

Jurnal Pak Harpani 2

by Dedy Ari Nugroho

Submission date: 05-May-2023 04:23PM (UTC+0700)

Submission ID: 1865947213

File name: 1590-3176-1-SM.docx (82.65K)

Word count: 11939

Character count: 56210

ISSN: 0258-2724

DOI : 10.35741/issn.0258-2724.58.2.27

Research article

Social Sciences

THE CONTRIBUTION OF HALAL PRODUCT CERTIFICATION TO STRENGTHENING MICRO, SMALL, AND MEDIUM ENTERPRISES WITHIN SOCIETY

清真产品认证对加强社会中微型、小型和中型企业的贡献

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Received: January 17, 2023 ▪ Reviewed: February 10, 2023
▪ Accepted: March 12, 2023 ▪ Published: April 28, 2023

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Abstract:

With the enactment of Law No. 11/2020 concerning job creation, which amends some articles in Law No. 33/2014 concerning guaranteed halal products, micro, small, and medium enterprises (MSMEs) received a boost through the provision of halal certificates, which led to social support from local consumers in Indonesia. This research aimed to study the contribution of halal product certification in strengthening micro, small, and medium enterprises. From the perspective of the law considering the sociological aspect of business promotion, the authors examined the regulation of halal product certification for MSMEs and analyzed how the supervision of MSMEs impacts and hence influences consumers in society. The method used is a normative legal descriptive-analytical research and qualitative analysis of the regulation regarding halal products concerning MSMEs. It established that the provision of a halal certificate based on self-declaration in Law No. 11/2020 is not under Law No. 33/2014, which requires inspection and testing of products before businesses obtain a halal certificate. Supervision of the „halalness“ of MSME products regulated in Article 103 of Government Regulations no. 39/2021 is ineffective because it is only periodical with time uncertainties. This study concluded the inefficiency in supervising halal products produced by most MSMEs. A need exists for effective and sustainable ways of determining halal products to boost community support for most MSMEs in the country.

Keywords: Halal Products, Halal Certification, Halalness, MSMEs, Indonesia

摘要 隨著關於創造就業機會的第 11/2020 號法律的頒布，該法律修訂了第 33/2014 號法律中關於保證清真產品的部分條款，微型、小型和中型企業通過提供清真證書獲得了提振，這導致了印度尼西亞當地消費者的社會支持。本研究旨在研究清真產品認證對加強微型、小型和中型企業的貢獻。作者從法律的角度考慮商業促進的社會學方面，研究了針對中小微企業的清真產品認證的監

管，並分析了中小微企業的監管如何影響並進而影響社會消費者。使用的方法是規範性法律描述性分析研究和對涉及中小微企業的清真產品法規的定性分析。它確定第 11/2020 號法律中基於自我聲明的清真證書的規定不符合第 33/2014 號法律，該法律要求在企業獲得清真證書之前對產品進行檢驗和測試。監管第 103 號政府條例第 103 條規定的中小微企業產品的“清真性”。39/2021 無效，因為它只是周期性的，時間不確定。該研究得出結論，在監督大多數中小微企業生產的清真產品方面效率低下。需要有效和可持續的方法來確定清真產品，以促進社區對該國大多數中小微企業的支持。

关键词: 清真產品, 清真認證, 清真, 中小企業, 印度尼西亞

I. INTRODUCTION

Religion as a social force since human life creation [1] is one of the cultural aspects [2] which affect consumer behavior and attitude [3]. This implies that religion is essential to community well-being [4], and its principles can apply to guide micro, small, and medium enterprises (MSMEs) within society as a foundation of a healthy social structure.

Religiosity pushes governments across the globe to take care of their citizens [5] in all aspects of life. Because religion and social structure work alternatively, influencing each other in turns, including the economic, legal, and political structures [5] and the production sector of society. To ensure that every religious follower worships and practices religious teachings [6], [7], the state must provide protection, and, when it comes to products consumed [8], it must guarantee the „halalness“ of such products [9] as required by Muslims, mostly, for those in varying religious communities [10], such as Indonesia, which is a pluralistic society.

In other words, regulations should provide comfort, security, safety [11], and certainty of the availability of halal products [12] for communities that consume and use the products [13], as well as increase added value for business actors to produce [14] and sell such halal products.

Indonesia is a majority Muslim country [15], and the protection of „halalness“ (in Arabic translated as lawfully acceptable) products [16] is an individual right and a right of each Indonesian citizen [17]. The 1945 Indonesian constitution regulates the freedom of worship of its citizens [18]. The constitution guarantees the independence of each resident to embrace any respective religion and perform worship [19] depending on religious inclinations and beliefs.

Statistics revealed that the population of Indonesia keeps growing [20]. In 2020, for instance, the population was reported to be 270.2

million people [21], with 87.18% said to embrace Islam. The protection of Muslim communities is essential, considering that many products circulating on the market are not all guaranteed to be halal [22]. Because advances in science and technology in the fields of food, medicine, and cosmetics have developed very rapidly [23], hence calling for strict control more so in Muslim communities because it impacts the shift in processing and usage of raw materials for food, beverages, cosmetics, medicines [24], and other products from what was initially simple and natural to processing and using raw materials resulting from scientific engineering [25]. Processing products using advances in science and technology allows mixing between what is lawful and unlawful [26], both intentional and unintentional. Therefore, determining the "halality" (legal acceptability) and purity of a product [27] requires laboratory testing by specialists in food processing, chemistry, biochemistry, industrial engineering, biology, and pharmacy [28] and an understanding of Islamic law [29].

Regarding the constitution, regulations relating to guaranteeing halal (lawful) products change continuously and are often updated. This heavily depends on social changes brought about by the global condition experiencing rapid transformations, turning simple life challenges into complex ones, hence calling for continuous regulations and their assessment and supervision [30]. For Indonesia, due to pluralism, which is one of the bases for forming Indonesia as a nation-state, the Ministry of Health passed Regulation No. 280/Menkes/Per/XI/76 concerning the circulation and marking of food staff containing ingredients from pork products [31], in addition to government regulations.

Because MSMEs dominate the Indonesian economy, including in the provision of the necessary goods and commodities to the Muslim community, it is worth questioning whether there are special regulations or facilities for MSMEs when it comes to obtaining halal (an Arabic word,

literary translated as „lawfully accepted“) certificates for their products and examine the supervision of the lawfulness of MSME products labeled halal [32].

Based on the background of this problem, this research will discuss and analyze the problems formulated as the following question: How the regulation of halal product certification impacts Micro and Small Business Actors in Indonesia? How is the "halalness" of MSME products labeled "halal" supervised?

II. LITERATURE REVIEW

With the current number of Muslims, which is almost one-third of the world population [15], is a need to expand the halal industry worldwide. Halal is an Arabic word that means lawful or permitted, and its opposite is haram [33], [34], which is also an Arabic word translated as unlawful or prohibited [33]. According to several interpretations of halal products, in Islam, everything, especially food, is halal, except prohibited by the Quran and or the hadiths that make halal products widely used for food, meat, cosmetics, personal care products, pharmaceutical, food ingredients, and contact with food materials [33]. Halal produced includes both large and small scales.

According to the Ministry of Finance of the Republic of Indonesia [35], with initiatives such as halal production, the country has achieved remarkable development targets within a short time, entailing strong economic growth, reduced poverty, widened public service, and improved business environment and attained required infrastructure [36].

Advances in food technology at this time must be kin to the many raw materials and additives used to produce processed food staff [37]. Such development calls for sustained and consistent transformations, which demand increased and improved productivity accepted by the Indonesian pluralistic community forces. The pluralistic nature of Indonesia [38], with a majority Muslim population, calls for a halal economic transformation, which is a fundamental element in helping the country recover from the COVID-19 pandemic effects by increasing acceptable halal production means [39].

In 2020, Law No. 11 of 2020 on Job creation covered amendments to several laws and regulations in Indonesia, which entailed halal product assurance [40]; it caused social unrest, and with time, the situation has normalized. In the process, the government was mandated through Article 48 and Article 185 (b) of the Omnibus Law to pass new regulations [40] where

necessary regarding implementing the proposed amendments. As mentioned here, laws and regulations keep changing depending on the situation. In 2021, the Indonesian government passed an implementation regulation, given Government Regulation No. 39 of 2021 (GR 39/2021) about halal product assurance, acting as a replacement of the other previous regulations about halal product assurance, in other words replacing regulation No. 31 of 2019 on halal products [40].

However, institutionally, the Indonesian Ulema Council initially carried out inspections/audits, issued fatwas, and issued halal certificates [31] for varying production in the country. Due to global change, the Indonesian government, through the Omnibus Law, sought to attract investment, create more employment and boost the economy by managing the legal process, simplifying most laws and regulations, and allowing the central government for quickly and easier response [41].

From the perspective of the law considering the sociological aspect of business promotion, the authors examine the regulations of halal product certification for MSMEs and analysis them to establish how the supervision of MSMEs affects such businesses influencing consumers in society [42].

Based on data from the Central Statistics Agency (BPS), approximately 99.9% of all businesses operating in Indonesia are MSMEs [43]. From 2010 to 2018, the number of MSMEs continued to increase, reaching 64.2 million units. In 2019, the number of MSMEs increased by 1.98% from the previous year, which increased to 65.5 million units [44]. Thus, the existence of MSMEs in Indonesia has countless contributions to the Indonesian economy, accounting for 60.3% of Indonesia's total gross domestic population (GDP), absorbing up to 97% of the workforce and 99% of employment in total [45].

The existence of a reduction in the process and time of obtaining a halal certificate in Law No. 11 of 2020 deserves appreciation because currently, most MSMEs can easily and quickly obtain a halal certificate [46]. The regulatory pattern adopted concerning job creation is a risk-based regulation [47] because, in addition to guaranteeing the health aspect, it is also critical as a form of guaranteeing the protection and inner satisfaction of the community members [48].

III. RESEARCH METHOD

The method used was normative legal research using an analytical and descriptive

approach. Normative legal research is a protractive and scientific process that seeks to establish or discover legal rules, legal principles, regulations, and doctrines of the law that can help solve legal issues and challenges prevailing in the society in a given period [49]. Normative legal research design reflects the social values of a given community, attitudes of people, and their behavior [50], meaning that by using such a research design, the researcher can understand societal values and norms directly or indirectly [51], influencing the development and transformation of law.

Using the normative legal research design, the authors try as much as possible to shape, maintain, preserve, and control community values and attitudes that influence personality and affect behavioral changes and patterns in varying groups within society. The normative legal research design uses arguments, theories, and concepts usually proposed as innovative legal tools sought to help in solving problems and challenges faced by society [52].

The descriptive-analytical research approach [53] supports normative legal research because the authors first develop questions [54] about the (what?) and seek an answer with another question of the (why?).

The questions aim to describe a situation [55]; for instance, in this paper, the authors describe the regulations on halal product certification for MSMEs in Indonesia [56].

On the other hand, this paper seeks to answer the "why" question. In other words, the authors

seek to understand how the supervision of the „halalness“ of MSME products is labeled and ensured safe for a pluralistic society such as Indonesia, which has a majority Muslim population [57]. This descriptive study seeks to classify, describe, create a comparison, and lead to measures [58] that help to solve halal challenges within society and or among individual citizens. This study conducted data collection through a literature study and analysis, then analyzed the data and drew conclusions.

IV. RESULTS

A. Regulations on Halal Product Certification for Micro and Small Enterprises in Indonesia

This study is rooted in the existing and emerging products from the MSMEs being developed all over Indonesia and they must have necessary standards that include having a halal production certificate, more so consumer products. Policies seek to ensure the lawfulness and acceptability of most of these products by Islam, the most widespread religion with a majority population in the country. The main point of this research was to describe and analyze policies regarding halal consumer production and halal supervision of MSMEs in Indonesia; among them, this research established the following (Table 1). It contains established normative laws on halal products in Indonesia and their description.

Table 1.
Established normative laws on halal products in Indonesia (The authors' design)

Law and or Regulations in Existence	Prescription
Article 1, paragraph (5) of Law No. 20 of 2009	Article 1, paragraph (5) of Law No. 20 of 2009 regarding MSMEs describes the business world as that comprised of MSMEs that conduct economic activities in Indonesia located within Indonesia.
Article 30 paragraph (1) of Law No. 7 of 1996	Article 30 paragraph (1) of Law No. 7 of 1996 states that everyone who produces or imports food into the territory of Indonesia packaged for trading must attach a label to, inside, and or in food packaging
Law No. 8 of 1999 about consumer protection	Law No. 8/1999 on Consumer Protection expresses the principle of consumer protection.
Government Regulation of the Republic of Indonesia No. 69 of 1999 (GR 69/1999), Article 10, paragraph (1), and Article 11	GR 69/1999, Article 10 paragraph (1), and Article 11 stipulate that to support the truth of the halal statement as referred to in Article 10 paragraph (1), every person who produces or imports packaged food into the territory of Indonesia for trading, must first check the food at an accredited inspection agency. (2) The examination as referred to in paragraph (1) shall be based on the guidelines and procedures stipulated by the Minister of Religion.
Law No. 33 of 2014	Law No. 33 of 2014: The provisions for halal product certification specifically for MSMEs are guaranteed in Article 44 paragraph (2) of this law.
Government Regulation 31 of 2019 (Reg 31/2019)	Reg 31/2019: There is a provision for MSME halal product certification facilitated by parties also regulated by the

	Government. Reg 31/2019 states that the BPJPH will cooperate with state-owned and private halal inspection agencies to examine food and product samples.
Law No. 11 of 2020 concerning job creation	Law No. 11 of 2020 concerning job creation: There are several laws amended for the sake of simplification, synchronization, and trimming of regulations to facilitate business actors, including micro and small enterprises.
GR 39/2021	GR 39/2021: One of the amended laws is Law No. 33 of 2014 concerning halal product guarantee. Regarding the adjustment to Law No. 11 of 2020, Reg 31/2019 was also revoked by GR 39/2021 concerning the implementation of the halal product guarantee sector. GR 39/2021 is several implementing regulations of the Omnibus Law introduced in November 2020. It also discusses and addresses issues regarding halal certification-based materials and the Halal-based production process.

Table 1 presents constitutional regulations about halal products, halal consumer businesses, and halal certification. The regulations presented here reveal laws established to help manage, supervise, and implement halal production, marketing, and distribution within Indonesia. These government regulations, as mentioned, include the following laws, government regulations and their articles.

Article 1 paragraph (5) of Law No. 20 of 2009 regarding MSMEs describes the business world as comprised of micro, small, medium, and large enterprises that conduct economic activities and locate in Indonesia.

Law No. 7 of 1996 is about the inclusion of food information content (Halal) on labels regulated in Article 30, paragraph (1): Everyone who produces or imports food into the territory of Indonesia packaged for trading must attach a label on top, inside, or in food packaging.

Law No. 8 of 1999 is about consumer protection. Article 2 of Law No. 8 of 1999 states the principle of consumer protection: "Consumer protection is based on benefits, justice, balanced, consumer security and safety, and legal certainty."

GR 69/1999, Article 10 paragraph (1), and Article 11: In 1999, the government issued a government regulation concerning labels and advertisements, which in Article 10 paragraph (1) stipulates that everyone who produces or imports packaged food into the territory of Indonesia for trading and declares that the food is halal for Muslims, is responsible for the truth of the statement, and has to include a statement or writing "halal" on the label.

Article 11 (1) stipulates that to support the truth of the halal statement as referred to in Article 10, paragraph (1): "Every person who produces or imports packaged food into the territory of Indonesia for trading must first check the food at an accredited inspection agency under the provisions of the prevailing regulation."

The examination referred to in paragraph (1) shall be carried out based on the guidelines and procedures stipulated by the Minister of Religion by considering the considerations and suggestions of religious institutions with competence in the said field.

Law No. 33 of 2014 concerning guaranteed halal products establishes the provisions for halal product certification specifically for MSMEs; in Article 44 paragraph (2), it determines: "In the case that the business actor is a micro and small business, other parties can facilitate the cost of halal certification."

Reg 31/2019 contains a provision on MSME halal product certification facilitated by parties concerning implementing regulations of Law No. 33 of 2014 regarding guaranteed halal products. Reg 31/2019 states that the BPJPH will cooperate with state-owned and private Halal inspection agencies (LPH) to conduct examinations of food and product samples, with the results then being presented to the Food and Drug Research Institute of the Indonesian Ulema Council (MUI), who will issue a ruling on whether the sample is deemed "halal" or not. Once approved, the BPJPH can issue a halal certificate to any company or business enterprise.

Law No. 11 of 2020 concerning job creation contains several laws amended for simplification, synchronization, and trimming regulations to facilitate business actors, including MSMEs. The amendments to Law No. 33 of 2014 by Law No. 11 of 2020 concerning job creation relate to halal product certification for MSMEs. Additional Article 4A of Law No. 11 of 2020 exists about the obligation of halal certification based on the statement of MSMEs. Amendment to Article 44 Paragraph (2), namely, halal certification for micro and small business actors is free.

Government Regulation 39 of 2021 (GR 39/2021) discovered that one of the amended laws is Law No. 33 of 2014 concerning the halal product guarantee. Also, an adjustment to Law

No. 11 of 2020, Reg 31/2019 exists, which led to revoking the previous laws by passing GR 39/2021 concerning implementing the halal product guarantee sector.

This government regulation is one of several implementing regulations of the Omnibus Law introduced in November 2020. The regulation also promotes assessment in preparation for Halal certification; it involves halal-based materials and halal-based production processes, which include storage of products and or goods, packaging of

products, display, and marketing, and sale of all products.

B. Ministerial Decrees on the Regulations and Supervision of Halal Products and Production of Consumer Goods in Indonesia

Table 2 shows ministerial decrees on the regulations and supervision of halal products and production of consumer goods in Indonesia as well as their description.

Table 2.
Existing ministerial decrees regarding halal products in Indonesia (The authors' design)

Ministerial decrees	Brief description of the ministerial decrees
Decree of the Minister of Health of the Republic of Indonesia No. 280/Per/XI/76	Decree of the Minister of Health of the Republic of Indonesia No. 280/Menkes/Per/XI/76 regarding provisions for circulation and marking of foods containing ingredients of pork.
Joint Decree of the Minister of Health and the Minister of Religion of the Republic of Indonesia No. 42/SKB/VIII/1985 and No. 68 of 1985	Joint Decree of the Minister of Health and the Minister of Religion of the Republic of Indonesia No. 42/Menkes/SKB/VIII/1985 and No. 68 of 1985 concerning the inclusion of halal writing on food labels. The Minister of Health issued a decree regarding the inclusion of halal text on food labels based on Decree of the Minister of Health No. 82/Menkes/SK/I/1996. This decision is an implementation of the Joint Decree of the Minister of Health and the Minister of Religion of the Republic of Indonesia No. 42/Menkes/SKB/VIII/1985 and No. 68 of 1985 concerning the inclusion of halal writing on food labels.
Decree of the Minister of Health No. 82/Menkes/SK/I/1996	Decree of the Minister of Health No. 82/Menkes/SK/I/1996. The Minister of Health issued a decree regarding the inclusion of halal text on food labels in Decree of the Minister of Health No. 82/Menkes/SK/I/1996. This decision is an implementation of the Joint Decree of the Minister of Health and the Minister of Religion of the Republic of Indonesia
Decree of the Minister of Health No. 924/Menkes/SK/VIII/1996	Decree of the Minister of Health No. 924/Menkes/SK/VIII/1996. The Minister of Health then issued a decree on the amendment to the Decree of the Minister of Health of the Republic of Indonesia No. 82/Menkes/SK/VIII/1996 regarding the inclusion of the words "Halal" on food labels in the Decree of the Minister of Health No. 924/Menkes/SK/VIII/1996.
Indonesian Ulema Council Decree No. 18/MUI/1998	Indonesian Ulema Council Decree No. /18/MUI/1998: In 1998, the Indonesian Ulema Council (LPPOM MUI) was officially formed based on the Decree of the Indonesian Ulema Council No. Kep/18/MUI/1998. The main authority of LPPOM MUI is to inspect products and provide halal certification.
Decree of the Minister of Religion No. 518 of 2001	Decree of the Minister of Religion No. 518 of 2001: to provide certainty about the "halalness" of packaged and traded food in Indonesia, the Minister of Religion issues a decision on guidelines and procedures for the inspection and determination of halal food in the Decree of the Minister of Religion No. 518 of 2001.

Table 2 shows that in addition to constitutional policy, the relevant ministries continue to adopt decrees to help them support the implementation of the existing constitutional position and ensure the smooth introduction and control of halal products and their production.

The decrees are very clear about their aim and how they should be implemented with full social awareness, hence addressing the policy challenges within society. Table 3 is an illustration of key prescriptions regarding Reg. 31/2019:

Table 3.
Key provisions of Reg 31/2019 on halal products (The authors' design)

Provision	Description
The prescribed Key provisions in Reg 31/2019	<ul style="list-style-type: none"> • The types of products that can be imported, traded, and distributed in Indonesia that require halal certification (food, beverages, chemicals, biological products, drugs, cosmetics, and used goods that contain traces of animal elements, such as garments); • The registration of halal auditors (individuals that can inspect whether a product is halal; an LPH must have at least three auditors to conduct their testing); • Non-halal products must be stated clearly on the packaging with the annotation "Not Halal"; • Businesses will need to be good manufacturing practice (GMP) and halal GMP certified; • The types of services that must be halal-certified (packaging services, animal slaughterhouses, storage services, distribution services); and • The registration process of international halal certification bodies (foreign halal agencies).

Table 3 represents the established key provisions regarding Reg 31/2019.

The provisions are a prescription of how the policies on halal products are implemented and supervised in an empirical form. The Indonesian government continues to improve its policies, including business policies. Being a majority Muslim country, Indonesia has tried as much as possible to protect the interests of Muslims but take care of other religious sectors through its Ministry of Religion. All policies formulated on halal products and production by small or large enterprises aim to improve the social aspects of businesses.

The substantive provisions of Regulation 31/2019, for example, help identify products that require halal certification or proof that the Muslim population can consume them. Halal auditors are also encouraged to help inspect products by testing the ingredients used in producing certain products or goods from animals. Non-halal products should be clarified and labeled just for easy identification. The key prescription should simplify life for users of the end products produced by any MSME.

V. DISCUSSION

Indonesia is the country with the largest Muslim population in the world. Based on statistics on Indonesia's population, 87.18% embrace Islam [59]. In a country with a majority Muslim population, the protection of the „halalness“ of a product [33] is an individual right and a right of each Indonesian citizen regulated in Article 29 paragraph (2) of the 1945 Constitution, which mentions that the state guarantees the independence of each resident to embrace their respective religions and to worship

according to their religion and beliefs [60].

To ensure that every religious believer or worshiper conducts his religious teachings, principles, and practices, the state has to provide protection and guarantees regarding the „halalness“ of products consumed and used by the community [6], [7], so regulations aim to provide comfort, security, safety, and certainty of the availability of halal products for the community in consuming products [38], as well as increasing added value for business actors to produce and sell Halal Products.

Based on Article 1, paragraph (5) of Law No. 20 of 2009 concerning MSMEs, the definition of the business world includes MSMEs that conduct economic activities in Indonesia and are locally stationed within the country [45]. A micro business is a productive one owned by individuals and/or private business entities [43] with a maximum net worth of Rp. 50,000,000 or have annual sales results of a maximum of Rp. 300,000,000. Small business is a productive economic one that stands alone by individuals or business entities that are not subsidiaries or branches of companies [44] that have a net worth of more than IDR 50,000,000 and a maximum of IDR 500,000,000 or have annual sales results of more than IDR 300,000,000 and a maximum of IDR 500,000,000. Medium enterprises are productive economic businesses that stand alone by individuals or business entities that are not subsidiaries or branches of companies with a net worth of more than Rp. 500,000,000 and a maximum of Rp. 10,000,000,000 or have annual sales results of more than Rp. 2,500,000,000 up to a maximum of Rp. 50,000,000,000.

Regarding the regulation of halal product certification for MSMEs [16], it has been

inevitable to investigate since the decree of the Minister of Health of the Republic of Indonesia No. 280/Menkes/Per/XI/76 about the circulation and provisions of markings on food staff containing ingredients of pork supports regulation regarding halal labels on food products. In this decree, the Minister, in Article 2, Paragraph (1), stipulates: "A warning sign must be attached to a food container or package produced domestically or from imports containing ingredients derived from pork." Paragraph (2) states that the warning sign referred to in paragraph (1) must be in the form of a picture of a pig and must have the writing «CONTAIN PORK." Article 3 says: "The warning sign referred to in Article 2 must be printed on the container or package, or glued together with a suitable adhesive so that it does not come off easily." Then, Article 4 prohibits food containing ingredients derived from pigs that do not meet the requirements of Articles 2 and 3 in Indonesia. This description lies in the scope of normative legal law and prescriptions supported by the descriptive analytical research approach [53]. There is a need for a specified logo printed on the packaging or glued with the appropriate adhesive. As for the labeling mechanism, the Minister of Health cooperates with the Association of Indonesian Food and Beverage Entrepreneurs to disseminate a specified logo to business actors who need it.

This study has established that the inclusion of halal writing on food labels started in 1985 based on the Joint Decree of the Minister of Health and the Minister of Religious Affairs of the Republic of Indonesia No. 42/Menkes/SKB/VIII/1985 and No. 68 of 1985 regarding the inclusion of halal writing on food labels. Before ministerial decrees, institutionally, the Indonesian Ulema Council initially conducted inspections/audits and issued fatwas and halal certificates [30] for varying products, labels, and production in the country. Later, the Minister of Health issued a decree regarding the inclusion of halal text on food labels in the Decree of the Minister of Health No. 82/Menkes/SK/I/1996 that enforced the implementation of the Joint Decree of the Minister of Health and the Minister of Religion of the Republic of Indonesia concerning the inclusion of halal writing on food labels.

Since the social environment keeps changing, there is a need to adjust several decrees with time by the respective authorities. The Minister of Health issued a decision on the amendment to the Decree of the Minister of Health of the Republic of Indonesia No. 82/Menkes/SK/VIII/1996

regarding the inclusion of the words "Halal" on food labels, replacing it with the Decree of the Minister of Health No. 924/Menkes/SK/VIII/1996. Article 30, paragraph (1) of Law No. 7 of 1996 concerning food regulates the inclusion of food information content (Halal) on labels says: "Everyone who produces or imports food into the territory of Indonesia packaged for trading must attach a label to it inside or on food packaging." Concerning this provision, the inclusion of halal is not an obligation unless everyone who produces food and/or imports food into Indonesian territory for trade states that the food in question is halal for Muslims.

In 1998, the Indonesian Ulema Council (LPPOM MUI) was officially formed based on the Decree of the Indonesian Ulema Council No. Kep./18/MUI/1998. The primary authority of LPPOM MUI is to inspect products and provide halal certification. The Food and Drug Administration (BPOM) of the Ministry of Health issued a halal label permit attached to food product packaging. Article 2 of Law No. 8 of 1999 on consumer protection states the principle of consumer protection: "Consumer protection grounds on benefits, justice, balance, consumer security and safety, and legal certainty." Here, consumers get legal protection, which is a right of consumers in Article 4: "The right to security, comfort, and safety in consuming goods and/or services."

To provide certainty about the „halalness“ of packaged and traded food in Indonesia, the Minister of Religion issued a decision on the guidelines and procedures for inspecting and determining halal food in the Decree of the Minister of Religion No. 518 of 2001, Article 2(1): "To support the truth of the halal statement issued by producers or importers of food packaged for trading, first by the inspecting agency inspects the food." Article 7(1) says: "To inspect halal food, the head of the inspection agency forms an inspection team and issues an inspection warrant, which includes inspection of administration, production process, laboratory, packaging, and storage of products, as well as inspection of transportation, distribution, marketing, distribution systems, and presentation." Article 8(1) says: "If the food inspected by the examining agency has complied with the requirements for halal food and has issued a halal fatwa, the examining agency issues a halal certificate." The Minister of Religion issued a decision on the implementing agency for halal food inspection in KMA No. 519 of 2001. The Decree of the Minister of Religion (KMA)

518 of 2001 and KMA 519 of 2001 further strengthened MUI as a halal certification body and conducted inspections/audits, and issued fatwas and halal certificates.

Based on the above regulations, starting from the Regulation of the Minister of Health of the Republic of Indonesia No. 280/Menkes/Per/XI/76 to the Decree of the Minister of Religion No. 518 and No. 519 of 2001, there were no regulations and provisions specifically regulating halal product certification for MSMEs. The provisions for halal product certification specifically for MSMEs are only in Law No. 33 of 2014 concerning guaranteed halal products. Article 44, paragraph (2) determines: "If the business actor is a micro and small business, other parties can facilitate the cost of halal certification." Article 44, paragraph (2) explains that the "other parties" include the government and regional governments through the APBD, companies, social institutions, religious institutions, associations, and communities. Reg. 31/2019 concerning the implementing Regulations of Law No. 33 of 2014 on guaranteed halal products can facilitate the MSME halal product certification.

Although Article 44, paragraph (2) of Law No. 33 of 2014 regulates the certification of halal products for MSMEs, it is not about the ease and simplicity of obtaining halal certificates; instead, other parties regulate the cost of halal certification for MSMEs, rather than its free availability. However, since the enactment of Law No. 11 of 2020 concerning job creation, there were several laws amended for simplifying, synchronizing, and trimming regulations to facilitate business actors, including micro and small enterprises. One of them is Law No. 33 of 2014 concerning guaranteed halal products. Due to the adjustment of Law No. 11 of 2020, GR 39/2021 on implementing the halal assurance canceled Reg. 31/2019.

The amendments to Law No. 33 of 2014 by Law No. 11 of 2020 concerning job creation related to halal product certification for MSEs, are 1) An additional Article 4A of Law No. 11 of 2020 on the obligation of halal certification based on the statement of specific business actors for micro and small business actors; 2) Amendment to Article 44 Paragraph (2) on halal certification for micro and small business actors are free of charge. The provisions in Article 4 A of Law No. 11 of 2020, which requires MSMEs to declare the „halalness“ of their products, have caused a polemic that considered this self-declaring halal rule as setting aside the base provisions (essence), namely the obligation to inspect and test products and contradicts Law No. 33 of 2014, which

requires all products to be inspected and/or tested by the Halal Inspection Agency [32].

The existence of a reduction in the process and time in obtaining halal certificates in Law No. 11 of 2020 deserves appreciation because most MSMEs can now easily and quickly acquire legal halal certificates [46], but regarding inspection and product testing, it is necessary to exclude doubts for the Muslim community about a product. The regulatory pattern adopted by Law No. 11 of 2020 concerning job creation is risk-based regulation [47], which recognizes several stages. Based on the risk-based regulatory pattern in Law No. 11 of 2020, the types of MSMEs businesses in the food sector are not entirely included in the halal-positive list of materials (non-critical materials) or consist of materials excluded in the critical category [47]. Halal ingredients are materials obtained from nature; however, there is no guarantee that MSE products do not use meat, margarine, and various artificial ingredients with a high criticality, so they need inspection, testing, and tracing for "halalness." Advances in food technology at this time must be kin to the many raw materials and additives used to produce processed food staff [37].

Including the halal label as a consequence of a halal-certified product will restore the rights of consumers to select and consume varying types of foodstuff they want to eat. Therefore, the labeling must be open and visible to show the good faith of business actors to restore consumer rights because, in addition to guaranteeing the health aspect, it is also critical to guarantee the protection and inner satisfaction of the community members [48] from a social perspective of living together in society.

Articles 79 and 80 of GR 39/2021 further regulate the halal self-declaration by MSMEs and the involvement of companions of MSMEs in the product certification process [41]. Islamic community organizations or religious institutions that are legal entities and/or universities assist this process. There are no regulated conditions or special abilities for the assistant [20], and it is unclear whether the assistant's position is only seeing the production process directly or serving as a guarantor of halal products produced by MSMEs and whether there are consequences for the assistant if these products later appear non-halal [12]. Furthermore, related to not being charged for MSMEs who want to get halal certificates as regulated in Article 44 Paragraph (2) of Law No. 11 of 2020, it is not appropriate if the government should care for MSMEs that difficult to meet the costs of obtaining halal

certification because the system for giving halal certificates by self-declaring by business actors themselves does not have substantial costs that MSMEs have to bear [40]. Article 81, paragraph (1) of GR 39/2021 reaffirms that the applications for halal certificates submitted by micro and small business actors are free of charge, but there is a sentence "taking into account the state financial capacity." Elucidation of Article 81, paragraph (1) of GR 39/2021 explains that the micro and small enterprises, which are not subject to fees, are based on the criteria and priorities that will be regulated further by Halal Product Assurance Organizing Agency (BPJPH) [56]. The explanations of Article 81, paragraph (1) of GR 39/2021 are not in line with and contrary to Article 44, paragraph (2) of Law No. 11 of 2020, which confirms that the halal certification for micro and small business actors is free of charge.

A. Supervision of the Legality of MSME Products Provided with Halal Label

Supervision is every effort and action to determine the extent of implementing the tasks carried out [61]. In producing consumable goods, the government conducts supervision to protect consumers, especially Muslims [58], against the circulation of food products that are not halal and certified [31]. Not only the government but also the community and other institutions authorized to do so play roles in this supervision. The supervision of the "halalness" of MSME products is regulated by Law No. 33 of 2014 concerning guaranteed halal products and excludes the provisions revised by Law No. 11 of 2020 concerning job creation.

Article 49 of Law No. 33 of 2014 stipulates that BPJPH supervises the JPH, while Article 50 of Law No. 33 of 2014 stipulates that: the LPH conducts supervision of halal product guarantee, halal certificate validity period, product "halalness," inclusion of halal label and non-halal information; separation of locations, places, and tools for slaughter; processing, storage, packaging, distribution, sales, and presentation between halal and non-halal products; the presence of a halal supervisor; and other activities related to the halal product guarantee. Further, Article 51 of Law No. 33 of 2014 stipulates that 1) The BPJPH and related ministries and/or institutions authorized to supervise halal product assurance can conduct supervision individually or jointly; 2) Supervision of JPH with related ministries and/or institutions as referred to in paragraph (1) is carried out under the provisions of laws and

regulations. The provisions of Articles 49-51 of Law No. 33 of 2014 are also re-regulated in GR 39/2021 concerning implementing the halal product guarantee sector.

Although Article 6 of Law No. 33 of 2014 stipulates that the BPJPH has the authority to supervise halal product assurance, Law No. 33 of 2014 concerning halal product assurance does not stipulate the duties of the BPJPH in conducting supervision. In administrative law, the supervision assigned to the BPJPH more accurately is a supervisory function rather than a supervisory power because it is part of the function. Juridically, the notion of authority is the ability given by laws and regulations to cause legal consequences.

Regarding the supervisory authority, in Article 110, paragraph (1) of Law No. 18 of 2012 concerning food, the authority for food supervisors can enter every place suspected in the activities or processes of food production, storage, transportation, and trade to inspect, research, and take samples of food and everything suspected in food production, storage, transportation, and trading activities; stop, check, and prevent any transportation means suspected or reasonably suspected in transporting food and take and examine samples of food; open and research food packaging; examine every book, document, or another record suspected to contain information regarding the activities of production, storage, transportation, and or food trade, including duplicating or quoting such information; and ordered to show a business license or other similar documents.

Article 986, paragraph (1) GR 39/2021 only mentions the requirement for the halal product guarantee supervisor: to be a Muslim; state civil apparatus assigned to work in units that have duties and functions in the field of supervision; has a minimum education of bachelor's degree 1; understand and has broad insight regarding the "halalness" of products according to Islamic law; passed the halal product assurance supervisor (JPH) training. Article 103 of GR 39/2021 regulates the supervision time: 1) Halal product warranty supervision is carried out periodically and/or at any time. 2) The periodic supervision of the halal product guarantee referred to in paragraph (1) shall be once every six months. The time of supervision regulated in Article 103 of GR 39/2021 is irrelevant as long as it is carried out periodically and/or at any time. Monitoring periodically and/or at any time mainly focuses on products of large and medium-sized enterprises. The supervision of halal products by MSMEs is more effectively carried out routinely and

continuously.

Regarding supervision, Article 53 of Law No. 33 of 2014 also stipulates that the public can participate in supervising the circulating halal products by submitting complaints or reporting to the BPJPH. However, most people pay attention to the price when choosing a product, not the content of the food/drink or whether or not it has a halal label. Additionally, many people do not know about the existence of the BPJPH, whether it is only at the central level or there are representatives at the provincial and city/district levels. It is important to be socialized so that the community can participate and report products that have not been labeled halal to the authorities overseeing halal product guarantees.

VI. CONCLUSION

Regulations on halal product certification MSMEs are in Law No. 33 of 2014 concerning halal product guarantee, Law No. 11 of 2020 concerning job creation, and GR 39/2021 concerning implementing the halal product guarantee sector, which regulates the declaration of halal products (self-declare) from MSMEs without halal certificate fee for them. The provision of a halal certificate based on self-declaration in Law No. 11 of 2020 is not under Law No. 33 of 2014, which requires inspection and testing of products before giving a halal certificate. Supervision of the „,halalness“ of MSME products regulated in Article 103 of GR 39/2021 concerning the implementation of the halal product assurance sector is ineffective because the supervision is only periodical and/or at any time precisely targeted products of large and medium-sized businesses.

The issuance of a halal certificate based on self-declaration in Law No. 11 of 2020 needs to be reviewed and revised/amended. Product inspection and testing before providing a halal certificate is an absolute requirement that cannot be ruled out based on the ease of obtaining it. Inspection and testing of products take a long time because the Halal Inspection Agency (LPH) and Halal auditors are still very few. Therefore, it is urgent to establish at least one LPH in each provincial capital and hundreds of halal auditors who conduct product inspections and testing. Article 103 of GR 39/2021, which regulates the time for supervision of halal product guarantees, needs revising by changing the supervision time carried out in a planned, routine, and sustainable manner. To facilitate coordination in supervision at the regional level, representatives at the regional level must form the BPJPH.

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