

---

# COMPARISON OF HALAL PRODUCT ASSURANCE PRINCIPLES ACCORDING TO LAW NO. 33 OF THE YEAR 2014 CONCERNING HALAL PRODUCT GUARANTEE WITH REGULATION OF THE MINISTER OF RELIGION NO. 26 OF THE YEAR 2019 CONCERNING IMPLEMENTATION OF HALAL PRODUCT ASSURANCE

Mega Silvia<sup>1\*</sup>, Hasan Bisri<sup>2</sup>, Ayi Yunus<sup>3</sup>

<sup>1,2,3</sup>UIN Sunan Gunung Djati Bandung

Email: [megasilvia9f@gmail.com](mailto:megasilvia9f@gmail.com)

## Abstract

This article compares the concepts of halal product guarantees outlined in Law No. 33 of the year 2014 on Halal Product Guarantees and Minister of Religious Affairs Regulation No. 26 of 2019 on the Implementation of Halal Product Guarantees. Halal certification is a need for all consumers, particularly Muslim consumers. State attention must therefore be paid to the assurance of halal-compliant products. This study's research method is a normative legal research method, also known as the astute approach, which examines all laws and regulations pertaining to current legal situations. The enactment of Law No. 33 of the year 2014 Concerning Halal Product Guarantee (UUJPH) and Minister of Religious Affairs Regulation No. 26 of the year 2019 Concerning the Implementation of Halal Product Guarantees provides protection and guarantees to consumers by providing halal certification and legal certainty for all goods produced.

**Keywords:** *Guarantee, Comparison, Halal Products.*

## A. INTRODUCTION

The halal status of a product is a prerequisite for all consumers, particularly Muslim consumers. Whether it be food, medicine, or other consumer items (Amin, 2010; Dahlan, 2005). As the number of Muslim customers in Indonesia surpasses 204,8 million, the Indonesian market becomes a consumer market automatically. In order to attract the attention of the Republic of Indonesia, the guarantee of halal products is a crucial factor. As stated in the Preamble to the Republic of Indonesia's 1945 Constitution, the State is obligated to safeguard the entire nation of Indonesia and to ensure the public welfare.

The Government of the Republic of Indonesia has responded positively to halal problems, particularly those pertaining to food, medicine, and cosmetics, by passing many laws and regulations (Warto & Samsuri, 2020). However, because these restrictions are incomplete, inconsistent, seem to overlap, and are not systemic, they cannot be employed as a solid legal umbrella and cannot tie the problem of halalness to producers (commercial actors) and provide consumer protections (Djamil, 2013). This is why there is no assurance of legal certainty governing halal products, despite the requirement and urgency of halal product guarantees, particularly in terms of consumer protection and the global trade scene (Hasan, 2014).

The implementation of Law Number 33 of 2014 Concerning Guaranteed Halal Products (Hereinafter referred to as UUJPH) and Regulation of the Minister of Religion Number 26 of 2019 Concerning the Implementation of Halal Product Assurance, in fact, further emphasizes the urgency of the halal-haram issue in the production chain from business actors to the hands of consumers and consumed by consumers, where there is also the role of intermediaries such as distributors, sub-distributors, and wholesalers. in the

possession of the last consumer (Fathoni, 2020). The purpose of UUJPH is to provide legal certainty for food items and other consumer goods to the community as a whole (Azizah, 2017). As for business actors, the presence of UUJPH provides direction on how to process, produce, market, and distribute products to the consumer community, as well as how to tell customers about halal products.

UUJPH is not meant to give consumer protection and assurances alone through halal certification. UUJPH will have a favorable impact on the business world as a result of the law's positive effects on producers, especially the provision of legal certainty for all created goods. In addition, the Minister of Religion Regulation No. 26 of 2019 on the Execution of Halal Product Guarantees increases the implementation of halal product guarantees.

Halal product assurances for each product can also be advantageous for businesses, as halal-certified products will be liked and chosen by consumers, hence increasing sales (Tarigan et al., 2020; Wahyuni, 2017). This is desired not only by Muslims but also by non-Muslim groups, as non-Muslims consider halal items to be of superior quality and beneficial to human health. The authors wish to compare the principles of insuring halal products in accordance with Law No. 33 of 2014 on Guaranteed Halal Products and Minister of Religion Regulation No. 26 of 2019 on the Implementation of Halal Product Assurance.

## **B. METHOD**

This article was written using the normative legal research method, often known as the so-called statutory approach, which involves reviewing all laws and regulations pertinent to the legal issues at hand. In this study, among other topics, the Act and its implementing regulations will be examined.

This study relies on both primary and secondary legal sources for its legal information. The primary legal documents are (1) Law Number 33 of 2014 regarding Halal Product Guarantee, (2) Government Regulation Number 31 of 2019 regarding Implementing Regulations of Law Number 33 of 2014 regarding Halal Product Guarantee, and (3) Regulation of the Minister of Religion Number 26 of 2019 regarding Halal Product Guarantee Implementation. While the secondary legal materials consist of doctrines, legal literature, journals, papers, and various other reading materials pertinent to the research concerns, the primary legal materials consist of case law, statutes, and regulations.

## **C. RESULT AND DISCUSSION**

### **1. Halal Product Guarantee**

The Arabic origin of the word halal is to liberate, not to be bound, or to be permitted. Etymologically, halal refers to items that are lawful and legal since they are unrestricted or unbound by regulations that forbid them. According to the Wikipedia, Islamic law is defined as everything that exempts a person from punishment or anything that can be done in accordance with sharia.

In the Ministry of Religion's technical guideline for halal production system guidelines, food is defined as items intended for human consumption, as well as materials utilized in the manufacturing of food and beverages. In the meanwhile, halal is permitted according to Islamic principles. Thus, it can be inferred that halal food and drink are good food and drink that are permissible to consume in accordance with Islamic teachings, meaning what is commanded in the Quran and hadith.

The fundamental concept established by Islam is that everything initially created by Allah is lawful and allowed, and nothing is forbidden, unless there are authentic scriptures and sharih (clear interpretations) that prohibit something. Generally speaking, all foods and beverages originating from plants, vegetables, fruits, and animals are halal, with the exception of those that are toxic and harm human life. The scholars agree that all food and

drinks that are stipulated in the Qur'an are haram to eat them, both a lot and a little. The legal basis for halal food and drink is contained in Q.S Al-Baqarah verse 186:

يَا أَيُّهَا النَّاسُ كُلُوا مِمَّا فِي الْأَرْضِ حَلَالًا طَيِّبًا وَلَا تَتَّبِعُوا خُطُوَاتِ الشَّيْطَانِ إِنَّهُ لَكُمْ عَدُوٌّ مُبِينٌ

It means:

*“O people! Eat of (food) that is lawful and good that is found on earth, and do not follow the steps of the devil. Really, the devil is a real enemy for you”*

Halal product guarantee (hence referred to as JPH) is the legal certainty that a product is halal, as proven by a halal certificate. A halal certificate is an acknowledgment of the halal status of a product provided by the halal product assurance agency (BPJPH) in accordance with a written halal fatwa issued by the Indonesian Ulema Council (Adinugraha et al., 2019).

The term guarantee comes from the word, "guarantee" which means "responsibility" so that the guarantee can be interpreted as a dependent. Seeing from various meanings, the meaning of halal product guarantee is to provide a guarantee or liability for the halalness of a product, not only the product but also the process, manufacture, and place of processing to ensure halal.

## **2. Halal Product Guarantee Principles According to Law Number 33 of 2014 concerning Halal Product Guarantee**

The philosophy of halalan thayyiban (halal and excellent) must be efficiently and operationally communicated to the people alongside suitable infrastructure and services. The establishment of an established, central, humanist, progressive, accommodative, and nondiscriminatory legal system, specifically Law no. 33 of 2004 concerning the Guarantee of Halal Products, is one of the most essential means of regulating the halalan thayyib doctrine. In Article 3 of Law No. 33 of 2014 pertaining to Halal Product Assurance, the aims of adopting halal product assurances are outlined as follows: 1) Providing the public with the comfort, security, safety, and assurance of the availability of Halal Products for consumption and use; and 2) Increasing the added value for business actors to create and sell Halal Products.

In addition, various factors contribute to the significance of UUJPH, including: 1) Existing rules and regulations controlling or relating to halal products do not give legal certainty and legal guarantees for consumers to be able to eat halal products, making it difficult for people to differentiate between halal and haram items. In addition, product control is still extremely restricted to food and does not encompass pharmaceuticals, cosmetics, biological chemical products, or genetic engineering; 2) There is no legal certainty regarding which organizations are obviously involved in the guarantee of halal products. The existing system does not provide certainty of authority, duties, and functions in relation to JPH implementation, including coordination; 3) Circulation and products on the domestic market are becoming increasingly difficult to control due to advances in food technology, technological engineering, biotechnology, and biological chemistry; 4) Indonesian halal products do not yet have official halal standards and marks (national halal standards) established by the government.

UUJPH is the formalization and permeation of Islamic law into and throughout national law through the legislative process. The UUJPH, on the other hand, is the legal canopy (umbrella act) for the regulation of halal products. The Halal Product Guarantee (JPH) in this law includes a variety of factors, including not only medications, food, and cosmetics, but also chemical items, biological products, genetically altered products, as well as consumer goods. Public.

The rule also addresses the halal status of products from upstream to downstream. The Halal Product Process (abbreviated as PPH) is a series of activities to ensure the halal status of a product, including the provision of raw materials, processing, storage, packaging, distribution, sales, and product presentation (Rahayuningsih & Ghozali, 2021). It strives to give the public with comfort, security, safety, and assurance regarding the availability of halal products for consumption and use, as well as increase the added value of producing and selling halal products for business actors.

The certification process then translates the technical guarantee of halal products. Previously, halal certification was optional, while UUIPH certification was required. Therefore, all products entering, circulating, and being traded on Indonesian soil must be halal-certified (Fathimah & Zailia, 2017). This is the primary distinction between the prior legislation's products and the new ones. Eventually, as the person in charge of the halal guarantee system, the Minister of Religion will organize the government by establishing the JPH Organizing Agency (BPJPH), which will report to the Minister of Religion.

The BPJPH authority are as follows: a) formulate and stipulate JPH policies; b) establish JPH norms, standards, procedures, and criteria; c) issue and revoke Halal Certificates and Halal Labels on Products; d) registering Halal Certificates on foreign Products; e) promoting, educating, and publishing Halal Products; f) accrediting LPH (halal guarantee institution); g) registering Halal Auditors; h) supervise JPH; I conducting training for.

### **3. Principles of Guaranteed Halal Products According to the Minister of Religion Regulation No. 26 of the Year 2019 concerning the Implementation of Halal Product Guarantee**

According to Article 1 number 3, halal items are those that have been proclaimed halal in accordance with Islamic law. To declare a product as halal, it must undergo a halal product process. Based on Article 1 point 3, the halal product process, referred to as PPH in the following, is a sequence of operations to guarantee the halalness of the product, including the supply of raw materials, processing, storage, packaging, distribution, sale, and presentation of the product. A halal certificate verifies a product's halal certification (Article 1 point 10). After the implementation of UUIPH, the government under the Ministry of Religion established the Halal Product Guarantee Agency (BPJPH) to manage halal product guarantees. Article 27 stipulates that goods and/or services must possess a halal certification. Article 27's definition of goods includes food, beverages, pharmaceuticals, cosmetic chemical items, biological products, genetically altered products, and used or consumed things. While business services relating to slaughter, processing, storage, packing, distribution, sales, and display fall under the definition of services, A product's halal certification requirement is fulfilled in phases. Halal certification phases based on Article 31, beginning with food and beverage goods and continuing with non-food products.

In accordance with article 7 UUIPH, the Halal Product Assurance Agency/ BPJPH has the authority to collaborate with (a) the Ministry and/or relevant institutions, (b) the Halal Inspection Agency, and (c) the Indonesian Ulema Council when implementing halal product assurances. This conforms to the intent of Article 4 paragraph 4 of PP 31/2019. The form of cooperation between BPJPH and associated ministries must be consistent with each ministry's responsibilities and tasks. If referring to Article 5 paragraph (2) of PP 31/2019, at least six ministries can support the implementation of halal product guarantees in Indonesia, including the ministries of industry, trade, health, agriculture, cooperatives and small and medium enterprises, and international affairs. The article also does not rule out the possibility for other ministries to become JPH organizers. All forms of ministerial cooperation in carrying out government affairs are described in articles 6 to 12 of PP 31/2019.

The provisions regarding the procedures for cooperation as referred to in PP 31/2019 are stated in detail in the Minister of Religion Regulation No. 26/2019 Concerning the Implementation of JPH starting from article 4 paragraph (2), article 6 to article 12. One of the forms of cooperation or coordination between BPJPH and the ministry of industry is in the scope of regulation, guidance and supervision of industry to produce halal products, establishment of an area halal industry, as a provider of halal facilities for small and medium industries. Or the form of cooperation between BPJPH and the ministry of health, for example in terms of determining production methods and distribution methods for drugs, including vaccines, traditional medicines, cosmetics, medical devices, household health supplies, food and beverages.

In articles 6 to 12 of PMA, especially paragraph (2) of the Regulation of the Minister of Religion No. 26 of 2019 there is a provision which reads “Formulation and determination of cooperation policies with the scope as referred to in paragraph (1) in coordination with BPJPH.” The coordination between BPJPH and the ministry is intended to ensure synergies between the two, and there is no overlap of authority between ministries and institutions related to BPJPH in relation to the implementation of halal product guarantees.

#### **D. CONCLUSION**

Law Number 33 of the year 2014 Concerning Halal Product Guarantee (UUJPH) and Minister of Religion Regulation Number 26 of the year 2019 Concerning the Implementation of Halal Product Guarantees underline the importance of halal-haram concerns in the production chain, from corporate players to consumers. The purpose of laws and regulations on halal product guarantees is not only to provide protection and guarantees to consumers, but also to guide producers on how to process, produce, market, and distribute products to the consumer community, as well as how to provide information on halal products to consumers.

In accordance with the mission of the UUJPH, the Minister of Religion, as the person in charge of the halal assurance system, organizes the government by forming the JPH Organizing Body (BPJPH), which is subordinate to and accountable to the Minister of Religion. With the formulation of implementing regulations by UUJPH and the establishment of BPJPH as the guardian of halal products in Indonesia, the procedure must be expedited so that UUJPH can safeguard Indonesian consumers efficiently.

#### **REFERENCES**

- Adinugraha, H. H., Sartika, M., & Ulama'i, A. H. A. A. (2019). Halal Lifestyle di Indonesia. *An-Nisbah: Jurnal Ekonomi Syariah*, 5(2), 57-81.
- Amin, M. (2010). *Fatwa Produk Halal Melindungi dan Menentramkan*. Jakarta: Pustaka Jurnal Halal.
- Azizah, M. (2017). Instrumen Labelisasi dan Sertifikasi Halal sebagai Perlindungan Hukum terhadap Konsumen Muslim dalam Wacana hukum Ekonomi Islam di Indonesia. *Al-'Adl*, 10(2), 138-153.
- Bagian Proyek Sarana dan Prasarana Produk Halal Direktorat Bimbingan Masyarakat Islam dan Penyelenggara Haji. (2003). *Petunjuk Teknis Sistem Produksi Halal*. Jakarta: Departemen Agama RI.
- Dahlan, A. A. (1996). *Ensiklopedi Hukum Islam*. Jakarta: Ikhtiar Baru Van Hoeve.
- Djamil, F. (2013). *Hukum Ekonomi Islam: Sejarah, Teori dan Konsep*. Jakarta: Sinar Grafika.
- Fathimah, E., & Zailia, S. (2017). Jaminan Produk Halal bagi Perlindungan Konsumen Telaah RUUJPH (Rancangan Undang-Undang Jaminan Produk Halal) Dalam Perspektif Hukum Ekonomi Islam. *Jurnal Muamalah*, 3(1), 73-86.
- Fathoni, M. A. (2020). Potret Industri Halal Indonesia: Peluang dan Tantangan. *Jurnal Ilmiah Ekonomi Islam*, 6(3), 428-435.

- Hasan, S. (2014). *Sertifikasi Halal dalam Hukum Positif, Regulasi dan Implementasinya di Indonesia*. Yogyakarta: Aswaja Pressindo.
- Janzuni. (2005). *Legislasi Hukum Islam di Indonesia*. Bandung: Citra Aditya Bhakti.
- Marzuki, P. M. (2001). *Penelitian Hukum*. Jakarta: Yuridika.
- Peraturan Menteri Agama Nomor 26 Tahun 2019 tentang Penyelenggaraan Jaminan Produk Halal
- Peraturan Pemerintah Nomor 31 Tahun 2019 tentang Peraturan Pelaksana Undang-Undang Nomor 33 Tahun 2014 tentang Jaminan Produk Halal
- Rahayuningsih, E., & Ghozali, M. L. (2021). Sertifikasi Produk Halal dalam Perspektif Mashlahah Mursalah. *Jurnal Ilmiah Ekonomi Islam*, 7(1), 135-145.
- Tarigan, A. A., Isnaini, I., Tuahman, T., & Nasution, I. K. (2020). Perlindungan Hukum terhadap Masyarakat Muslim Kota Medan tentang Produk Makanan Halal (Studi Proses Sertifikasi Halal Oleh Majelis Ulama Indonesia Kota Medan). *Journal of Education, Humaniora and Social Sciences (JEHSS)*, 2(3), 619-632.
- Undang-Undang Nomor 33 Tahun 2014 tentang Jaminan Produk Halal
- Wahyuni, I. N. (2017, April). Pengembangan Modul Edukasi Literasi Keuangan Islam dan Produk Halal Dengan “ADDIE”. In *Prosiding Seminar Pendidikan Ekonomi dan Bisnis* (Vol. 3, No. 1).
- Warto, W., & Samsuri, S. (2020). Sertifikasi Halal dan Implikasinya Bagi Bisnis Produk Halal di Indonesia. *Al Maal: Journal of Islamic Economics and Banking*, 2(1), 98-112.