

STUDY OF CONSUMER PROTECTION REGARDING INFORMATION ON NON-HALAL FOOD PRODUCTS LABELED HALAL

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Abstract: - Consumer protection is a manifestation of the principles of justice, legal certainty, and benefit in economic law, so it is necessary to increase consumer knowledge, awareness, and skills in choosing products that meet standards regarding halal, security, safety, and comfort. Muslims need to know clear information regarding halal and haram products, such as food, drinks, cosmetics, medicines and other goods. Meanwhile, business actors have a big responsibility for the goods they sell, including ensuring that the products meet all legal requirements and quality standards, including halal certification and labeling of products produced must comply with established regulations. This research uses a normative juridical research method, namely a process for finding legal rules, legal principles with using library research materials related to legal principles, legal systematics, the relationship between one regulation and another. Law Number 8 of 1999 concerning Consumer Protection, Law Number 33 of 2014 concerning Halal Product Assurance (UUJPH), the Job Creation Law, and Government Regulation Number 39 of 2021 concerning the Implementation of the Halal Product Assurance Sector, are regulations regarding consumer protection related to halal product information. And if business actors do not fulfill their obligations, they will be subject to administrative sanctions, in the form of verbal warnings, written warnings, administrative fines, revocation of halal certificates, withdrawal of goods from circulation, and even imprisonment. The Indonesian Ulema Council (MUI) plays an important role in providing protection to consumers related to the halal certification process, namely determining the halal status of products through fatwa sessions, and convey religious opinions regarding. The halalness of products, because the Indonesian Ulema Council (MUI) is recognized as a religious institution that has the competence to determine the halal status of a product. The Food and Drug Monitoring Agency (BPOM) is not an institution that issues halal certificates, but the Food and Drug Monitoring Agency (BPOM) still has an important and strategic role, the Food and Drug Monitoring Agency (BPOM) can carry out supervisory actions according to its authority, where a product can have a distribution permit from the Food and Drug Monitoring Agency (BPOM), but cannot be claimed as halal without a halal certificate. Conversely, a halal certificate does not replace the distribution permit from the Food and Drug Monitoring Agency (BPOM).

Keywords: Consumer Protection, Food Products, Halal, Non Halal

Introduction

Consumer protection is a manifestation of the principles of justice, legal certainty, and utility in economic law. In the context of a state governed by the rule of law, consumer protection is not only interpreted as protection for the vulnerable, but also as an instrument for creating healthy and responsible business practices. One crucial aspect of consumer protection is fulfilling the

right to product information, as information forms the basis for consumers' legal and economic decision-making.

Rapid national economic growth has created a wealth of products and services available for choice and use. While these products offer advantages, they often also result in negative consequences for consumers, requiring protection. Serious attention needs to be paid to issues arising from trade in goods or services as they relate to consumer interests. Consumer knowledge, awareness, and skills are needed to improve the selection of products that meet standards regarding halal certification, safety, security, and comfort. In situations where consumers are vulnerable, they are often exploited as a tool for businesses to maximize profits.

Muslims need to know clear information regarding the halal and haram (permissible) status of products, such as food, beverages, cosmetics, medicines, and other goods. Pure and clean food, free from haram (forbidden) substances, is healthy for the body and allows Muslims to increase their worship and perform it more perfectly (Farid Wajdi: 2021). Halal food products refer to foods that have met Islamic guidelines, from the selection of raw materials, the use of additives, to the production process. These foods must be free from haram substances and produced in accordance with Islamic teachings so that they are suitable for consumption by Muslims safely and with confidence. The halal label serves as written proof that a product has met halal standards. Typically, this label includes the word "Halal" in Arabic script along with a registration code from the authorized ministry. The process of issuing a halal label involves strict inspection by an institution appointed by the Indonesian Ulema Council (MUI), based on a halal fatwa from the Islamic Ulema Council (MUI). The Food, Drug and Cosmetics Assessment Institute (LPPOM) of the Islamic Ulema Council (MUI) issues halal certification after the product has undergone a thorough inspection, serving as official proof that the product complies with halal standards and can be consumed and used in accordance with sharia law.

Business owners have a significant responsibility for the products they sell, including ensuring they meet all legal requirements and quality standards. Halal certification and labeling are crucial for Muslims, ensuring the safety of consuming a product. Halal certification assures consumers that products are manufactured in accordance with halal principles, including ingredients and production processes, and ensure hygiene is guaranteed in accordance with established regulations.

That in fact in the field there is a product in circulation where the product is a non-halal product but the packaging uses a halal label, in this case the problem is who is responsible for providing the halal label, whether the label was made intentionally by the business actor or negligence of the Islamic Ulema Council (MUI) and the Food and Drug Monitoring Agency (BPOM). in having the authority in halal labeling certification.

Literature Review

1. Consumer Protection

The term consumer comes from the word consumer, which literally means (the opposite of producer) anyone who uses goods. Meanwhile, according to the English-Indonesian Dictionary, the word consumer means user or consumer. The General Indonesian Dictionary defines a consumer as the opposite of a producer, namely a user of industrial goods, food, and so on. The Business English Dictionary states that a consumer is a person or company that buys and uses goods and services (Zulham: 2016).

Legal experts generally agree that the meaning of consumer is the final user of goods and/or services (uiteindelijke getbruiker van goederen en diensten) which are handed over to

them by entrepreneurs (ondernemer) Consumers are any person/legal entity who obtains and/or uses goods/services originating from business actors and not for trading (Ahmadi Miru: 2015).

According to Samsul, consumers are the end users or users of a product, either as buyers or obtained through other means, such as gifts, presents and invitations. According to Mariam darus Badrul Zaman, consumers (using Dutch literature) are all individuals who use goods and services in a concrete and real way. According to Az. Nasution, a consumer is any person who legally uses goods and/or services for certain activities and interests (Az. Nasution: 1995).

Law Number 8 of 1999 concerning Consumer Protection. In Article 1 Number 2, the definition of a consumer is every person who uses goods and/or services available in society, whether for the benefit of themselves, their family, other people or other living creatures and not for trading. Consumer protection is important because their position is more vulnerable or weaker than business actors and becomes the basis for consumers to protect themselves from arbitrary actions by business actors (Abdul Halim: 2020).

The Big Indonesian Dictionary, protection can be defined as a place of refuge, things (actions and so on), processes, methods, acts of protecting. Therefore, consumer protection is a term used to describe legal protection provided to consumers in their efforts to meet their needs from things that are detrimental to consumers themselves. Consumer protection is a regulation that regulates the rights and obligations of consumers (M. Abas, et.al: 2023).

Consumer protection can provide a legal function as a protector for consumers who have rights that must be fulfilled by business actors before the law in the event of a default (Indriani, et.al: 2025). According to the Business English Dictionary, consumer protection is protecting consumers against unfair or illegal traders. Law Number 8 of 1999 concerning Consumer Protection. Article 1, Number 1, defines Consumer Protection as any effort to ensure legal certainty to provide protection to consumers. Consumer protection (Adrianus Meliala: 1993). has a broad scope, encompassing consumer protection for goods and services, starting from the stages of obtaining goods and services to the consequences of using those goods and/or services. The scope of consumer protection can be divided into two aspects:

- a. Protection against the possibility that the goods delivered to consumers do not match what has been agreed upon.
- b. Protection against the imposition of unfair conditions on consumers.

2. Information on Halal and Non-Halal Food Products

According to Law No. 33 of 2014 concerning Halal Product Assurance, products are goods and/or services related to food, beverages, medicines, cosmetics, chemical products, biological products, genetically engineered products, and consumer goods used, utilized, or utilized by the public. Halal products, on the other hand, are products that have been declared halal in accordance with Islamic law.

Halal and non-halal food product information is information provided by businesses to consumers regarding the halal status of a food product. Businesses are required to provide halal and non-halal information clearly, accurately, and in a non-misleading manner, in accordance with applicable laws and regulations. This information is crucial for consumers, especially Muslims, to choose foods that align with their beliefs and needs.

Halal food products are foods that:

- a. The raw materials do not contain any haram elements (such as pork and its derivatives)
- b. The processing, storage and distribution processes are in accordance with Islamic law.

- c. Obtain a halal certificate from an official institution in Indonesia by the Halal Product Guarantee Organizing Agency (BPJPH) in collaboration with the Indonesian Ulama Council (MUI)
- d. Marked with a halal label on the packaging

Meanwhile, non-halal food products are foods that:

- a. Contains haram ingredients (e.g. pork, certain alcohol, or materials contaminated with haram elements)
- b. Processed in a way that is not in accordance with Islamic law
- c. Does not have a halal certificate or is clearly stated as non-halal
- d. Usually includes special information such as "contains pork" or certain symbols.

The importance of Halal and Non-Halal Information is to:

- a. Protecting consumers' rights to obtain honest and clear information
- b. Helping consumers make the right decisions before purchasing
- c. Preventing misinformation by business actors
- d. Providing a sense of security and comfort for consumers

Method

Research aims to discover, develop, or test the truth of knowledge. This research uses a normative legal research method (Peter Mahmud: 2009). Namely a process of discovering legal rules, legal principles, and legal doctrines to address the legal issues faced. Legal research uses library research materials that broadly examine legal principles, legal systematics, and the relationship between one regulation and another.

Result and Discussion

1. Consumer Protection Regulations and Legal Sanctions Against Business Actors Who Apply Halal Labels to Non-Halal Food Products

Regulations or rules regarding consumer protection, including:

- a. Law Number 8 of 1999 concerning Consumer Protection. Article 8 prohibits business actors from producing/trading goods that do not conform to the promises stated on the label/tag (such as fake halal logos).
- b. Law Number 33 of 2014 concerning Halal Product Guarantee (UUJPH). This regulation stipulates consumer protection for halal products, as stipulated in Article 4, which requires products imported, distributed, and traded in Indonesia to be halal certified.
- c. Article 4A of the Job Creation Law regulates halal self-declaration for micro and small enterprises (MSMEs) with standards set by the Halal Product Guarantee Agency (BPJPH).
- d. Government Regulation Number 39 of 2021 concerning the Implementation of the Halal Product Assurance Sector, which regulates the obligation of halal labeling for consumer protection.

The Indonesian government has issued a mandatory MUI Halal Certificate policy for products circulating in Indonesia, which is regulated by Law Number 33 of 2014 concerning Halal Product Guarantees (JPH Law). In addition to regulating halal products, this law also imposes sanctions on business actors whose products do not include halal certification.

Based on Article 27 of Law Number 33 of 2014 concerning Halal Product Guarantees , administrative sanctions for business actors include:

- a. Sanctions for business actors who do not fulfill their obligations, as stated in Article 25, such as not including a halal label on the product, not maintaining halal status, not renewing the certificate, and not reporting changes in product composition, will be subject to administrative sanctions in the form of:
 - 1) Written Warning
 - 2) Administrative Fines
 - 3) Revocation of halal certificate
- b. Sanctions for business actors who do not include a non-halal statement on their products will be subject to administrative sanctions, in the form of:
 - 1) Verbal Warning
 - 2) Written Warning
 - 3) Administrative Fines
- c. Sanctions for business actors who display halal labels that do not comply with the provisions will be subject to administrative sanctions in the form of:
 - 1) Verbal Warning
 - 2) Written Warning
 - 3) Revocation of Halal Certificate
- d. Sanctions for business actors who do not register will be subject to administrative sanctions in the form of withdrawing goods from circulation, this is stated in Article 48 of the UUJPH.

Law Number 33 of 2014 concerning Halal Product Assurance (JPH Law) also provides criminal sanctions. Based on Article 56, business actors who have obtained halal certification, but do not maintain the halal nature of their products will be subject to a maximum of 5 (five) years' imprisonment or a maximum fine of Rp. 2,000,000,000.00 (two billion rupiah). Then, anyone involved in the implementation of the Halal Product Assurance (JPH) process, but does not maintain the formula stated in the information, will be subject to a maximum of 2 (two) years' imprisonment or a maximum fine of Rp. 2,000,000,000.00 (two billion rupiah).

2. The Role of the Indonesian Ulema Council (MUI) and the Food and Drug Monitoring Agency (BPOM) in Halal Certification

a. Role Indonesian Ulema Council (MUI) Regarding Halal Certification

As a predominantly Muslim country, Indonesia expects the government to guarantee the halal status of food and beverages sold to the public. Currently, the public requires legal assurance regarding a product's halal status. To this end, the government, through Law Number 33 of 2014 concerning Halal.

Product Assurance , requires every product sold in Indonesia to have a halal certificate. Before the enactment of Law Number 33 of 2014 concerning Halal Product Guarantee, there were several institutions that played a role in supervising the halalness of products, including:

- 1) The Fatwa Commission of the Indonesian Ulema Council (MUI) is tasked with issuing halal fatwas and halal certificates;
- 2) The Indonesian Ulema Council (MUI) Food, Drug and Cosmetics Research Institute (LPPOM) conducts scientific research on the halal status of products;
- 3) The Food and Drug Monitoring Agency is responsible for granting halal label permits;
- 4) The Ministry of Religion plays a role in policy formulation, socialization, and education to the public, as well as other related ministries.

However, based on Government Regulation (PP) Number 39 of 2021 Regarding the implementation of Halal Product Assurance, this responsibility has been transferred to the Ministry of Religious Affairs (Kemenag) through the Halal Product Assurance Agency (BPJPH). The institutions currently involved in the halal certification process are :

- 1) Certificate Issuer: BPJPH (Halal Product Guarantee Organizing Agency).
- 2) Halal Fatwa Decider: Indonesian Ulema Council (MUI).
- 3) Halal Inspection Institution (LPH):
 - a) LPPOM MUI (Indonesian Ulema Council for Food, Drugs and Cosmetics Assessment Institute)
 - b) Private/State-Owned Enterprise LPH: PT Sucofindo, PT Surveyor Indonesia, and Halal Mandiri.
 - c) LPH Islamic Mass Organization: Hidayatullah.
 - d) LPH of Higher Education Institutions: UIN Sunan Gunung Djati, UIN Walisongo, UIN Sunan Kalijaga, etc. Government LPH: Ministry of Industry's Large Industrial Center (BBSPJI).
- 4) Foreign Halal Institutions (LHLN): Recognized by BPJPH and MUI such as JAKIM (Malaysia), MUIS (Singapore), AHF (America), and others.

The role of the Indonesian Ulema Council (MUI) is crucial in protecting consumers against products that do not comply with Islamic law. The Indonesian Ulema Council (MUI) plays a key role in the halal certification process, providing a sense of peace and certainty for Muslim consumers, enabling them to choose products that comply with Islamic teachings. Furthermore, the Indonesian Ulema Council (MUI) is also responsible for issuing halal fatwas, which serve as the basis for certifying halal products on the market. The role of the Indonesian Ulema Council (MUI) in the halal certification process includes:

- a.) Determining the halal status of products through fatwa hearings, and
 - b.) Expressing religious opinions regarding the halal status of products as a third party.
- Meanwhile, the Ministry of Religious Affairs (BPJPH) is responsible for:
Organizing halal certification administratively, Issuing halal certificates, and
Managing halal product assurance system.

Granting the Indonesian Ulema Council (MUI) the authority to conduct halal certification represents a form of government recognition, given that the MUI is recognized as a religious institution competent in determining the halal status of a product. As an organization comprised of religious scholars, the MUI has authority in the halal certification process, as clerics are the public's go-to for questions on religious matters.

3. Role Food and Drug Monitoring Agency (BPOM) Regarding Halal Certification

The Food and Drug Monitoring Agency (BPOM) is an agency with a similar function to the Food and Drug Administration (FDA) in the United States and the European Medicines Agency (EMA) in Europe. As its name suggests, this agency oversees all stages of the distribution of drug and food products, from production to distribution. In other words, BPOM plays a frontline role in ensuring that medicines, food, cosmetics, supplements, and other products do not pose a danger to the public.

Referring to Presidential Regulation Number 80 of 2017 Regarding the Food and Drug Monitoring Agency (BPOM), the primary role of the Food and Drug Monitoring Agency (BPOM) is to carry out government duties in the field of drug and food supervision. This supervision covers various types of products, such as:

- a. Drugs and drug ingredients
- b. Narcotics and psychotropics

- c. Precursors and addictive substances
- d. Traditional medicines and health supplements
- e. Cosmetics
- f. Processed food

Regarding halal certification in Indonesia, the Food and Drug Monitoring Agency (BPOM) is not the issuing agency for halal certificates. However, the BPOM still plays a crucial and strategic role, particularly in overseeing product safety and distribution. The BPOM plays a role in overseeing products that require halal certification, specifically overseeing drugs and food on the market and enforcing compliance with licensing and labeling requirements.

In the halal context, if a product is required to be halal certified but does not have a halal certificate, the Food and Drug Monitoring Agency (BPOM) can carry out supervisory actions according to its authority, such as:

- a. Temporary suspension of circulation
- b. Product recall,
- c. Recommendations for administrative sanctions in accordance with statutory regulations.

Meanwhile, for certain products, such as processed food, medicines, and cosmetics, a distribution permit from the Food and Drug Monitoring Agency (BPOM) and a halal certificate from the Halal Product Guarantee Agency (BPJPH) are two different but interrelated obligations, meaning that a product can have a distribution permit from the Food and Drug Monitoring Agency (BPOM), but cannot be claimed as halal without a halal certificate. Conversely, a halal certificate does not replace a distribution permit from the Food and Drug Monitoring Agency (BPOM). The role of the Food and Drug Monitoring Agency (BPOM) in law enforcement is to be a technical agency in law enforcement when there are:

- a. Halal label violation,
- b. Misleading halal claims,
- c. Distribution of products without fulfilling halal certification obligations.
- d. Coordinate with the Halal Product Guarantee Organizing Agency (BPJPH), the Ministry of Religion, and law enforcement officials.

Conclusion

Regulations on consumer protection include Law Number 8 of 1999 concerning Consumer Protection, Law Number 33 of 2014 concerning Halal Product Guarantee (UUJPH), the Job Creation Law, and Government Regulation Number 39 of 2021 concerning the Implementation of the Halal Product Guarantee Sector. Based on Article 27 of Law Number 33 of 2014 concerning Halal Product Guarantees, if a business actor does not fulfill their obligations, they will be subject to administrative sanctions, such as verbal warnings, written warnings, administrative fines, revocation of halal certificates, withdrawal of goods from circulation, and even imprisonment.

The role of the Indonesian Ulama Council (MUI) is crucial in protecting consumers against products that do not comply with Islamic law. The role of the Indonesian Ulama Council (MUI) in the halal certification process is to determine the halal status of a product through a fatwa hearing, convey religious opinions regarding the halalness of products, because the Indonesian Ulama Council (MUI) is recognized as a religious institution that has the competence to determine the halal status of a product. While the Food and Drug Supervisory Agency (BPOM) is not a halal certificate issuing agency, the Food and Drug Supervisory Agency (BPOM) still has an important and strategic role, especially in the aspect of product safety and distribution supervision, where the Food and Drug Supervisory Agency (BPOM) plays a role in supervising products that must be halal, namely supervising drugs and food

circulating in the market and enforcing compliance with licensing and labeling provisions. In the halal context, if a product must be halal certified but does not have a halal certificate, the Food and Drug Supervisory Agency (BPOM) can take supervisory action according to its authority. A product may have a distribution permit from the Food and Drug Supervisory Agency (BPOM), but cannot be claimed as halal without a halal certificate. Conversely, a halal certificate does not replace a distribution permit from the Food and Drug Supervisory Agency (BPOM).

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