

Analysis of Application of Law No. 33 of 2014 Concerning Guaranteed Halal Products on the Policies of the Regional Government of Medan City

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ABSTRACT: After even 5 years of ratification, the Law of Act No. 33 of 2014 concerning Guaranteed Halal Products need to analyze the application of these rules in the regions. Not only in the regions, but the implementation of the implementing rules of this provision has not yet been issued by the government regarding the implementation of the protection of halal products. In Indonesia, halal product certification is carried out by the Indonesian MUI which is requested by producers based on the Fatwa of the MUI. There needs to be involvement of the State in the halal certification process, because the status of the Indonesian MUI is not a state institution or government organ, but it can be given public authority to carry out certain functions under the law. The formulation of the problem is how the application of Law No. 33 of 2014 concerning Guaranteed Halal Products on the Policies of the Regional Government of Medan City. This study is a normative juridical study of the application of legal norms to Law No. 33 of 2014 concerning Guaranteed Halal Products in the Regional Policy of Medan City. The Medan City Government has not made a policy regarding guarantee of halal products in the City of Medan through Regional Regulations and Mayor Regulations in terms of guaranteeing every halal product marketed in the community. Asking the Medan City Government must play an active role in realizing the guarantee of halal products by establishing regional regulations that regulate the guarantee of halal products in Medan in order to realize the guarantee of halal products in the city of Medan.

Keywords: Implementation, Halal Product Guarantee, Medan City Government Policy

I. INTRODUCTION

In Indonesia the halal certification process of products has long been carried out by the Indonesian MUI which issues Halal Certificates for products that are requested by producers based on the Fatwa of the Indonesian MUI. Regarding halal certification, there are fundamental issues related to national law and legal theory which say that every implementation of law and public policy needs State involvement in terms of constitutional legal aspects, the status of the Indonesian MUI is not a state institution or government organ, but can be given public authority to carry out certain functions under the law. After 5 years was passed Law No. 33 of 2014 concerning Halal Product Guarantee until now there has been no implementing regulation to guarantee the implementation of halal products in Indonesia, even though in the socialization process there needs to be a policy of the central and regional governments in implementing the Law No. 33 of 2014 regarding Halal Product Guarantee. The regions in implementing the implementation of rules regarding guarantee of halal products through regional regulations, especially in Medan City have not been



implemented. Based on the explanation above, the title of the Analysis of the Implementation of Law No. 33 of 2014 concerning Guaranteed Halal Products on the Policies of the Regional Government of Medan City. Based on the title above, the problem was formulated how the application of Law No. 33 of 2014 concerning Guaranteed Halal Products in the Regional Government of Medan City?. Based on the formulation of the problem, the purpose of this paper is to analyze the application of Law No. 33 of 2014 concerning Guaranteed Halal Products in the Medan City Government. Research Method is normative juridical research refers to legal norms contained in the laws and regulations related to Law No. 33 of 2014 concerning Guaranteed Halal Products related to the object of research.

II. DISCUSSION

Application of Halal Product Guarantee according to Law No. 33 of 2014

The definition of halal where loose or unbound, things that can and can be done because it is free or not bound by the provisions that prohibit it. As everything that is free from danger in the world and is hereafter.

Halal is regulated in the Koran, namely QS. Al Baqarah: 168, QS. Al Maidah: 3, QS. Al Baqarah: 173, QS. Al Baqarah: 219 of these provisions explain halal and haram according to Islamic law / Islamic law. The provisions in the Koran concerning halal and haram are as follows:

QS. Al Baqarah : 168

"men and women, eat the halal things better than what is on the earth, and do not follow the steps of shaytan, the shetan is a real enemy to you."

QS. Al Maidah : 3

"Forbidden for you to eat carcasses, blood, pork, (animal meat) slaughtered in the name other than Allah, suffocated, beaten, which fell on the head, which the wild beast ravaged, except those that you killed"

QS. Al Baqarah : 173

"Verily Allah only forbids you carcasses, blood, pork, and animals slaughtered by mentioning names other than Allah."



"They ask you about khamar and gambling, say: "In both of them there is a great sin and some benefits for man, but his sin is greater than its benefits"

افِعٌ لِلنَّاسِ، وَاِثْمُهُمَا اَكْبَرُ مِنْ نَفْغِهَ

لْ فِيْهِمَا إِنَّ

The regulation of halal in Indonesia has experienced ups and downs with the formation of the MUI as an institution issuing halal certificates into products. The registration of halal certificates in Indonesia is still recommended, so it is expected that after the establishment of Law No. 33 In 2014, a Halal Product Guarantee is required. In Article 4 of Law No. 33 of 2014 concerning Guaranteed Halal Products states that: "Establish products that enter circulating and trading in the territory of Indonesia must be halal certified". It is explained that products that are required to be certified halal in the form of goods and / or services related to food, beverages, drugs, cosmetics, chemical products, biological products, genetic engineering products that are used and used or utilized by the public

Based on the theory of legal politics, legal products produced by legislators are the result of political products, because law is influenced by politics in the process of its formation. The parliamentary session in the formation of laws as a legal product is essentially a political constellation so that interests and aspirations are accommodated in the form of a political decision and become a law.¹

The law was born as a form of joint decision and was seen as a product of political constellation. Political law is a part of the study of law consisting of two scientific disciplines, namely political science and law. Political law is defined as legal policy that will or has been implemented by the government. This legal politics includes the making of law which has the essence of making and renewing legal materials so that they can be adapted to the needs, and implementation of existing legal provisions, including the enforcement of institutional functions and the guidance of law enforcement. Legal politics as a legal policy by prioritizing the study of legal politics on the development of law, namely about the need to include the role of social groups in society in terms of how the law is.

Regarding the dynamics of Islamic law politics in Indonesia, we cannot release it from the plurality of societies that make law always live and develop in accordance with the dynamics of community development, sociocultural and politics. Until now the Law No. 33 of 2014 concerning Guarantee of Halal Products is evidence of the ongoing struggle of Muslims in the realm of legal politics in Indonesia.

That all kinds of products such as food products, drugs and cosmetics are traded in Indonesia when a producer says halal, then the product must have a halal certificate. Although Law No. 3 of 2014 was just passed, but the regulation concerning halal certificates has long been in existence. The regulation is Law No. 8 of 2012 concerning Food, Law No. 23 of 1992 concerning health, Law No. 8 of 1999 concerning Consumer Protection, Government Regulation No. 69 of 1999 concerning Food Advertising, and Decree of the Minister of Religion No 518 of 2001 concerning Procedures for Inspection and Determination of Halal Food.

¹ Mohammad Daud Ali. 2005. Hukum Islam: Pengantar Ilmu Hukum dan Tata Hukum Islam di Indonesia. Jakarta: PT. Raja Grafindo Persada, hal 25.



Guaranteed halal products (JPH) can be stated as legal certainty regarding product halal proven by halal certification. Halal certificate is a certificate issued by the central and provincial Indonesian MUI (MUI) regarding the halal of a food product, beverage, medicine and cosmetics produced by the company after going through a research process and declared halal. The Halal Guarantee System is an integrated management system created and implemented by companies holding halal certificates in ensuring the sustainability of the halal production process according to the requirements of LPPOM MUI, by regulating materials, production processes, products, human resources and procedures.

In the Halal product process, it is mandatory to pay attention to the location, place and tools of the Halal Product Process, then briefly (PPH), which must be separated from the location, place and tool for slaughtering, processing, storing, distributing, and presenting non-halal Products The location, place, and PPH tool must be kept clean and hygienic, free from unclean, and free from non-halal materials, if the business actor does not place the location, place and PPH tool subject to administrative sanctions in the form of written warnings or administrative fines.

The process of law formation and implementation is also influenced by various factors, namely the state ideology system, political system, economic system, social and cultural system and the legal system itself. Similarly in the implementation processIslamic law in the realm of state legislation. Pros and cons are inevitable in society and cover various aspects. The process of guaranteeing halal product legislation is faced with various differences of opinion in the field regarding the interpretation of halal-haram fiqh. This is due to differences of opinion among the jurists who are followed by the community in understanding the concept of halal-haram.²

A legal product is closely related and influenced by sociological, juridical and philosophical aspects where the law is produced. UU no. 33 of 2014 concerning Guaranteed Halal Products is formed because it has strong sociological roots where the majority of the population of Indonesia is Muslim. But the pros and cons of Muslims themselves are inevitable because the source of Islamic law texts alone allows for different interpretations of this illegitimate law. In addition, differences in the level of public understanding of halal also color the pros and cons that occur. The substance of the Halal Product Guarantee Law still requires improvement through existing government regulations below so that it can be implemented properly. Opportunities for material testing of the Halal Product Guarantee Act remain in order to adjust the substance. The state ideology system based on the One Godhead shows the element of state religiosity which is the pillar of the national legal system so that the political struggle of Islamic law in guarantee regulations Halal Products have a solid constitutional umbrella. The values of Islamic law are very instrumental in determining the essence of the JPH Law by prioritizing the principle of al-Maqaashid as-Syariah.³

In Law No. 33 of 2014 concerning Guaranteed Halal Products Article 23 states that Business actors are entitled to obtain:

- a. Information, education, and socialization regarding the JPH system;
- b. Coaching in producing Halal Products; and
- c. Services to obtain a Halal Certificate are fast, efficient, affordable, and non-discriminatory.

² Abdul Wahhab Kallaf. 1996. Kaidah-kaidah Hukum Islam (Ilmu Ushulul Fiqh). Jakarta: PT. Raja Graffindo Persada, hal 7-8.

³ Yusuf Qardhawi, Halal Dan Haram Dalam Islam, Surakarta: Era Intermedia, 2007, hlm 36.



This confirms that every business actor has the same rights in terms of socialization, guidance and service which are the questions, whether the business actors including small and medium enterprises have obtained socialization and guidance as mentioned in the Law, so that they have the awareness to make halal certification of their products. With the understanding that the business actor has and the obedience to the JPH Law which is proven by the ownership of halal certification on the product, it answers how much the implementation of Law No.33 of 2014 on Guaranteed Halal Products, especially in Medan City.

Business Actors who submit applications for Halal Certificates must provide information correctly, clearly and honestly such as separating locations, places, and tools for slaughtering, processing, storing, packaging, distributing, selling and presenting Halal and non-Halal products, having Halal Supervisors and report changes to the composition of the Material to the BPJP. If the business actor does not carry out its obligations, it can be subject to written warning sanctions, administrative fines, and revocation of Halal Certificates

Business Actors who have obtained the Compulsory Halal Certificate to include Halal Lebel for Products that have obtained Halal Certificates, maintain halalness in Products that have obtained Halal Certificates, separate locations, places and tools for slaughter, processing, storage, packaging, distribution, sale and presentation between Halal and nonhalal Products, renewing Halal Certificates if the validity period has expired, reporting changes in ingredients composition to BPJPH. If the business actor does not carry out its obligations, it can be subject to sanctions in the form of written warnings, written warnings and administrative fines.

The way to obtain a halal certificate of business actors in writing submits to BPJPH, in its application the business actor is obliged to complete the business data document, name and type of product, after product and material used and product management process, in the case of establishing LPH it takes the longest 5 (five) working days from the date the application document is declared complete

BPJPH supervises JPH, JPH supervision is carried out on halal inspection institutions such as the validity period of halal certificates, halal products, inclusion of halal products, inclusion of non-halal products, separation of locations, place, and slaughter tool, processing storage of packaging, distribution, sale and presentation of Halal and non-halal Products, presence of Halal supervisors and other activities related to JPH. BPJPH and the Ministries or related institutions that have the authority to supervise JPH can carry out individual or joint supervision.

Business Actors who do not maintain halality of Products that have obtained Halal Certificates as business actors maintaining halal Products that have obtained Halal Certificates can be sentenced to a maximum of 5 (five) years in prison or a maximum fine of Rp. 2,000,000,000.00 (two billion rupiahs) and everyone involved in the PJH process that does not maintain the confidentiality of the formula contained in the information submitted by the Business Actor as everyone involved in the JPH process must maintain the confidentiality of the formula contained in the business actor can be sentenced to a maximum of 2 (two) years in prison or a maximum fine of Rp. 2,000,000,000.00 (two billion rupiah).

The Regional Government Policy of the Medan City Government in implementing the Appropriateness of Guaranteed Halal Products

Permit for the inclusion of halal labels on food product packaging issued by the POM is based on MUI recommendations in the form of halal certification of MI. The halal



certificate of the MUI is issued by the MUI based on the results of the examination by LPPOM-MUI.

However, since the issuance of Law No. 33 of 2014 concerning Guaranteed Halal Products there will be differences between institutions that issue halal certificates and halal labels. Based on Article Article 6 of Law No. 33 of 2014 concerning Guaranteed Halal Products, it is stated that the Halal Product Guarantee Agency is the party authorized to issue halal certificates and halal labels. However, the role of the MUI in terms of recommending certificates and halal labels still exists and still plays a role. The procedure for obtaining a halal certificate listed in Article 29 paragraph 1 and 2 of Act Number 33 of 2014 concerning Guaranteed Halal Products, stated that the application for halal certificate is submitted by the business actor in writing to BPJPH.

Applications for Halal Certificates must be completed with documents: 1. Business Actors data; 2. name and type of product; 3. list of Products and Materials used; and 4. Product processing. In paragraph 3, it is also stated that further provisions regarding the procedure for submitting a halal certificate application are regulated in a Ministerial Regulation. However, at this time, the Ministerial Regulation related to the application for halal certificates has not been issued. In the Explanation of Law Number 33 Year 2014 concerning Guaranteed Halal Products in points 4 and 5, it is stated that: 48 1. The procedure for obtaining Halal Certificates begins with the submission of applications for Halal Certificates by Business Actors to BPJPH.

Furthermore, BPJPH checks the completeness of documents. Product halal examination and / or testing is carried out by LPH. The LPH must obtain accreditation from BPJH in collaboration with MUI. Determination of product halal is carried out by the MUI through the MUI halal fatwa session in the form of a decision on the establishment of Halal Products signed by MUI. BPJPH issues Halal Certificates based on the decision on Halal Product Determination from the MUI. 2. The cost of halal certification is borne by Business Actors who submit applications for Halal Certificates. In order to facilitate the implementation of JPH, this Law provides roles for other parties such as the Government through the state budget for income and expenditure, regional governments through regional income and expenditure budgets, companies, social institutions, religious institutions, associations, and communities to facilitate certification costs halal for micro and small businesses.

Furthermore, in Article 30 of Law Number 33 Year 2014 concerning Guaranteed Halal Products, it is also stated that BPJPH stipulates LPH to carry out inspection and / or testing of halal products. Determination of LPH as intended in a maximum period of 5 (five) working days as of the application document as referred to in Article 29 paragraph (2) is declared complete. Inspection and / or testing of product halalness as referred to in Article 30 above is carried out by Halal Auditors. Product inspection is carried out at the business location during the production process. In the case of product inspection as referred to in paragraph (1) there is material that is doubtful in its halalness, testing can be carried out in the laboratory. In the implementation of inspection at the business location, the business actor must provide information to the Halal Auditor. LPH submits the results of inspection and / or testing of product halalness to BPJPH.

BPJPH delivers the results of inspection and / or product halal testing to the MUI to obtain product halal determination. Determination of product halalness as referred to in paragraph (1) shall be carried out in the Halal Fatwa Session. The MUI Halal Fatwa Session as referred to in paragraph (2) includes experts, elements of ministries / institutions, and / or relevant agencies. The Halal Fatwa Session as referred to in paragraph (3) decides the



halalness of the Product no later than 30 (thirty) working days after the MUI accepts the results of inspection and / or product testing from BPJPH. Decision After testing and inspection, then the next is the determination of product halalness. In this case, the MUI is still an institution that has the authority to determine the halal product in question, this is also in accordance with Article 33 paragraph 1 of Law Number 33 of 2014 concerning Guaranteed Halal Products which states that the determination of halal products is carried out by MUI. Law Number 33 Year 2014 concerning Halal Product Guarantee Article 31.⁴

Law Number 33 of 2014 concerning Halal Product Guarantee Article 32. 50 Determination of Halal Products signed by MUI. Decision on the Establishment of Halal Products submitted to BPJPH to become the basis for issuing halal certificates. Halal Fatwa Session which is intended to establish halal on products that are requested by business actors, BPJPH will issue halal certificates. Then in the event that the Halal Fatwa Session states that the product is not halal, BPJPH returns the halal certificate application to the business actor accompanied by the reason that the halal certificate is issued by BPJPH no later than 7 (seven) working days from the product halal decision received from MUI. Issuance of halal certificates as referred to in Article 35 must be published by BPJPH.⁵

Based on several articles contained in Law No. 33 of 2014 concerning Guaranteed Halal Products above, it is not much different from the process used by LPPOM-MUI in issuing halal certificates before the presence of the BPJPH. The procedure used by LLPOM-MUI in issuing certificates Halal is as follows: 1. Every producer that submits a halal certificate for their products, first is required to fill in the form provided by LPPOM-MUI.⁶

There are three types of forms used in this submission, each for processed food and beverages, restaurant businesses and cut animals. Law Number 33 of 2014 concerning Halal Product Guarantee Article 33 paragraph 2- 6. Law Number 33 of 2014 concerning Guaranteed Halal Products Article 34-36. The certification letter submitted to LPPOM-MUI must be accompanied by a quality system including quality guidelines and implementation procedures that have been prepared by the previous manufacturer. 3. When submitting halal certification, producers must sign a statement about their willingness to accept the audit team from LPPOM-MUI and provide examples of products including raw materials, auxiliary materials and additional products to be examined by LPPO-MUI. 4. All documents that can be used as collateral for the original halal while the copy is submitted to LPPOM-MUI. 5. A letter of submission of a halal certificate and a form that has been filled in carefully with all attachments returned to LPPOM-MUI. 6. LPPOM-MUI will examine all documents attached together with the letter of submission of halal certificate. If it is incomplete, LPPOM-MUI will return the entire filing file to be completed by the proposer manufacturer. 7. Inspection of the audit at the manufacturer's location will be carried out by LPPOM-MUI as soon as the letter of application for halal certification along with its attachments are deemed to have fulfilled the requirements. 8. After the audit results are evaluated and meet the halal requirements, the producers concerned will then be processed for halal certification. 9. If there is a change in the use of raw materials, auxiliary materials or additional materials in the production process, producers are required to immediately report to LPPOM-MUI to obtain "irregularities to use it".

⁴ Yusuf Qardawi. 2003. Halal Haram dalam Islam. Jakarta: Intermediahal. 25

⁵ Mohammad Daud Ali. 2005. *Hukum Islam: Pengantar Ilmu Hukum dan Tata Hukum Islam di Indonesia*. Jakarta: PT. Raja Grafindo Persada.

⁶ LPPOM – MUI. 2008. Panduan Umum Sistem Jaminan Halal. Jakarta: LPPOM MUI.



After the business actor has obtained halal certification, in this case the business actor must have a halal label. Halal label is intended to inform the general public that the products owned by the business actor are halal. Therefore this halal label is also an obligation that must be owned when the business actor has obtained a halal certificate. In Article 1 number 11 states that halal labels are a sign of halalness of a product. Halal label The form is set nationally by BPJPH, this is in accordance with Article 37 of Law Number 33 Year 2014 concerning Guaranteed Halal Products. The term of the halal label is stated in a product as long as the business actor has a halal certificate.

The readiness of the Halal Product Guarantee Agency which will be formed in 2019 requires implementing rules both at the central and regional governments as a process in implementing regulations of Law No. 33 of 2014 concerning Halal Product Guarantees in Government Regulations and Presidential Regulations. executor of the implementation of Law No. 33 of 2014.

After the establishment of the rules of the central government in this case the regional government was able to implement the provisions of Law No. 33 of 2014 concerning Guaranteed Halal Products. In the Regional Regulation policy and regional implementing regulations in the form of a Mayor Regulation or Regents of the Regent in terms of guaranteeing every halal product marketed in the community. Sehingg it is necessary to disseminate the halal standards from the Central Government, MUI, the North Sumatra Provincial Government and the Medan City Government to their rights, employers are aware of their obligations under Law No. 33 of 2014 and guarantee of halal products with the aim of knowing Halal standards according to Law No. 33 of 2014. The philosophy of the establishment of the Halal Product Guarantee Act is honesty of entrepreneurs in producing halal products. Halal certificates are not required for entrepreneurs who produce halal goods.

The central government must immediately form rules for implementing laws to provide certainty, comfort regarding halal. And the government is asked to settle the rules for implementing laws for at least 2 years. And from the university must be able to urge the government. The central government must make implementing regulations for soup for the application of halal product guarantees. The campus environment urges the government to create a technical level. The government provides stages for the types of products that must be made halal certificates so that the producers prepare to meet the requirements of halal products, the costs for halal certification must be formulated by the government transparency of the budget funds in the process guarantee of halal products. Affirming what services are products, the regulatory body as PPNS to supervise halal products that will report the police.

The Central Government immediately formed a halal organizing body. Because if there is no institution that supervises halal, there will be no one who can be a referee / supervise halal products in Indonesia and also to avoid fake halal-labeled food products. The process of improving the system for implementing halal products so that halal inspection institutions may take the form of state legal entities, mass organizations, universities. Auditors can get professional certification from MUI according to standards. The Regional Government of Medan City must play an active role in realizing halal by establishing regional regulations governing the implementation of halal guarantees in the city of Medan in order to realize the guarantee of halal products in the city of Medan. The governments of North Sumatra and Medan can form a halal area. Overseas such as Malaysia and the United Kingdom have already established halal areas. Establish a trade area for example tourism or halal destination areas. The goal is to form halal as a life style so that it does not create a burden. The Government of North Sumatra and the City of Medan provide a special budget in the APBD to finance halal certification.



So the role of the role of UNPAB is needed as a Halal center in collaboration with MUI to conduct education and training for the Malang superintendent aimed at internal audit in the company. Panca Budi Development University can become Halal Zone for the canteen, conduct socialization and development of the halal guarantee side to the people of North Sumatra.

III. CONCLUSION AND RECOMENDATION

A. Conclusion

1. That the Central Government and Regional Government do not have implementing rules in accordance with the provisions of Law No. 33 of 2014 concerning Guaranteed Halal Products. Both in Government Regulations and Regional Government Regulations to guarantee the existence of BPJPH and the guarantee of halal products marketed in the community.

B. Suggestions

1. The government must immediately establish implementing regulations because the public cannot wait that each product must be guaranteed halal so that it complies with the provisions of Islamic Shari'a, so that the central and regional governments need to participate in guaranteeing every halal product marketed in Indonesia.

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B. Regulations

Alqur'an

Act No. 33 Year 2014 about Guaranteed Halal Products