

# Legal Responsibility Of Business Actors In Guaranteeing Halal Products

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## Abstract

*This paper examines the legal obligations of businesses in Indonesia concerning halal product assurance, as mandated by Law Number 33 of 2014. It explores the significance of halal certification in protecting consumers, fostering economic growth, and upholding market integrity. The discussion covers legal requirements for businesses, potential sanctions for non-compliance, and the role of certification in building consumer trust and ensuring adherence to halal standards. The paper emphasizes the importance of halal certification for businesses within the halal industry and highlights the legal framework that safeguards consumer rights to genuine halal products. Additionally, it explores the role of government initiatives in developing the domestic halal food industry and maintaining strict halal standards. Overall, the paper underscores the multifaceted benefits of halal certification for businesses, consumers, and the Indonesian economy as a whole.*

**Keywords:** Halal Certification; Consumer Protection; Economic Growth; Legal Obligations and Market Integrity.

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## I. INTRODUCTION

The legal responsibility of business actors in ensuring halal products under Law Number 33 of 2014 on Halal Product Assurance (UU JPH) in Indonesia is a crucial aspect that intertwines consumer protection, religious observance, and economic activities. This law, which focuses on halal product certification, places a significant burden on businesses to comply with halal standards to cater to the large Muslim population in Indonesia. The need for halal products is emphasized by the fact that Indonesia has a Muslim majority population, making the demand for halal goods substantial. The certification process is not only about meeting religious requirements but also about consumer protection, as it ensures that products adhere to specific standards. The implementation of the Halal Product Assurance Law involves various stakeholders, including the government, certification bodies, and businesses (Faridah, 2019). The law places the responsibility on businesses, especially small and medium enterprises (UMKM), to ensure that their products are halal certified. This responsibility includes understanding the certification process, applying for halal certification, and maintaining compliance with halal standards (Nur & Istikomah, 2021). The certification process is essential for expanding market share, as it instills confidence in Muslim consumers and prevents fraud, aligning with Islamic legal principles (Hasibuan, 2023). One of the challenges in ensuring compliance with halal standards lies in the awareness and readiness of businesses, particularly UMKM, to undergo the certification process (Tarigan et al., 2020).

Many businesses, especially micro, small, and medium enterprises, may lack awareness of the importance of halal certification or face obstacles in obtaining the certification due to various external factors. This highlights the need for educational programs and support systems to assist businesses in navigating the halal certification process (Sadewa Aziz Diamonda & Purnasari, 2022; Tarigan et al., 2020). The Halal Product Assurance Law not only serves as a religious requirement but also contributes to economic growth. The halal industry presents opportunities for economic development, but it also poses challenges related to government regulations, resource availability, and community expectations. Therefore, the law plays a dual role in promoting religious observance and stimulating economic activities within the halal industry (Utari et al., 2022). In the context of consumer protection, halal certification serves as a mechanism to safeguard Muslim consumers from non-halal products. The law aims to protect Muslim consumers from the circulation of non-halal goods, ensuring that they have access to products that align with their religious beliefs. This legal protection extends to various sectors, including food and beverage products, where halal certification is crucial (Angriyani, 2020). The responsibility of businesses in ensuring halal products goes beyond religious compliance; it also encompasses legal obligations to protect consumers. By

obtaining halal certification for their products, businesses not only fulfill religious requirements but also adhere to consumer protection laws, ensuring that consumers receive accurate information about the halal status of products.

This legal protection is essential in upholding consumer rights and promoting transparency in the marketplace (Baihaki et al., 2022). Moreover, the Halal Product Assurance Law plays a vital role in promoting fair competition and protecting consumers from deceptive practices. The certification of halal products helps prevent unfair competition by ensuring that businesses compete on a level playing field, where product quality and compliance with halal standards are key factors. This legal framework contributes to maintaining market integrity and consumer trust in halal products (Prasetia et al., 2020). Research problem; what are the legal obligations for business actors in the implementation of halal product guarantees; and what legal sanctions can be imposed on business actors if they do not provide halal product guarantees. This article reviews the legal obligations for business actors in the implementation of halal product guarantees, as well as the legal sanctions that can be imposed if these obligations are not fulfilled. The aim is to provide information to business actors, increase their awareness of the importance of halal product guarantees, and help consumers gain certainty about the halalness of the products they consume. The research method used is normative law, by examining and analyzing various laws and regulations related to halal product guarantees, as well as other legal literature.

## II. METHODS

This research uses a normative juridical method with a statute approach to thoroughly explore the obligations and legal sanctions for business actors in guaranteeing halal products. This approach was chosen with the consideration that halal product guarantees in Indonesia are comprehensively regulated in various laws and regulations. Research data is collected from primary legal sources, such as (Muhaimin, 2020):

1. Law Number 33 of 2014 concerning Halal Product Guarantee (JPH Law), which is the main legal basis related to halal product guarantees in Indonesia;
2. Consumer Protection Law Number 8 of 1999 (UUPK), which regulates consumer rights and obligations, including the right to correct and clear information regarding product halalness;
3. Other legal documents, such as government regulations, ministerial regulations, and fatwas of the Indonesian Ulema Council (MUI), which are related to halal product guarantees.

Data analysis is carried out qualitatively by examining and understanding in depth the contents of relevant laws and regulations (Ali, 2021). It aims to provide a comprehensive and accurate interpretation of the obligations and legal sanctions related to halal product guarantees. This normative juridical approach and qualitative analysis are expected to provide a clear and comprehensive picture of the legal responsibilities of business actors in guaranteeing halal products, as well as increasing the understanding and compliance of business actors with applicable laws and regulations. It is also hoped that this research can contribute to the development of laws and policies related to halal product guarantees in Indonesia, as well as protect consumer rights to safe and guaranteed halal products.

## III. RESULT AND DISCUSSION

### Result

The legal responsibility of business actors in guaranteeing halal products, it is essential to delve into the legal framework surrounding this obligation. The methodology employed in this research involves a juridical-normative approach utilizing statutory regulations (Wicaksono et al., 2020). By analyzing primary legal sources such as Law Number 33 of 2014 and other legal documents, a qualitative analysis is conducted to gain a profound understanding of the obligations and legal sanctions related to halal product assurance. The responsibility of all levels of government in addressing these issues is crucial to ensure the proper formation of regional regulations in accordance with national laws and the needs of the local community (Cerdas et al., 2022). This underscores the importance of harmonization in the process of forming regional regulations in Indonesia to align with overarching legal frameworks. Moreover, the delineation of authority concerning micro-enterprises in various regions, as exemplified in the case of the Maluku Province,

highlights the necessity for a clear allocation of responsibilities between provincial and local governments (Hetharie & Tulia, 2021).

This underscores the importance of delineating responsibilities accurately to ensure effective governance and compliance with legal mandates. In the context of legal studies, the establishment of platforms like the Criminal Law Study Institute (LSHP) plays a pivotal role in enhancing public engagement and participation in legal matters, thereby contributing to the dissemination and enforcement of statutory regulations (Rizal et al., 2021). Such initiatives are instrumental in fostering public involvement and feedback mechanisms in legal processes. Furthermore, the involvement of regional designers in the formulation of regulations, as observed in the case of the Aceh province, emphasizes the significance of local regulations in governing community life and administration at the regional level (Isa et al., 2020). This localized approach ensures that regulations are tailored to address specific regional needs and circumstances.

## **Discussion**

### **Legal Obligations of Business Actors in the Implementation of Halal Product Guarantee**

Law Number 33 of 2014 concerning Halal Product Guarantee stipulates a series of obligations that must be obeyed by business actors to ensure the halalness of the products produced. One of the main obligations stipulated in this law is to apply for halal certification to BPJPH (Halal Product Guarantee Agency) (Anismar et al., 2022). This certification process involves examination and verification by the Halal Examining Agency (LPH) based on a fatwa from the Indonesian Ulema Council (MUI). Article 4 of Law No. 33 of 2014 emphasizes that products circulating and traded in the territory of Indonesia must be halal certified. This shows the importance of the halal certification process as a first step in ensuring the halalness of the products produced. In addition, the law also emphasizes the importance of providing clear, correct, and honest information about the halalness of products to consumers (Ramadhani et al., 2021). The information provided must include a valid halal label on the product packaging. Article 25 of Law No. 33 of 2014 emphasizes that business actors who have obtained a halal certificate are required to include a halal label on products that have received a halal certificate. Thus, transparency of information related to product halalness is key in fulfilling the obligations stipulated in the law.

Articles 21 and 24 of Law No. 33/2014 regulate that the halal product process includes all stages of production which must be carried out in accordance with the principles of Islamic law. This shows the importance of maintaining purity and halalness in every step of production to ensure that the products produced meet the established halal standards. Maintenance of halal certification is also one of the obligations that must be carried out by business actors periodically in accordance with applicable regulations (Saifuddin & Mukarromah, 2021). Any changes in the composition of ingredients or production processes that may affect the halal status of the product must be reported to BPJPH for re-evaluation. Article 25 of Law No. 33 of 2014 states that business actors are required to renew the halal certificate if there is a change in the composition of ingredients and / or halal product processes. Thus, periodic maintenance and renewal of halal certification is an important step in maintaining compliance with product halal requirements. In this context, it is important to understand that Law Number 33 of 2014 concerning Halal Product Guarantee provides a strong legal basis for business actors to ensure the halalness of the products produced. With this regulation, it is expected that every step of production and information conveyed to consumers can meet the established halal standards. This not only has an impact on compliance with the principles of Islamic law but also on consumer confidence in the products consumed. Therefore, the fulfillment of the obligations stipulated in Law Number 33 of 2014 is very important for every business actor engaged in the food and beverage industry.

Law Number 33 of 2014 concerning Halal Product Guarantee stipulates various obligations for business actors in ensuring product halalness. These obligations cover several important aspects:

1. Halal Certification Application: Every business actor is required to submit an application for halal certification to BPJPH (Halal Product Guarantee Agency). This certification process involves examination and verification by the Halal Examining Agency (LPH) based on a fatwa from the Indonesian Ulema Council (MUI). Article 4 of Law No. 33 of 2014 states that “products circulating and traded in the territory of Indonesia must be halal certified”;

2. **Provision of Clear Information:** Business actors must provide clear, correct, and honest information regarding the halalness of products to consumers. This information must include a valid halal label on the product packaging. Article 25 of Law No. 33 of 2014 confirms that “business actors who have obtained a halal certificate must include a halal label on products that have received a halal certificate”;
3. **Production Process in accordance with Islamic Sharia:** The entire production process must comply with Islamic law, starting from the provision of raw materials, processing, storage, packaging, to distribution. Articles 21 and 24 of Law No. 33 of 2014 stipulate that “the halal product process includes the provision of materials, processing, storage, packaging, distribution, sales, and presentation of products in accordance with Islamic law”;
4. **Maintenance of Halal Certification:** Business actors are required to periodically renew halal certification in accordance with applicable regulations. Any changes in the composition of ingredients or production processes that may affect the halal status of the product must be reported to BPJPH for re-evaluation. Article 25 of Law No. 33 of 2014 states that business actors must “update the halal certificate if there is a change in the composition of ingredients and / or the halal product process”

#### **Legal Sanctions for Business Actors Who Do Not Guarantee Halal Products**

Legal sanctions for business actors who do not guarantee the halalness of products are regulated in Law Number 33 of 2014 and GCPL Number 8 of 1999. Article 56 of Law No. 33 of 2014 regulates that violations of the provisions of halal product guarantees can result in criminal sanctions in the form of imprisonment for a maximum of 5 years or a fine of up to Rp 2 billion. In addition to criminal sanctions, business actors may also be subject to administrative sanctions such as revocation of business licenses, administrative fines, or orders to withdraw products from circulation in accordance with Article 27 of Law No. 33 of 2014. Business actors who do not fulfill their obligations in guaranteeing product halalness may also be required to provide compensation and damages to harmed consumers. GCPL Law No. 8/1999 emphasizes that business actors must provide compensation, compensation, and/or reimbursement for losses suffered by consumers due to products that do not meet the promised standards, including their halalness, in accordance with Articles 19 and 20 of the GCPL. In this context, the legal sanctions imposed aim to protect consumers and ensure legal certainty in the trade of halal products. Criminal and administrative sanctions as well as the obligation to provide compensation and compensation are important instruments in enforcing business actors' compliance with the provisions of the halal product guarantee (Hartati, 2019).

Law Number 33 of 2014 and GCPL Law Number 8 of 1999 stipulate various sanctions for business actors who do not fulfill their obligations in ensuring product halalness. These sanctions are designed to protect consumers and ensure legal certainty in the trade of halal products. Here are some types of sanctions that can be imposed:

1. **Criminal and Fines:** Business actors who do not apply for halal certification or provide false information regarding the halalness of products may be subject to criminal sanctions in the form of imprisonment or fines. Article 56 of Law No. 33 of 2014 states that violations of the provisions of halal product guarantees are subject to “imprisonment of up to 5 (five) years or a maximum fine of Rp 2,000,000,000.00 (two billion rupiah)”;
2. **Administrative Sanctions:** Business actors may be subject to administrative sanctions such as revocation of business licenses, administrative fines, or orders to withdraw products from circulation if proven to violate the provisions of halal product guarantees. Article 27 of Law No. 33 of 2014 states that “business actors who do not carry out their obligations after obtaining a halal certificate are subject to administrative sanctions which are further regulated in Government Regulations”;
3. **Compensation and Redress:** Consumers who are harmed by violations of halal product guarantees have the right to file claims for compensation and compensation. GCPL Number 8 Year 1999 emphasizes that business actors are obliged to provide compensation, compensation, and / or replacement if the marketed product does not comply with the promised standards, including halalness. Articles 19 and 20 of the GCPL state that “business actors are responsible for providing compensation, compensation, and / or replacement for losses suffered by consumers”.

### Critical Analysis

In the context of enforcing halal product assurance, several critical aspects need to be considered to ensure effective law enforcement and compliance. One crucial aspect is legal certainty, as it is essential to ensure that businesses adhere to the relevant regulations. The Indonesian Law Number 33 of 2014 provides a strong legal basis for halal product assurance (Faridah, 2019). However, the consistent implementation and monitoring of these regulations are vital to ensure compliance. Collaboration among various institutions such as BPJPH, LPH, MUI, and other relevant bodies is crucial to ensure that all processes related to halal product production and distribution adhere to the established regulations (Dede Al Mustaqim, 2023). This collaboration includes routine inspections and transparent certification processes. Moreover, consumers play a significant role in upholding halal product assurance. Consumer awareness of their rights to access halal and high-quality products can incentivize businesses to comply with the relevant laws and regulations (Rafianti et al., 2022). The responsibility of businesses in ensuring halal products is emphasized in various studies, highlighting the absolute responsibility of entrepreneurs who fail to disclose non-halal information on pharmaceutical products containing pig DNA (Amantana et al., 2023). This underscores the importance of businesses in upholding the integrity of halal products and the legal obligations associated with it.

The certification of halal products serves as a crucial part of businesses' responsibility in providing the best service to consumers (Rafianti et al., 2022). Small and medium-sized enterprises (SMEs) are also included in the scope of policies related to halal product assurance, emphasizing the importance of ensuring halal practices across all business sizes (Gunawan et al., 2021). The Indonesian government's issuance of Law Number 33 of 2014 on Halal Product Assurance serves as a reference for businesses in producing halal food products, contributing to Indonesia's economic growth, particularly in the halal industry (Utari et al., 2022). The implementation of Law No. 33 of 2014 on Halal Product Assurance directly impacts business operators in Indonesia, emphasizing the need for businesses to align with the regulations to maintain halal standards (Sadewa Aziz Diamonda & Purnasari, 2022). Additionally, the role of BPJPH in policy improvement and enhancing consumer trust underscores the moral responsibility of business operators in ensuring halal products (Muslimah et al., 2023). The law not only sets the standards for halal products but also opens up opportunities for the application of Sharia financing in line with its principles. Furthermore, the shift of authority for halal certification to BPJPH, an independent state institution under the Ministry of Religion of Indonesia, highlights the government's commitment to ensuring the integrity of halal certification processes (Faridah, 2019). The legal obligation for businesses to obtain halal certification, as stipulated in Law Number 33 of 2014, aims to enhance consumer trust in halal products and increase market share for certified products (Harahap et al., 2023). This legal framework also extends to micro, small, and medium enterprises (MSMEs), emphasizing the inclusivity of halal certification requirements (Baihaki et al., 2022).

The importance of halal certification is further emphasized by the obligation for producers in the food and beverage sector to enhance consumer trust in the halal status of their products (Harahap et al., 2023). The certification process, guided by Sharia principles and positive implications for policy improvement and consumer trust, underscores the multifaceted impact of halal certification on various stakeholders (Dede Al Mustaqim, 2023). The certification process not only ensures compliance with halal standards but also contributes to the economic growth of businesses, particularly in the halal industry (Utari et al., 2022). The legal protection of Muslim consumers regarding halal products is a significant aspect addressed by various studies, highlighting the legal obligations of businesses to provide halal-labeled products (Manfarisyah et al., 2023). The implementation of halal certification processes, particularly for SMEs, is crucial for maintaining the integrity of halal products and enhancing consumer loyalty. The Indonesian government's efforts to develop the domestic halal food industry reflect a broader strategy to promote the growth of the halal sector and ensure compliance with halal standards (Fuadi et al., 2022).

In the context of law enforcement against halal product guarantees, it is important to pay attention to several aspects:

1. **Legal Certainty:** Legal certainty is very important to ensure that business actors comply with applicable regulations. Law Number 33 of 2014 provides a strong legal basis for the enforcement of halal product guarantees, but consistent implementation and supervision are needed;



2. Inter-Agency Collaboration: Collaboration between BPJPH, LPH, MUI, and other relevant institutions is essential in ensuring that the entire process of production and distribution of halal products runs in accordance with applicable regulations. This includes regular inspection and transparent certification;
3. Consumer Role: Consumers also have an important role in the enforcement of halal product assurance. Consumer awareness of their right to obtain halal and high-quality products can encourage business actors to comply with applicable legal provisions.

#### IV. CONCLUSION

The legal responsibility of business actors in Indonesia to ensure halal product assurance as mandated by Law Number 33 of 2014. It highlights the important role of halal certification in fostering consumer protection, enhancing economic growth, and maintaining market integrity. Legal obligations and potential sanctions for non-compliance are discussed, emphasizing the importance for businesses to comply with these regulations to maintain consumer confidence. Halal certification is described as essential for enhancing consumer confidence, ensuring compliance with halal standards, and supporting the economic development of businesses in the halal industry. In addition, it provides vital legal protection for consumers, ensuring the integrity of halal products. The Indonesian government's initiative to develop the domestic halal food industry is part of a broader strategy that aims to drive the growth of the halal sector and ensure compliance with halal standards. This comprehensive approach not only supports the economic development of businesses in the halal industry but also reinforces the importance of maintaining strict halal standards to protect consumer interests and uphold market integrity.

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