



## **Law Enforcement Against The Collateral Provisions Halal Products In Medan**

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**ABSTRACT:** *The purpose of this research was to know and understand the sense of the importance of halal products for Muslims in Indonesia in particular communities of Medan North Sumatra, Act No. 33 Year 2014 about Halal Products Warranty (JPH) is the legal instrument that provide protection and ensure the public in consuming and using the product kosher. Organizing the JPH aims to provide comfort, security, safety and certainty of availability of kosher products in consuming and using products and increase the added value to the perpetrators of the attempt to produce and sell halal products. Approach the problem in this research use the juridical normative approach and empirical as juridical support with data collection through the study of librarianship and field/(Library research and field research) research results indicate that Law enforcement efforts against the offender offenders UUJPH yet geliatnya seemed, if anything it looks like not published, This should be accessible to the public as a form of transparent in law enforcement related implementation of UUJPH saw the condition of this legal uncertainty consumers will always felt was – was about the products they use, given the the scope of the subject UUJPH includes the Government, the businessmen and the community, so that the necessary thoroughness and accuracy in execution JPH. North Sumatra city of Medan or currently is one of the cities that digadang – gadang will become an icon of the region that have the assurance of Halal Products via a draft local regulations (Ranperda)) about the supervision Halal Products and guarantees and hygienic. . But until recently Ranperda that is already designed and is rumored to have already completed never ratified, it does bring up a question mark for the public about the legal certainty and the rule of law in Indonesia, given the large number of agencies involved within the scope of this very UUJPH gives opportunities to the onset of attraction – attracting interest among one another, this needs to be anticipated as a form of law enforcement that are not sharply down but blunt up, so that the community can entrust the management of the thing which is very sensitive to stakeholders as their representative.*

**KEYWORDS:** *Law Enforcement, Assurance Of Halal Products*

### **I. INTRODUCTION**

Once approved by the Plenary meeting of the DPR-RI on September 25, 2014, the Bill Guarantees the products Halal (JPH) has been endorsed by the President of the REPUBLIC of INDONESIA, Susilo Bambang Yudhoyono, on October 17, 2014. Furthermore, on the same day, the Minister of law and human rights (human rights) of a United Indonesia Cabinet (KIB) II Amir Syamsuddin has instituted laws such as Act No. 33 of the year 2014. In Act No. 23 of the year 2014 is actually just a regulator regarding criminal sanctions alone while the administrative sanctions placed as part of the supervision carried out by BPJPH, based on the provisions of the BPJPH very strong position in terms of product guarantee halal, because BPJPH do the task and function of supervision that includes:

1. The institution of Kosher Inspectors (LPH)
2. The term halal certificate
3. The halal Products
4. The inclusion of the halal Label
5. The inclusion of Information Not Halal
6. Separation of the location, place and means of slaughtering, processing, storage, packaging, distribution, sales and presentation between halal products halal and not
7. The existence of kosher supervisor or
8. Other activities related to assurance of halal products

Although BPJPH is not the only one – an institution that has the function of supervision of there is a Ministry or other relevant institution and has the function of surveillance and monitoring can be done individually or in working together. The criminal provisions under the assurance of Halal



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Products (JPH) as law enforcement are the businesses that did not keep the halal products after obtaining halal certification are convicted with imprisonment not more than 5 years or a fine of RP. 2.000.000.000,-(two Billion Dollars) as stipulated in article 25 the letter b.

In addition to the producers who have been registering their products on halal certification if found do not halal products should be dealt with in other than criminal sanctions should be dealt with also in administrative sanctions, but it is not set in Law – Law Number 33 year 2014, moreover in the Act – this Act does not state the sanctions to the producers who did not register their products at BPJPH, while the enactment of Legislation for implementation – this legislation would at the launching in October 2019, in this case of course many big problems cause later if not parsed one by one.

## II. LITERATURE REVIEW

### Law Enforcement

The law is the most important system in the implementation of the above series of institutional power of this form of abuse of power in the fields of politics, economics and society in numerous ways and act as intermediaries, in social relationships between the community against criminalization in the criminal law, the criminal law berupayakan ways the State can prosecute the perpetrator in the constitutional law provides a framework for the creation of the law, protection of human rights and expand the powers of the politics and how their representatives are to be chosen. Max Weber said that the law holds a monopoly of legitimate State power in the community as a hallmark of the modern State. In a law enforcement framework, according to Friedmann, law should be interpreted as a legal content (content of law), the corporate governance law (structure of law) and the legal culture (culture of law). So that law enforcement is not only done through legislation, but also how empowering apparatus and-law. Are not equally important is how to create a culture that is conducive to Community law enforcement. Thus, the rule of law is affected by the main factors, namely: statutory, community and infrastructure, as well as law enforcement officers. All four of these factors must be addressed comprehensively and empowered, simultaneous, consistent and sustainable.

The State can be said to be State law (rule of law) when the superiority of the law have been made as the rules of the game (fair play) in the Organization of the Government of the country, especially in maintaining public order and the protection of the rights of its citizens. Jhon Locke in his "Second Tratisse of Government", has hinted at a minimum of three elements for a State of law, as follows:

1. The existence of laws that govern how members of the public can enjoy the rights asasinya in peace
2. The existence of a body that can resolve the disputes arising in the area of governance;
3. Lack of available dispute resolution held to arise among fellow members of the community.

In State law according to Jhon Lockce, citizens/peoples is no longer ruled by a King or whatever his name is, however, governed by law. This idea is a cue that the absolute law for the existence of the respect for the rule of law. The definition of law enforcement in the case it is very narrow, therefore law enforcement authority only seeming to be the responsibility solely of the legal apparatus, but not the case, because the law enforcement context, including the responsibility of every adult who ably as private law (perzoonlijk) attached to the duty to enforce the law.

## III. RESEARCH METHODS

This research uses the Normative juridical method which will be studied. This research was conducted using qualitative descriptive research, through focusing on solving existing problems, especially actual problems by means of the data that was first collected, explained and then analyzed, where a description can represent the objective of the phenomena that are responded to (Surachmad, 1985: 140-141).

### 1. Populasi dan Sampel

The population in this study is the campus in the city of Medan while the samples in this study are food products, beverages, cosmetics and medicines in the city of Medan.

### 2. Defenisi Operasional

#### a. Law

Law is a system deliberately created by humans aimed as a barrier to various behaviors of humans, so that human behavior can be controlled or in other words that Law is a variety of very important aspects of its existence used for the power chain of an institution. The task of the law is to guarantee all legal certainty in the community, therefore for every citizen has the right to get a defense before the law



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so that with this explanation we can interpret the law in the form of regulations and various written or unwritten provisions which are for regulate people's lives and provide sanctions for those who violate them. Laws consist of regulations created by an institution that has the authority, the law has a binding nature for all people, then the law must be obeyed because it covers with the rules of human life

## b. Products

Products are goods or services that can be traded. In marketing, a product is anything that can be offered to a market and can satisfy a desire or need. At the retail level, products are often referred to as merchandise. In manufacturing, products are bought in the form of raw goods and sold as finished goods. Products in the form of raw goods such as metals or agricultural products are often referred to as commodities. The word product comes from the English product which means "something produced by labor or the like". The working form of the word product, which is produce, is an absorption of the Latin *prōdūce* (re), which means (to) lead or bring something forward. In 1575, the word "product" referred to whatever was produced ("anything produced"). But since 1695, the definition of the word product referred to something that was produced ("thing or things produced"). Products in the economic sense were first introduced by economist-politician Adam Smith.

## c. Halal

Halal is anything that is permitted by the Shari'a to be consumed. Especially, in terms of food and drinks. Products are goods and / or services related to food, beverages, medicines, cosmetics, chemical products, biological products, genetic engineering products, as well as used goods that are used, used, or utilized by the community. Whereas Halal Products are Products that have been declared halal in accordance with Islamic law.

## IV. RESULTS & DISCUSSION

As a Muslim-majority country, halal certification can certainly be a necessity for ensuring the safety of Muslims in consuming food or medicine, the government has launched halal certification since 2014 by formulating the Halal Product Guarantee Act (JPH Law). In addition, the government is also drafting a Government Regulation on Halal Product Guarantee (RPP JPH), by mobilizing parties from the Indonesian Ulema Council, the Ministry of Religion, and the Ministry of Health. medicines are strictly regulated products and must meet high standards such as safety, quality and benefit criteria. The use of halal goods is not limited to the substance, but also in the production process. Halal goods, if produced through a process that is not true in fiqh, for example using raw materials or unclean / unclean auxiliary materials, then the law remains illegitimate as long as it has not been purified sharily. his applies generally, both for food, drinks, and medicines that are of importance for consumption. Regarding halal in this matter (Indonesian Ulema Council) MUI on July 1, 1980, had issued a fatwa concerning food and drink mixed with unclean goods, with the following fatwa dictum:

1. Any food and drink that is clearly mixed with haram / unclean goods is unlawful.
2. Any doubtful food and drink mixed with unclean / unclean goods should be left behind.
3. The existence of doubtful food and drink mixed with unclean / unclean goods should the Indonesian Ulema Council ask the relevant institution to examine it in the laboratory to determine the law.

Law No. 33 of 2014 concerning Halal Product Guarantees mandates that circulating products must be halal. What is meant by a product is "goods and / or services related to food, beverages, medicines, cosmetics, chemical products, biological products, genetic engineering products, as well as used goods that are used, used, or utilized by the community". Article 4 of the Law stipulates that "Products that enter, circulate and trade within the territory of Indonesia must be halal-certified". Normatively, from both articles it is clearly stipulated that drugs that are imported, circulating and traded in Indonesian territory must be guaranteed halal status. It's just that the provisions on the matter of exceptions related to the use of non-halal drugs in certain conditions are not sufficiently regulated in this Act. For this reason, at the operational level, the Government needs to establish more detailed and operational rules regarding the provisions regarding drugs and treatment so that they remain in accordance with the provisions of Islamic law, and not to complicate the community. So food, drinks, looking for fortune, even medicines that are lawful are obligatory for Muslims. People who have been controlled by laziness assume there is no lawful thing anymore, so he does whatever he wants. Even though this is foolishness. Because the Prophet has described what is halal and what is haram. Halal is one of the meanings of the term *mubah* which is general in nature, that is something where Allah gives the choice for the mukallaf, to do it or leave it. Therefore, there are some scholars of Usul Fiqh who interpret halal as something that does not have an argument which prohibits it. While some others say



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that halal is something that shows the halal nature. The difference of opinion above gave birth to the consequence, that according to the first opinion the things which were kept quiet 'were lawful, which was in line with the ease of Islam. Meanwhile, in the second opinion, what is allowed by syara 'is forbidden. Sometimes halal is also expressed in terms of "thayyib" or "thayyibat", both in the context of faith, speech, deed, food, drink, medicine, and wealth. This word is mentioned in the Qur'an in several places, including; QS. Ali Imran verse 179, QS. An-Nisa verse 2, QS. Al-Ma'idah verse 100, and QS. Al-A'raaf verse 157. The use of the word thaayib to indicate halality implies that everything that is halal contains benefits for humans, both physically and mentally. Because what is halal must bring prosperity. The opponents of the halal are haram. Etymologically, Haram is taken from al-hurmah, which means something that must not be violated. Haram and Mahzhûr are two terms for the same connotation.

Both are synonyms (mutarâdif). According to syara 'is what is demanded to be left with strict demands, where the culprit will be denounced, sanctioned when in the world and adzab when in the hereafter. According to the Hanafi school of thought, the term haram is only used for a strict prohibition accompanied by the argument of qath'î, but if it is not accompanied by the argument of qath'î, they call it Makrûh tahrîm. Although in fact, the two mean the same thing. Indonesia is a country with a majority Muslim population, the need for Halal medicines becomes a very important thing for the government through the Halal Product Guarantee Act (hereinafter referred to as UJPH) namely Law No. 33 of 2014 has include several rules regarding the circulation of products in Indonesia. The definition of halal products contained in Law Number 33 of 2014 concerning the Guarantee of halal products in Article 1 paragraph (2), namely: "Halal Products are Products that have been declared halal in accordance with Islamic law" Because consuming halal food is a religious command that is in nature absolute because for the Muslims. Islam does not only focus on the material aspects alone, and also does not only focus on aspects of body development alone but Islam also pays attention to something that affects the morals, soul (personality) and behavior.

## V. DISCUSSION

The enactment of Law No. 33 of 2014 concerning Halal Product Guarantee (UJPH) is an initial milestone in the form of government commitment in responding to the serious problems of Halal products in Indonesia, be it processed products, medicines, or other products, high interest and public awareness Muslims regarding halal products have not been fully balanced with the number of certified products and are labeled as halal, the many product findings without labeling and halal certification are still circulating in the market to be one of

The biggest PR for the government is related to the implementation of UJPH. Regulations on halal products in Indonesia are stipulated in several laws, namely:

1. Law No. 8/1999 concerning Consumer Protection
2. Law Number 18 of 2009 concerning Animal Husbandry and Health
3. Law Number 18 of 2012 concerning Food
4. Law Number 33 Year 2014 Regarding Halal Product Guarantee
5. Government Regulation Number 69 Year 1999 concerning Food Labels and Advertisements
6. Decree of the Minister of Religion No. 518 of 2001 concerning Guidelines and Procedures for Examination and Determination of Halal Food
7. Decree of the Minister of Religion No. 519 of 2001 concerning the Institute for Implementing and Examining Halal Food





### Halal Certification LPPOM MUI Periode 2011–2018

Year	Company	Halal Certificates	Product
2011	4,325	4,869	39,002
2012	5,829	6,157	32,890
2013	6,666	7,014	64,121
2014	10,180	10,322	68,576
2015	7,940	8,676	77,256
2016	6,564	7,392	114,264
2017	7,198	8,157	127,286
2018	11,249	17,398	204,222
Total (2011 - 2018)	59,951	69,985	727,617

### VI. CONCLUSION & SUGGESTION

This research produces data that from various types of food, beverages, cosmetics and medicines based in Indonesia, especially Medan City, most of which do not yet have halal labeling. This is only a distribution permit from BPOM. This is the main task of Medan city government to enforce the regulations has been approved since 2014 ago.

### VII. REFERENCES

#### REFERENCES:

- [1] Ahmad Syauqi al-Fanjari, Nilai Kesehatan Dalam Syari'at Islam, Bumi Aksara, Jakarta, 1996.
- [2] Ibn Manzur, *Lisan al-Arab*, jilid 12
- [3] Kotler, P., Armstrong, G., Brown, L., and Adam, S. (2006) *Marketing*, 7th Ed. Pearson Education Australia/Prentice Hall.
- [4] Random House Dictionary, 1975
- [5] Lembaran Negara Republik Indonesia Year 1999 No. 42 and Tambahan Lembaran Negara Republik Indonesia No. 3821 on 20 April 1999 In Jakarta
- [6] Lembaran Negara Republik Indonesia Year 2009 No. 84 and Tambahan Lembaran Negara Republik Indonesia No. 5015 on 04 Juni 2009 In Jakarta
- [7] Lembaran Negara Republik Indonesia Year 2012 No. 227 and Tambahan Lembaran Negara Republik Indonesia No. 5360 on 17 November 2012 In Jakarta
- [8] Lembaran Negara Republik Indonesia Year 2014 No.295 and Tambahan Lembaran Negara Republik Indonesia No. 5604 on 17 October 2014 In Jakarta
- [9] Lembaran Negara Republik Indonesia Year 1999 No. 131 and Tambahan Lembaran Negara Republik Indonesia No. 3867 on 21 July 1999 In Jakarta

#### Internet

Etymology of *product*, etymonline.com  
Lppom.go.id  
Bpom.go.id