

POLICY AND IMPLEMENTATION OF LAW NUMBER 33 OF 2014 CONCERNING HALAL CERTIFICATE

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Abstract: The Indonesia Government has made a policy regarding halal certificates on products in circulation both food, drinks, medicines, and cosmetics. Products circulating, entering, and trading in Indonesia territory must be halal certificates, law number 33 of 2014, regarding halal certification gives authority to Ministry Religion of the Republic Indonesia namely the halal Product Guarantee Management Agency (BPJPH). Based on article 5 paragraph (5), of law number 33 of 2014, BPJPH authority consist of: a) Formulate and establish a halal product guarantee (JPH) policy. b) Establish norm, standards, procedures, and JPH performance. c) issuing and revoking halal certificate. d) registering halal certificate for foreign products. To implement halal certification, BPJPH collaborates with related ministries and institution, institution halal inspector (LPH), and the Indonesia Ulama Council (MUI), based on law number 33 of 2014. The issuance of halal certification has shifted from MUI to BPJPH. After conducting research based on library research there is one of the reasons the government is moving the halal certification policy from MUI to BPJPH is that money resulting halal certification cannot be audited, because MUI is not government body, according to researchers this policy is not appropriate.

Keywords: Policy and Implementation, Halal Certificate, Law Number 33 of 2014

Introduction

The word halal comes from Arabic from *Lafaz Halla* Which means not bound, in the dictionary of *Fiqih terms*, the word halal is understood as anything that is permitted to be done. Understanding that people who do it do not receive sanction from Allah SWT, The term halal is usually closely related to food and drink for example eating rice or drinking water.¹

The word halal is always the opposite of the word haram, which is something that is not permitted by the syara, if it is done, it is sinful and you will be rewarded if you leave it. For example eating animal carcasses eating stolen and goods and cheating. Haram can also be called a forbidden act. Haram is divided into two. First, Haram lizarihi, This that are not permitted by

¹ M. Abdul Mujib, dkk, 1994, *Kamus Istilah Fiqih*, Jakarta, PT Pustaka Pirdas, hlm, 15.

syariah, such as blood, pork, carrion and wine. Second, haram ligoirihi, something which is basically not prohibited by the syariah, but because of other things that arise later the act becomes haram, such as practicing usury, as well as buying and selling which is halal, but is there an element of gharar (uncertainty of course) Then transacting in the business becomes haram and prohibited by Syariah.²

One of low enforcement based on Law Number 33 of 2014, is about low enforcement *Pertama*, teguran lisan. *Kedua*, peringatan tertulis. *Ketiga*, pencabutan sertifikat halal. So that the law is implemented by the community. The types of administrative sanction for halal certificates that include the halal logo without permission from the halal product guarantee management agency in Indonesia are that business actors who include halal label that do not comply with the provisions as intended in article 38 and article 39, are subject to administrative sanction in the form of:

Based on Law Number 33 of 2014, concerning guarantee of halal product in Indonesia. In its consideration it mentions letter (a) of the 1945 constitutions stating that the state guarantee the freedom of every resident to practice their religions in accordance with their respective belief (Article 29 Paragraph 2 of the 1945 constitutions). To carry out religions the state in the present concept of consuming halal food for community to meet their daily needs. So it does not cause anxiety in society about consuming it. According to things that contain fadhilah or virtue and everything that is haram contains haram is dangerous.³

People who are Indonesia citizens, most of whom adhere to the Islamic religion, really pay attention to the halalness of the food they consume, Because it influences growth and development in people's lives. To fulfill the objectives of Islamic law. Which is described as the maintenance of the maintenance of religions, soul, mind, and offspring and property.⁴

However, in Islamic there is zero tolerance for halal, so a material or process whose halal is in doubt must be replaced or repaired in order to obtain halal certification. Halal is not only the terminations of the material to be produced, but halal process is checking materials, production, availability of a place for production, packaging, so but still considering production efficiency, so that it does not burden entrepreneurs, especially entrepreneurs. Small in the food sector. Efficiency of the production process for producer and business people and better ensuring the fulfillment of consumer needs. It is appropriate that the standard used are based on Islamic teachings, because halal an Islamic terms and Islamic law.⁵

The regulations regarding halal certificate contained in the UUJPH have provided clarity for the protection of consumers, especially Muslim consumers. The circulation of food product that are not halal certified and have a halal label can no longer circulate in Indonesia, Whether

² Abdul Manan, 2014, *Peranan Hukum Dalam Pembangunan Ekonomi*, Jakarta, PT Pajar Intan Pratama Mandiri, hlm, 159.

³ KN. Sofyan Hasan, 2014, *Sertifikat Halal dalam Hukum Positif, Regulasi dan implementasi di Indonesia*, Yogyakarta Aswaja Presindo, hlm, 135

⁴ Rafika Issa Beekum, 2004, *Etika Bisnis Islam*, Yogyakarta, Pustaka Pelajar, hlm, 47.

⁵ Farid Wadji, Diana Susanti, 2023, *Hukum Perlindungan Konsumen*, Malang Stara Press, hlm, 150.

they are produced domestically or come from abroad. The states commitment is very clear in protecting Muslim consumer from produced that are not halal and not certified halal.⁶

The implementations of law Number 33 of 2014, concerning certificate halal has not been implemented perfectly due to the lack of socializations provided by the government to entrepreneurs, especially to small entrepreneurs operating the food sector. So entrepreneurs feel that halal certificates are not really needed. Moreover the turnover of income from profits is small. So small entrepreneurs, pay less attention implement the provision in halal certification rules.⁷

Literatur Review

The author's research, entitled policy and implementations of Law Number 33 of 2014, concerning halal certifications, has also been carried out in previous research which has been published in indexed national journals.

1. Halal certificate on food product packaging for micro, small business without permission from the result guarantee organizing agency (research, Syahrul Bakti Harahap, 2023) research on halal certificate packaging for micro and small business food product does not include halal certifications and the halal logo is due to lack of understanding in the manufacturing procedure halal certification. (<https://jurnal-lp2m.umnaw.ac.id/index.php/JP2SH/article/view/2076>)
2. Imposing administrative sanctions on the inclusion of halal certification without the Permission of Halal Product Guarantee Management Agency (Research, Syahrul Bakti Harahap, 2023) the conclusion is research is the entrepreneurs who include a halal certificate and halal logo on their packaging believe that without a halal certificate and halal logo, entrepreneurs assume their product are still halal, and they can still run their business. However if there is a request to leave the province, the entrepreneurs list it, and has never been given administrative sanction.. ((Jurnal Titian, <https://online-journal.unja.ac.id/titian/article/view/30719>).

Method

The method used in this legal research is the normative juridical legal research method, which only used library data. Meanwhile, the nature of the research is descriptive in nature. Which describe legal norm and legislation relating to the administrations of administrative sanctions for the inclusions of halal certificates and halal logos without the permission of the Halal Product Guarantee Management Agency.

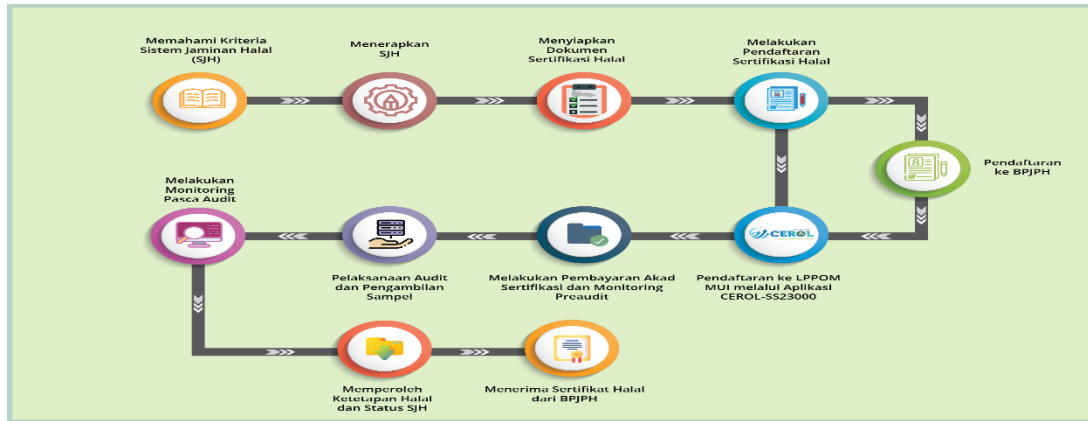
⁶ Syahrul Bakti Harahap, Alkausar Saragih, 2023, *Sertifikat Halal Pada Kemasan Produk Makanan Usaha Mikro Kecil Menengah Tanpa Izin Badan Pengelola Jaminan Produk Halal*, Jurnal Penelitian Pendidikan Sosial Humaniora, vol.8 No. 1(2023) 63-67

⁷ Syahrul Bakti Harahap, Sosialisasi Undang-Undang Nomor 33 Tahun 2014 tentang sertifikasi halal, 2023, Jurnal PKM, <https://j.las.lemkamindo.org/index.php/J-LAS/article/view/676>.

Result and Discussion

A. Prosedur sertifikasi Sertifikasi Halal

After issuance of Law Number 33 of 2014, concerning halal product guarantee, the procedure for making halal certification changed as shown in the following figure.



Sumber gambar. <https://vocasi.id.blog/cara-mendapatkan-sertifikasi-halal>

1. Application for halal certifications must first understand the criteria for the halal guarantee system
2. The applicant implement a halal guarantee system for business whose halal certification is requested
3. Applicants for halal certification prepare the document required for processing halal certification, including: Business actor data, name and type product, list of product and material used, product processing, halal product guarantee system document.
4. Halal certificate application register online
5. The applicant registers with BPJPH
6. Register BPOM MUI via application cerol online
7. Paying certificate contracts
8. Implementation of audit and sampling and pre-audit monitoring
9. Implementation of audit of sampling
10. Obtain a decision on halal and SJH status
11. Receive a halal certificate from BPJPH

B. Low enforcement of Law Number 33 of 2014

The implementations of the state administration sanction carried out by the government against entrepreneurs who violate the provisions of regulations regarding halal product, based on article 149 paragraph (1) supervision JPH Organization is subject to administrative, (2) Administrative sanction as intended (3), Are imposed against business actor in the form of, a, Writing warning, b, administrative fines, c, revocation of halal certificate and/or, d, withdrawal of good from circulation.

Article 76 Paragraph (1) Law Number 33 of 2014, concerning halal product guarantee the imposition of halal administrative sanction as referred to in paragraph (1) is carried out in

acordande with the level of the violation committed. Paragraph (2) de imposition of administrative sactions as intended in paragraph (2) and paragraph (3) can be given in stages, alternatively, and/or comulatively. Paragraph (3) in term of the termining administrative fines as intendet in paragraph (2) letter b, and paragraph (3) letter b, a maximum of Rp.2.000.000.000 (two billion).

Besed on government regulation number 39 of 2021, conserning organizers of halal product guarantee. In the second fart, the types of sanctions and autorithy to impose sanctions are as follows. Article 150 PP Number 39 Of 2021, conserning organizer of halal product guarantee, BPJPH has the authority to impose sanction including:

- a. Inposing administrative sanctions as regulated article 149 paragraph (2) onenterpreneur who do not con play in article 49, article 65, article 82, article 84 paragraph (1) aricle 87 paragrap (1)article 92 paragrap (1) article 93 paragrap (1)article 127 pargraph (2) article 132 paragrap (4) article 135 paragraph (1).
- b. Administrative snction as intedit in paragraph (1) article 49, artigle 65, article 82, article 84 paragrap (1) article 87 paragraph (1) article 92 paragraph (1), article 93, article 127 paragraph (2) article 132 paragraph (4) article 134 paragraph(2) and article 135 paragraph (1).article 132 paragrap (4) article 135 paragraph (1).
- c. Administrative sanction as in paragraph (1) sancsi administrasi given for violations article 49, article 65, article 82, article 84 paragraph (1) article 87 paragraph (1) article 127 paragrap (2) article 134 paragraph (2).
- d. Administration sancti as in paragrap (1) in the form of revocations article 49, article 65, article 84 paragraph (1) and article 87 paragraph (1).
- e. Administrative sanctions as in paragraph (1)in the form of withof goods form circulations is subject to violation article 65, article 82 paragraph (2) article 84 paragrap (1) article 127 paragraph (2) article 132 paragrap (4) article 134 paragrap (2) article 135 paragraph (1). Hasil kajian Pustaka yang dilakukan dalam penelitian ini jarang sekali dilakukan denda administrasi terhadap pengusaha dikarenakan pertimbangan ekonomi. Apabila dilakukan denda administrasi akan mengakibatkan dampak ekonomi, antara lain usaha yang tutup, timbulnya pengangguran terhadap karyawan yang bekerja pada usaha tersebut. Sehingga pemerintah memilih jalan keluar melalui pembinaan usaha. Agar usaha tersebut tetap jalan dan kekurang terhadap pelanggaran-pelanggaran yang dilakukan dilakukan perbaikan sesuai dengan Undang-Undang Nomor 33 Tahun 2014 tentang jaminan produk halal.⁸

The result of the literatul riew conductid in research are that adminstratif fines are rarely imposed on entrepreneurs due to economic considerations. If an administrative fine is imposed. It will result economi inpect, including the closure of the business, the emergenci of unemployment for empeleoyees who whork in the business. So the government chose a solutions through business depelopment. So that they debusines

⁸ Syahrul Bakti Harahap, Al Kausar Saragih, 2023, *Serjifikat Halal Pada Kemasan Usaha Mikro Kecil Tanpa Izin Badan Pengelola Jaminan Produke Halal*, Jurnal, Sosial Pendidikan dan Humaniora, Vol 8 No. 1 (2023) 63-67

continue to run and any violations committed are corrected it acorLaw Number 33 of 2014 concerning halal product guarantee.

Conclusion

- A. The regulation of halal certificate is handelt by the Indonesia Ulama Council (MUI) as an independent institutions in the field of Indonesia halal certification wich in recognized worldwide. The status of product that has been certified has a high accreditation value in society. People pully trust if there is a halal logo on food and drink packaging that has a halal label.MUI aotorithy only extend to 2019, whith the enactment of Low Number 2014, conserning halal certifications. The MUI no longer has the right to issue halal certifications for food, drink and cosmetic. MUI only has the aotorithy to make a fatwa regarding halal ness of the product submitted by entrepreneurs to MUI.
- B. The policy for regulations halal certifications after the anactment of Law Number 33 of 2014, conserning halal sertifihcations halal logo, is held by the Ministry Religion of the Repulic Indonesia in thid cace the Halal Product Guarantee Management Agency (BPJPH), this is aotority based on regulations of the Ministry of Religions of the Republic Indonesia Number 588 in 2021, in the 2nd DIKTUM, part, a, regarding halal certifications cervices. Staes that BPJPH, is the aotority that provides halal certivications.

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