



CONSUMER PROTECTION TO PRODUCTS WITH A HALAL LABEL BUT NOT REGISTERED IN LPPOM-MUI

Rizkan Zulyadi

Medan Area University

Email: rizkan@staff.uma.ac.id

ABSTRACT: *Consumers need an accurate and simple information about a product that they want to consume. For a moslem consumer, food product with a halal label is so important because there are some foods which can't be consumed by moslem people because of rules in Islam. That's why an information about halal label is very useful. Nowadays, there are unscrupulous businessman who put the halal label on their products but actually that products are not registered in LPPOM-MUI. While in this case, halal products are not just because produced with an halal contents but also with an halal procedure as an Islam Shari'a. The research uses juridical normatical as the method, with the gained from literature through reviewing the primary and secondary law material. The Research is about Consumer Protection to products with a halal label but not registered in LPPOM-MUI. From the Research we know: 1) That cost to registered a product to take a halal certificate is not cheap and there are so many procedures to take which troublesome and it makes businessman won't to do that procedures. That's why there are unscrupulous businessman take a simple way with put a halal label in their product without doing registered in LPPOM-MUI. This act cause confusion about the halal label, is it true halal or not. 2) There is not rule which put an clear rule about halal label and also there is not an authorized institution which control the circulation of products with halal label which registered in LPPOM-MUI or not. This act cause unscrupulous businessman feels safe to put halal label to their products even if they not registered their products. 3) That rule which Protecting Consumer is not regulate about the sanctions to unscrupulous businessman who put halal label to their product but not registered in LPPOM-MUI. The Rule is so general and not give an impact to unscrupulous businessman who breaking that sanctions. Legal basis to this research are statute number 8 in 1999 about Consumer Protecting, statute number 7 in 1996 about food, Government regulations number 69 in 1999 about label and food advertisement.*

KEYWORDS: *Consumer, Halal Label, Halal Certificate*

I. INTRODUCTION

Majority populations in Indonesia are moslems, that's why halal label become something serious in this country. Products with halal label are products which is not only with halal main ingredients but also the process and the tools used must be considered so the products could named as a halal products.

For a moslem consumer, food product with a halal label is so important because there are some foods which can't be consumed by moslem people because of rules in Islam, that's why must be considered the distribution of halal certificates.

Halal is from Arabian language which in Islam means, "allowed" or "be permitted". This term in every day dictionary always refer to food or drink which allowed to consume in Islam¹.

Islam see the food and drink as an important factor in human lives, besides the other worship because food has a big influence for humans physical and spiritual. Al-qur'an says in Al-Baqarah: 168 verse, "Human, eat only halal food which in earth, and don't you follow satans steps, cause satans is the real evil for you". From this verse we could take conclusion that halal foods are so important for moslems that's because of their religion.

Because of the important of halal label for moslem, nowadays, there are unscrupulous businessman who put the halal label on their products but actually that products are not registered in

¹ Ibnu Rusyd Al-Maliky, *Bidayatul Mujtahid* (Darul Kutubil 'Ilmiyah, 1988), page 29



authorized institution named food, drug, and cosmetics assessment institutions – Indonesian Religious Leader (LPPOM-MUI). Halal products are not just because produced with an halal contents but also with an halal procedure as an Islam Shari'a that is also the process and the tools used must be considered and not contaminate with haram things or something danger to humans.

Based on that problems, writer wants do research and the Research is about Consumer Protection to products with a halal label but not registered in LPPOM-MUI.

II. LITERATURE REVIEW

1. Definition and Regulations of Consumer Protecting

Az. Nasution said that Consumer Protecting Law is part from Consumer Law which load of principles or rules which arrange and also contains of properties which protecting consumer². Mochtar Kusumaatmadja said, signification of Consumer Law is the problem between various parties to each other, connect with things or consumer services in this life³.

In Indonesia Regulations, consumer as juridical formal definition founded in article 1 number 2, general provisions of chapter 1 of the law number 8 year 1999 about consumer protecting said that, consumer is everybody who used thing and/or service available in the community, for self-interest, families, other people and also another living things and not for sale.

2. Definition of businessman

According article 1 number 3 constitution number 8 about consumer protecting, performer is everybody or business entity, in the form of a legal entity or illegal entity which established and domiciled or conducting activities in Indonesia jurisdiction, both alone and together through an agreement to do business activities in various economic fields.

3. Definition of Halal Label

Put a halal label in a product the arrangement is issued by the trade minister with Rules of trade ministry number 62/M-DAG/PER/12/2009 about obligation to include labels on products, beside that there is rules about food label which in constitution number 7 year 1996 about food. Government makes the rules about label which start applied since july 21st 1999.

III. RESEARCH METHODS

Research methods is the work method used to collect some data from the research object. Method come from Greece Language "methodos" which mean work method, effort or path of an activity and basicly one of the effort is scientific in seeking the truth which did by collected some data as a basic to see the truth⁴.

Research Methode which did to solve this research is uses juridical normatical as the method. Legal research with the gained from literature through reviewing the primary and secondary law material, named juridical normatical or Library Legal Research. Doctrinal legal research is research with library based focusing on reading and analysis of the primary and secondary materials⁵.

Primary legal materials and secondary legal materials according to Peter Mahmud are legal research sources. Primary legal materials are legal materials which authoritative means authority, besides secondary legal materials are publication about legal which is not an official documents.

² Az. Nasution, *Consumer and Law: Social, Economic dan Law review at consumer protecting in Indonesia*, cet. 1 (Jakarta: Pustaka Sinar Harapan, 1995), page 65

³ Az. Nasution, *Consumer Protecting Law*, (Jakarta: Diadit Media, 2006), page 37

⁴ Koentjoroningrat, *Society Research Methode*, (Jakarta : Gramedia, 1992), page 22

⁵ Johnny ibrahim, *Normatif legal research theory and metghodology*, (Malang: Bayumedia, 2008), page 46.



imposed to businessman who violating the provisions will in jail a maximum of five (5) years or a criminal fine a maximum Rp. 2.000.000.000,00 (two billion rupiahs).

V. DISCUSSION

Based from the result of this research we know that to got a halal label is not a simple thing because of businessman should to do many administration processes which take a long time and also the businessman should to pay with a high cost. That cost is too high especially for middle and lower category businessman. Beside that, label halal should to updated every two (2) years, and this cause the businessman should to do many administration processes again and also pay the high cost again.

Based on phenomenon above the businessman put their own halal label to their products without register the products to authorized institution named food, drug, and cosmetics assessment institutions – Indonesian Religious Leader (LPPOM-MUI).

Other than that, label registration is still voluntary or based on businessman initiative, so there are no binding sanctions for businessman if they don't register their products to LPPOM-MUI.

In this case, dispute resolution which connect to halal label is constrained by the absence of regulations in detail and pricely to overcome the problem, also there is not institution which authorized to do actions needed to enforce the law which connect to halal label case.

VI. CONCLUSION & SUGGESTION

CONCLUSION

1. That cost to register a product to take a halal certificate is not cheap and there are so many procedures to take which troublesome and it makes businessman won't to do that procedures. That's why there are unscrupulous businessman take a simple way with put a halal label in their product without doing registered in LPPOM-MUI. This act cause confusion about the halal label, is it true halal or not.
2. There is not rule which put an clear rule about halal label and also there is not an authorized institution which control the circulation of products with halal label which registered in LPPOM-MUI or not. This act cause unscrupulous businessman feels safe to put halal label to their products even if they not registered their products.
3. That rule which Protecting Consumer is not regulate about the sanctions to unscrupulous businessman who put halal label to their product but not registered in LPPOM-MUI. The Rule is so general and not give an impact to unscrupulous businessman who breaking that sanctions.

SUGGESTION

1. We need more simple system and cheaper cost in halal certificates management, with the intention to increase businessman interest to register their product to LPPOM-MUI.
2. We need to organize in our constitution about halal label with more detail like include sanctions for businessman who's not register their products in LPPOM-MUI while they put their own halal label to their products.
3. Consumer needs to more detail to see the truth from a halal label listed in a product.

VII. REFERENCES

Books:

- [1] Ibrahim, Johny, 2008, Normatif Legal Research Theory and Methodology, (Malang: Bayumedia)
- [2] Koentjoroningrat, 1992, Society Research Methode, (Jakarta: Gramedia)
- [3] Nasution, Az, 1995, Consumer and Law: Social, Economic dan Law review at consumer protecting in Indonesia, (Jakarta: Pustaka Sinar Harapan)
- [4] Nasution, Az, 2006, Consumer Protecting Law, (Jakarta: Diadit Media)
- [5] Rusyd, Ibnu Al-Maliky, 1988, Bidayatul Muhtahid (Darul Kutubil 'Ilmiyah)

Web References:

Web MUI: halalmui.org