 of the Job Creation Law which amended Article 33 of the Halal Product Guarantee Act).

5. Procedure for Application for Halal Certificate

An application for a halal certificate is submitted by a business actor to BPJPH by attaching data on the business actor, the name and type of product, a list of products and materials used, as well as the product processing process (Article 48 point 10 of the Job Creation Law which amends Article 29 paragraph (1) and (2) Halal Product Guarantee Act). The verification period for the application for a halal certificate is carried out no later than 1 working day and furthermore regarding the procedure for applying for a halal certificate is regulated in a Government Regulation (Article 48 point 10 of the Job Creation Law which amends Article 29 paragraphs (3) and (4) of the Law. Halal Product Guarantee).

4. CONCLUSION

The presence of the Job Creation Law has brought changes to 22 articles and the addition of 2 new articles in the JPH Law. Substantially, Law Number 11 of 2020 concerning Job Creation makes a number of significant changes to the implementation of the Halal Product Guarantee. These include the issue of convenience for UMK actors, trimming the application period and the halal certification process, as well as changing a number of sanctions related to the regulation of halal product guarantees. The implications of the Job Creation Act in the development of the Halal Product Guarantee ecosystem include improving halal product guarantee services, providing legal certainty, accountability, and measurability for business actors, especially in the management of halal certificates through regulatory flexibility. Another implication is that halal certification for MSEs is free through various financing facilities, such as from the State Revenue and Expenditure Budget (APBN)/Regional Revenue and Expenditure Budget (APBD), alternative financing for MSEs, partnership fund financing, government grant assistance or other institutions, revolving fund and corporate social responsibility.

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