



Consumer Protection against the Marketing of Jangek Cracker Products Not Halal Certified in Terms of Law Number 33 of 2014 Concerning Halal Product Assurance

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ARTICLE INFO

Article History:

Received: 2023-08-12

Revised: 2023-10-11

Accepted: 2023-11-12

Keywords:

Consumer,
Protection,
Halal, Certification

Paper Type:

Research Paper

ABSTRACT

Purpose: Indonesia is a Muslim-majority country. The state must be able to provide protection to its citizens to carry out religious teachings. One of the obligations of Muslims is to consume halal food/drinks. Consumer Protection Law No. 8/1999 then Law No. 33/2014 on Halal Product Assurance is access for Muslim consumers to obtain halal products.

Design/Method/Approach: This research is a type of qualitative research that aims to find out how the condition of halal products in the jangek cracker industry and to find out how the Halal Protection Guarantee Law imitates the absence of halal certification in the jangek cracker industry in Medan Deli District

Findings: The results of this study show that the products marketed by the industry are true not to have halal certification on the grounds that the manufacturer states that this industry is only a cottage industry that is not required for halal certification. If viewed from the aspect of Law No. 33 of 2014 concerning JPH that the absence of halal certification in the jangek cracker industry in Medan Deli District has violated article 4 of the JPH Law which requires all products marketed to go through halal certification except for products that are derived from haram ingredients, besides that the above problems also result in the loss of consumer rights that have been regulated by law.

Originality/Values: The research will provide guarantees for legal protection of Muslim consumer rights against products that are not halal, but also increase the selling value of business actors' products, because consumers will no longer hesitate to buy products traded by business actors.

INTRODUCTION

The amendments to the Constitution of the Republic of Indonesia of 1945, which contain essential contents on human rights, emphasize the recognition and protection of human rights, including the right to health, as set out in Article 28H paragraph of the Regulation¹. The article states that "everyone has the right to live a prosperous life, outwardly and spiritually, to live and have a good and healthy living environment, and the right to health services." The provisions of the 1945 Constitution were then implemented with Law No. 36 of 2009 on Health. Thus, everyone has the right and needs to get health at an optimal level, so improving the level of health must continue to strive to live a healthy life. The fulfillment of the right to health of every Indonesian citizen can be in the form of receiving health facilities and public services that must be provided by the state².

One of the ways in which governments protect and guarantee human rights is by providing legal protection to their citizens. The legal protection provided by the government is very diverse and can take the form of legal protection in the economic, social and political spheres. This is in line with Article 1(3) of the 1945 Constitution, which confirms that the Indonesian state is a state governed by the rule of law. It is therefore clear that Indonesia, as a state governed by the rule of law, must be able to implement the elements of the rule of law. To ensure legal certainty and protection, the government needs to quickly enact laws and regulations that adapt to the times so that there is no legal vacuum. One of these is legislation relating to consumer protection issues. This is exclusively for the fulfilment of human rights, namely the right of consumers to receive good and clear products and consumer goods³

The context of consumer protection can be harmonized to products that are legalized in laws and regulations. However, one point that does not yet have legality in terms of legal certainty is electronic cigarettes. In Indonesia, electronic

¹ Igam Arya Wada, Felix Alexander Kurniawan, dan Agnes Sinta, "Ius Constituendum Kewenangan Judicial Preview Di Mahkamah Konstitusi Republik Indonesia," *Jurnal Kajian Konstitusi*; Vol 3 No 1 (2023): JUNE 2023, 03.01 (2023), 1–26 <<https://jurnal.unej.ac.id/index.php/JKK/article/view/37917>>.

² Fahmi Ramadhan Firdaus, "Public Participation after the Law- Making Procedure Law of 2022," *Jurnal Ilmiah Kebijakan Hukum*, 16.3 (2022), 495 <<https://doi.org/10.30641/kebijakan.2022.v16.495-514>>.

³ Behrouz Jannat et al., "Which method is suitable for the detection of lard in halal foods: Fourier transform infrared, differential scanning calorimetry, or polymerase chain reaction?", 4.1 (2023), 41–47.

cigarettes themselves are loved by all age groups, from children, teenagers, adults to the elderly, who can freely use these items⁴.

Indonesia is the most populous Muslim country in the world and is interested in regulating the circulation of standard halal products, since Muslims are the majority of consumers, so it is advisable to be protected by obtaining halal product guarantees. On the other hand, for Muslims, the consumption of halal food is an obligation to fulfill the commandments of Allah, which is written in verse 88 of the Quran Surah al-Maidah: ⁵

وَكُلُوا مِمَّا رَزَقَكُمُ اللَّهُ حَلَالًا طَيِّبًا وَاتَّقُوا اللَّهَ الَّذِي أَنْتُمْ بِهِ مُؤْمِنُونَ

It means: "*And eat of what Allah has given you as lawful and good sustenance, and fear Allah whom you have faith in Him*"

Law No. 33 of 2014 contains a primary regulation to ensure, firstly, the availability of halal products, including the provision of materials for the processing, storage, packaging, distribution, sale and presentation of products. Secondly, the rights and obligations of economic operators should be regulated by providing exceptions for artists who make products from materials derived from prohibited materials. Thirdly, the form of state responsibility in the implementation of the guarantees of the halal product, the implementation of which has been carried out by BPJPH since 2019, halal certification is in the hands of the Ministry of Religious Affairs, which is no longer the absolute authority of MUI. This means that the MUI is still dealing with the issue of this halal certification. MUI as an auditor of registered products. In exercising its powers, the BPJPH cooperates with the relevant ministries or institutions, MUI and LPH. Fourthly, the procedure for obtaining halal certificates and its costs. Fifthly, regulates the administrative form, and the sixth regulates the enforcement of the law against violations of this law, establishes administrative sanctions and criminal sanctions⁶.

Halal products are products that are declared halal according to Islamic Sharia (Article 2 UUJPH), have at least three criteria, namely the halal component; halal, how to get it; and methods of processing halal. The Halal

⁴ Siti Mariyam et al., "Safety Assessment of Questionable Food Additives in the Halal Food Certification: A Review," *Indonesian Journal of Halal Research*, 4.1 (2022), 19–25 <<https://doi.org/10.15575/ijhar.v4i1.12097>>.

⁵ Ahmad Dhea Satria, "Makanan Halal Perspektif Majelis Ulama Indonesia (MUI) di Kota Palangka Raya," *Prophetica: Jurnal Studi Islam*, 22.2 (2021), 308–13 <<https://doi.org/10.23917/profetika.v22i2.16694>>.

⁶ Anni Faridah et al., "Characteristics and Identification of Critical Points of Halal Food at Restaurants in Padang," *Indonesian Journal of Halal Research*, 4.1 (2022), 9–18 <<https://doi.org/10.15575/ijhar.v4i1.11203>>.

Product Guarantee (JPH) is the legal assurance of the halality of a product, which is proven by a halal certificate (Article 1 (5) UUJPH). The Halal Certificate is recognition of the sacredness of a product issued by the JPH/BPJPH Organizing Agency on the basis of a written Halal Fatwa issued by MUI (Article 1 No. 10 UUJPH)⁷.

In their evolution, halal certification measures are still sectorial, partial, inconsistent, and *nonsystematic and voluntary*; with the result that halal certification lacks strong legal legitimacy. Moreover, there are still many products in circulation in the Community, not all are guaranteed halal, so it requires comprehensive measures that include products with goods. The mandate of Law No. 33 of 2014, Article 4 states: "Products that enter, distribute and trade in Indonesia must be halal certified". The law states that products entering and spreading in Indonesia must be halal certified, including food and beverage products. The same applies to products of the domestic food industry.⁸⁹

Currently, there are many industries in Indonesia, both from small to medium as well as large industries; one of the industries in Medan's delicatessen district of Medan city of Medan that is currently still active in its production is the Jangek cracker factory. The production industry began in 2001 with a total of 8 employees, but along with the development of the industry, which grew rapidly that year, this factory employs 45 employees with a variety of crackers, including large rice crackers, large Palembang crackers, and both crackers are sold at a price of Rp. 10,000.00. Moreover, the cracker industry sells crackers including cube biscuits, small Palembang crackers, and parasmanan crackers, which are three crackers placed on a small plastic sold for Rp 10,000.00. The names of these biscuits are the names of the terms that are often used when selling crackers that spread around the Medan urban area. The crackers are distributed or sold in areas including Deli Serdang Regency, Bedagai Serdang Medan City, and Batu Bara Regency, as well as several other areas.

⁷ Lina Susilowati, Nanik Sri Setyani, dan Munawaroh, "Halal Product Certification Assistance for Micro, Small and Medium Enterprises Aqila Food and Cake," *GANDRUNG: Jurnal Pengabdian Kepada Masyarakat*, 4.2 (2023), 958–64 <<https://doi.org/10.36526/gandrung.v4i2.2827>>.

⁸ Hendrianto Hendrianto dan Ikin Ainul Yakin, "The Different Contemporary Thinking of the Islamic School Economy: Baqir As Sadr, Basic and Alternative," *AL-FALAH: Journal of Islamic Economics*, 8.1 (2023), 83 <<https://doi.org/10.29240/alfalah.v8i1.6968>>.

⁹ Muhammad Syarif Hidayatullah, "Halal Certification and Labeling on Food in the Perspective of Islamic Law (Ahkam Perspective)", *YUDISIA : Journal of Law and Islamic Law*, 11.2 (2020), 251 <<https://doi.org/10.21043/yudisia.v11i2.8620>>.

However, based on the researchers' observations, it has been found that from 2001 to the present day, manufacturers in the cracker manufacturing industry use halal labels without halal certification on the packaging of crackers, as the owner of the cracker manufacturing industry believes that the raw materials for cracker production are used both in the manufacturing process and in the cracker manufacturing industry. Crackers without going through MUT's halal certification, and cracker industry owners, are also familiar with the function of halal labels on cracker packaging, which is to provide certainty about a product's halal status.

This, of course, violates the mandate of the Halal Insurance Coverage Act, which stipulates that any product circulating in the community must obtain halal certification from the nearest MNI, providing complete protection to consumers who consume these crackers.

Based on the above questions, the author would like to discuss in more detail the revision of Law No. 33 of 2014 on the insurance of halal products against the lack of halal certification in the products of the cracker industry in the Medan Deli district of Medan City, with the aim of studying what is the status of halal certification in the Jangek cracker industry in Medan Deli district and how the revision of Law No. 33 of 2014 on the insurance of cracker industry of Halal products against the lack of halal certification in the Jangek cracker industry.

RESEARCH METHOD

This research is an empirical juridical legal research with a *statutory approach (statute approach)*, namely research or observation in the field or field research whose *research* focuses on collecting empirical data in the field. This approach is also carried out by reviewing all laws and regulations related to the legal issues being handled. This research was conducted in Medan Deli Regency, Medan City. In this study, data sources used in data collection include primary data and secondary data. Primary data sources are primary data sources that the author obtains through collecting data directly from the source or place where the object of research is carried out by sampling method. The author's main sources are cracker factory owners and workers. And the skunder data obtained by the penis in this study was sourced from legislation, books and related articles¹⁰.

RESULT AND DISCUSSION

¹⁰ Muhammad Nizar dan Antin Rakhmawati, "Tantangan dan Strategi Pemasaran Produk Halal di Indonesia," *Malia (Terakreditasi)*, 13.1 (2022), 123–40 <<https://doi.org/10.35891/ml.v13i1.2872>>.

No Halal Certification on Jangek Cracker Products in Medan Deli District.

Since 2001 until now the manufacture of jangek crackers in this industry does not use halal labels and does not carry out halal certification on cracker packaging, because the owner of the cracker making industry feels that the raw materials for making crackers are halal both in the manufacturing process, drying to frying, so that way the owner of the cracker making industry considers that the products he sells can be consumed without going through halal certification from MUI and industry owners crackers also know the function of halal labels on cracker packaging, namely to provide certainty of the halal status of a product, this is in accordance with the statement of Mr. Jumadi as the owner of the cracker industry through interviews with researchers as follows:

We have been producing since 2001 where at that time I was indeed experiencing difficult times or uncertain economic conditions because I had just been laid off at one of the PT in the city of Medan, therefore my intention arose to make crackers which started only as a trial and error, over time I pursued this business until now we have 45 employees. But I admit that actually our industry has something contradictory, namely not including halal labels on the packaging because we realize that our products are already halal in terms of raw materials, but indeed I have registered halal certification for this business with MUI but I am also confused about what the administrative files are because there are too many requirements needed.

From the results of the interview above, it can be concluded that the production of crackers in this industry has been running since 22 years ago and without halal certification on the packaging. This is influenced by the absence of socialization to business actors about how the halal certification process must be prepared, as well as many business actors who do not apply halal certification which makes the cracker industry also not apply it. They admit that so far the raw materials used have been guaranteed for their halal and health.

Furthermore, in terms of operational work, researchers observed that processing is focused every day on printing so many crackers to be processed or fried the next day, starting from 08.00 WIB to 13.00 WIB, in one day you can make dough to print crackers up to 5 bags of tapioca flour, in 1 bag of tapioca flour contains 25kg and also in drying crackers spend one to 2 days drying until it can be fried.

The cracker industry in Medan Deli sub-district in its processing begins with preparing the ingredients that will be used as cracker dough by putting all the ingredients into a large basin mixed with enough water and stirring using hands wrapped in plastic. The processing method is still traditional using human

labor. After the crackers are molded and dried in the sun, they are stored in large plastic so that they are kept clean.

Furthermore, in the observation of researchers in this industry, they said so far there has been no criticism from the public about the absence of halal labels on jangek crackers produced by this cracker industry. This is in accordance with the statement of Mr. Sutresno as a worker in the jangek cracker industry as follows:

We have never had any complaints or criticisms from the public about our products not being certified halal, yes because we think that our industry is included in the home industry, yes it is only natural that the products we release do not have a halal label, because many out there are also the same products as us because they are also lazy to be complicated in taking care of halal certification to the halal institution.

Furthermore, the researcher again questioned one of the workers in making this jangek cracker regarding what exactly is an obstacle for this industry not to register its products with halal certification:

I as a worker in the frying department do not know the obstacles experienced by the owner of making crackers do not provide the inclusion of halal labels on the packaging of crackers because workers in the frying department have only worked for 1 year and only focus on working in the frying department and there are no questions about the obstacles experienced by the owner of the cracker making industry. While working in the cracker making industry in the cracker packaging section, there are no problems arising from the surrounding community about the use of halal labels on product packaging and workers in the packaging department do not know the halal certification registration process, workers in the packaging section have also never participated in socialization about halal certification and do not know the halal certification registration process and have never participated in socialization about halal certification.

Review of Law Number 33 of 2014 concerning Halal Product Assurance and Muamalah Fiqh on the Absence of Halal Certification in the Jangek Cracker Industry in Deli Medan Regency

Consumer protection is the entire range of laws and regulations, both laws and other laws and regulations, as well as the decisions of judges whose substance regulates the interests of consumers. As in article 1 point 1 of the UUPK that consumer protection is all efforts that ensure legal certainty to provide protection to consumers. The existence of a legal protection that is able to protect consumer rights from the arbitrariness of producers / business

actors. The government has a role in protecting consumers against food products labeled halal, especially Muslim consumers¹¹.

Based on article 8 paragraph 1 of Law Number 8 of 1999 concerning Consumer Protection states that "Business actors are prohibited from producing and/or trading goods or services that do not meet or are not in accordance with the standards required by the provisions of laws and regulations such as not setting the expiration date or period of use of a product, not following the provisions for halal production, as the statement "halal" included in the label, includes an explanation of the goods both the name of the goods, size, composition, and side effects of the dangers of the product and the production address of the item¹².

Proof of the seriousness of the Indonesian government in guaranteeing consumer rights and providing a sense of security for its people, especially those who are Muslim, is by making law number 33 concerning halal product guarantees, then passed in 2014.

This halal certification obligation has been ordered in (Law on Consumer Protection, namely Consumer Protection Law No. 8 of 1999 and Law No. 33 of 2014 concerning Halal Product Assurance in article 4 mandates that products entering, circulating and traded in the territory of Indonesia must be halal certified¹³.

The government accommodates the wishes of Muslims (Muslims) regarding the guarantee of halal products with the issuance of Law Number 33 of 2014 concerning Halal Product Guarantee. Based on Article 64 of Law Number 33 of 2014 concerning Halal Product Assurance, the Halal Product Assurance Organizing Agency (BPJPH) was formed which was inaugurated by the Minister of Religious Affairs on October 11, 2017. BPJPH is a government

¹¹ Fajar, Achmad Badarus Syamsi, dan Adiyono, "Sinergi BUMDes dan UMKM Jamu Guna Meningkatkan Pendapatan Melalui Pengelolaan Sertifikasi Halal di Kabupaten Sampang dan Bangkalan Abstrak: Kata Kunci: Pendahuluan Istilah 'jamu' berasal dari bahasa Jawa Kuno 'jampi' atau penggunaannya tetap tidak s," *Al-Huquq: Journal of Indonesian Islamic Economic Law*, 4.1 (2022), 15–34.

¹² Moh. Karim, Achmad Badarus Syamsi, dan Fajar, "Urgensi Penerapan Sertifikasi Halal Produk UMKM dalam Konteks Budaya Hukum di Kecamatan Pademawu Pamekasan," *Al-Huquq: Journal of Indonesian Islamic Economic Law*, 4.2 (2022), 145–66 <<https://doi.org/10.19105/alhuquq.v4i2.6707>>.

¹³ Rizka Filza, "Fakultas Hukum Universitas Syiah Kuala Perlindungan Konsumen Terhadap Beredarnya Makanan Impor Yang Tidak Berlabel Halal (Suatu Penelitian Di Kota Banda Aceh)," 3.33 (2019), 818–28.

agency tasked with organizing halal product guarantees. Its existence is under the Ministry of Religious Affairs and is responsible to the minister as well¹⁴

Initially, halal certification in Indonesia was taken over by the Indonesian Ulema Council (MUI) which is a *civil society* movement that received support from the state. However, after the issuance of the Halal Product Assurance Law (JPH Law), the authority of halal certification was transferred to the Halal Product Assurance Organizing Agency (BPJPH) which is an independent state institution under the Ministry of Religious Affairs of the Republic of Indonesia. This was also followed by several changes in several policies related to halal certification. Halal certification which was originally voluntary and does not yet have strong legal legitimacy has now become mandatory for business actors.

Based on the researcher's analysis of the absence of labels in the jangek cracker industry in Medan Deli sub-district which was reviewed through Law N0. 33 of 2014 concerning Halal Product Assurance found several problems that are very contrary to the provisions of the regulation including:

Violates the provisions of Article 4 of Law N0. 33 Year 2014 JPH

In the business world both from all types of production the government has set an obligation that must be fulfilled in the product, one of the obligations that must be carried out is contained in article 4 of the Halal Product Guarantee Law No. 33 of 2014 states that products entering, circulating and traded in the territory of Indonesia must be halal certified. In this article, it is emphasized that all products marketed to the public or consumed by the public must go through the latest halal standardization first. So that even if the food is produced by non-Muslim business actors, this provision remains attached¹⁵.

Precisely for non-Muslim business actors, openness is more required. To ensure that the material is not a prohibited material, non-Muslim business actors can ask other parties to help them so that the production process is guaranteed halal. Therefore, it is necessary to be accompanied by a halal provider. A halal provider is a person who is responsible for the process of halal products. However, if in the food product the ingredients come from prohibited ingredients, then the obligation of halal certification is not mandatory. But the packaging must include non-halal information.

¹⁴ Oktaviana Hardayanti Adismana, "Analisis Pengaturan Label Halal Terhadap Produk yang Beredar di Indonesia," *Al-Adl: Jurnal Hukum*, 15.1 (2023), 171 <<https://doi.org/10.31602/al-adl.v15i1.7854>>.

¹⁵ Muhammad Adi Riswan Al Mubarak et al., "Implementasi Peraturan Pemerintah Nomor 39 Tahun 2021 tentang Penyelenggaraan Bidang Jaminan Produk Halal," *Al-Adl: Jurnal Hukum*, 15.1 (2023), 214 <<https://doi.org/10.31602/al-adl.v15i1.7072>>.

Seeing that there is no halal label on the jangek cracker industry in Medan Deli District, it illustrates that the jangek cracker industry does not comply with the orders of regulations set by the government. This halal protection guarantee law is given to protect every consumer in Indonesia, including consumers of jangek crackers themselves which have been operating since 18 years ago.

So this certainly injures consumers' rights to consumer protection that they should get. The jangek cracker industry admits that there is no halal label in their industry because their industry is classified as a cottage industry, but in terms of the governing regulations, namely the Consumer Law and the Halal Protection Guarantee Law, it does not mention at all the provisions for the types of businesses that are allowed not to include halal labels, as from the implementing regulations of this Law, namely in Government Regulation No. 39/2021 concerning the Implementation of the Halal Product Assurance Sector, rules Article 2 states as follows:

- 1) Products that enter, circulate and are traded in the territory of Indonesia must be halal certified.
- 2) Products derived from prohibited ingredients are exempt from the obligation to be halal-certified.
- 3) Products as referred to in paragraph (2) must be given non-halal information.

Based on the provisions of the above regulations, it can be concluded that the cracker industry in Medan deli sub-district has violated the provisions of Article 4 of the Law on Halal Protection Guarantees and the provisions of PP 39/2021 concerning the Implementation of the Halal Product Assurance Sector, so it is appropriate for the industry before sanctions to be given socialization for the implementation of halal product certification, because according to their narrative that they do not understand the procedures for implementation halal product certification held by BPPHI (Indonesian Halal Product Guarantee Provider Agency) which is monitored by the MUI (Indonesian Ulema Council) closest to the industry is located.

Non-Fulfillment of Consumer Rights

The absence of halal certification carried out by the jangek cracker industry in Medan Deli District makes the loss of consumer rights that have been stipulated by law; these rights are the right to clarity of halal and good products. This will have an impact on product quality that cannot be known by consumers and product halal guarantees that also cannot be ascertained.

Based on these problems, it is not in accordance with the issuance of UUJPH which provides more protection and legal certainty for consumers consuming halal products. Five years after the passing of this law, all products

circulating in the community are required to include halal certificates on their product packaging. The inclusion of the Halal Label must be easy to see and read and not easily deleted, removed, and damaged. And vice versa, if the product consists of ingredients that are not halal, business actors must include on the product packaging a non-halal sign, for example a picture of a pig. It is stated that materials derived from prohibited animals include: Carrion, Blood, Pigs, and/or Animals slaughtered not in accordance with Sharia¹⁶.

Halal certificates not only benefit the legal protection of Muslim consumer rights against products that are not halal, but also increase the selling value of business actors' products, because consumers will no longer hesitate to buy products traded by business actors. The halal certificate logo provides legal certainty to Muslim consumers that the product is halal in accordance with Islamic law. This was also conveyed by KN. Sofyan Hasan that:¹⁷

1. For consumers, halal certificates have several functions, first protecting Muslim consumers from consuming food, drugs and cosmetics that are not halal; secondly, psychologically, the feelings of the consumer's heart and mind will be calm; third, defending body and soul from deterioration due to illicit products; and the fourth will provide certainty and protection.
2. For producers, halal certification has several important roles. First, as the responsibility of producers to Muslim consumers, considering that halal issues are part of the principles of Muslim life. Second, increase consumer trust and satisfaction. Third, improving the company's image and competitiveness and fourth, as a marketing tool and to expand the area of marketing networks and fifth, providing benefits to producers in increasing competitiveness and turnover of production and sales.

For business actors themselves, halal certification is a form of responsibility to consumers which in turn will increase consumer confidence. These potential Muslim consumers will prefer products that are already halal certified compared to those that are not. Therefore, halal certificates are very

¹⁶ Ade Khadijatul et al., "Peranan Perspektif Maqashid Al Syariah dan Berlakunya Undang-Undang Nomor 33 Tahun 2014 tentang Jaminan Produk Halal terhadap Produk Kosmetik Halal di Panyabungan Kabupaten Mandailing Natal," *Jurnal Syarikah*, 8.2 (2022), 297–311.

¹⁷ Akim Akim et al., "The Shifting of Halal Certification System in Indonesia: From Society-Centric To State-Centric," *MIMBAR : Jurnal Sosial dan Pembangunan*, 35.1 (2019), 115–26 <<https://doi.org/10.29313/mimbar.v35i1.4223>>.

useful for business actors, the community and the country itself. Some of these benefits include:¹⁸

1. Halal Certificate guarantees the safety of products consumed
2. Halal Certificate has a Unique Selling Point (USP). Unique Selling Proposition is one of the marketing concepts that distinguishes one product from another
3. Halal Certificate provides inner peace for the community
4. Halal Certificate gives comparative advantage
5. Halal Certificate provides protection for domestic products from global competition
6. Halal Certificate provides a better system of documentation and company administration
7. Halal certification is the ticket to get global market access.

Criminal Sanctions or Fines May Be Imposed

In article 56 of Law No. 33/2014 concerning Halal Product Guarantee stipulates that Business Actors who do not maintain halal products that have obtained halal certificates as referred to in article 25 letter b shall be punished with a maximum imprisonment of 5 (five) years or a maximum fine of Rp 2,000,000,000 (two billion rupiah). Article 25 letter b refers to maintaining halal products that have received halal certificates. This provision is in line with the threat of criminal sanctions specified in article 62 of the Consumer Protection Law No. 8/1999¹⁹. With the threat of imprisonment and fines, it is hoped that business actors who have obtained halal certificates can be responsible. Certificates that explicitly have no validity period do not make business actors feel free because there is a threat of imprisonment and / or small fines that will be imposed if they cannot maintain the halal of their products.

Muamalah Fiqh Review on the Lack of Halal Certification in the Jangek Cracker Industry

The term fiqh mu'amalah is composed of two syllables, namely fiqh and mu'amalah. The word fiqh etymologically means "deep understanding". If understanding can be used for external things, then fiqh means understanding

¹⁸ Istianah Istianah dan Gemala Dewi, "Analisis Masalah Pada Konsep Halal Self-Declare Sebelum Dan Pascaenactment Undang-Undang Cipta Kerja," *Al-Adl : Jurnal Hukum*, 14.1 (2022), 85 <<https://doi.org/10.31602/al-adl.v14i1.5870>>.

¹⁹ Nadia Fatima, Ipah Ema Jumiati, dan Rina Yulianti, "Implementasi Undang-Undang Nomor 33 Tahun 2014 Tentang Jaminan Produk Halal," *JDKP Jurnal Desentralisasi dan Kebijakan Publik*, 4.1 (2023), 40–51 <<https://doi.org/10.30656/jdkp.v4i1.6267>>.

that conveys the knowledge of zahir to the inner science. In this regard, al-Tirmizi mentions "fiqh about something" means knowing its inner self to its depth²⁰. From the description above, it can be concluded that muamalah fiqh is a field of fiqh that focuses on the study of laws regarding the actions and relationships of fellow humans regarding property, rights, and dispute resolution on these matters in order to meet their daily needs based on sharia.

In particular, the muamalah principle can be implicated in the things that are prohibited in the practice of muamalah and things that are commanded to be done. For things ordered in muamalah are as follows: first, the object of the transaction must be halal. This means that it is prohibited to conduct business or related economic activities that are haram²¹. For example; Islam forbids the sale of liquor, unclean, tools of struggle, etc. Therefore, investing in companies that mix halal and haram goods is also not permissible in Islam. Non-halal production carried out by a company means helping in bad things as prohibited in the Qur'an surah Al-Maidah verse 2 as follows:²²

سَدِيدُ اللَّهِ ۖ إِنَّ اللَّهَ وَانْفُوا ۖ وَالْعُدْوَانَ الْإِثْمِ عَلَى تَعَاوُنُوا وَلَا وَالنَّفْوِضِ الْبِرِّ عَلَى وَتَعَاوُنُوا
الْجَعَابِ

It means: *"Help you in virtue and piety, and do not help in sinning and enmity. Fear Allah, indeed Allah is very heavy in His torment. (Qur'an Surah Al Maidah verse 2)"*

In the Muamalah affective a business must be in accordance with the principles carried out in the Qur'an and Hadith, in order to realize economic activities halal. Economic activities can be carried out without having to cause mudharat for many people and there are no prohibitions in the Qur'an and hadith the concept offered by Islamic economics aims to provide balance in human life both individually and socially. Economic activities in Islam provide limits for carrying out economic activities based on tawhid, justice, freedom,

²⁰ Muhammad Rifky Santoso dan Andri Soemitra, "Fiqh Muamalah in Shariah Multifinance Company: Literature Study," *Jurnal.Stie-Aas.Ac.Id*, 8.02 (2022), 1134–44 <<https://www.jurnal.stie-aas.ac.id/index.php/jei/article/view/5234>>.

²¹ Muttaqin Choiri dan Alan Su'ud Ma'adi, "Identifikasi Pemberdayaan dan Sertifikasi Halal Pada UMKM oleh Lembaga Zakat di Bangkalan Madura," *AL-MANHAJ: Jurnal Hukum dan Pranata Sosial Islam*, 5.1 (2023), 787–96 <<https://doi.org/10.37680/almanhaj.v5i1.2289>>.

²² P L Ismaya, H Y Faturachman, dan ..., "Penyuluhan Terkait Label Halal Kepada Masyarakat dan UMKM di Kelurahan Argasari Kota Tasikmalaya," *Jurnal Pengabdian ...*, 3.2 (2023), 382–88 <<http://ejournal.sisfokomtek.org/index.php/jpkm/article/view/840%0Ahttp://ejournal.sisfokomtek.org/index.php/jpkm/article/download/840/654>>.

fame and ta'awun. The Qur'an and Hadith also forbid Maysir, Gharar, Haram, Riba, and Bathil. This economic activity will damage the balance of human life because it has a negative effect and disrupts the benefit. In addition, in the Muamalah Perspective, a business must also be in accordance with adabiyah principles related to moral, ethical, and spiritual aspects in Islamic economic transactions, including:²³

1. Halal: In Islam, food consumed must meet established halal requirements. Halal refers to food that is allowed by Sharia and does not violate religious provisions. Therefore, the analysis should look at how not meeting the halal label requirements on imported food can involve halal issues.
2. Cleanliness (Thaharah): The concept of physical and spiritual hygiene is very important in muamalah jurisprudence. Imported food that has not been labeled halal may involve hygiene-related considerations in its production, including the sanitary condition of the factory or the use of ingredients considered unclean (dirty) in Islam. Hygiene principles need to be considered in the analysis of imported food that has not met the halal label.
3. Justice ('Adl): The aspect of justice is very important in muamalah jurisprudence. In the context of imported food, the analysis should look at whether there is an injustice in terms of information to Muslim consumers related to the halal status of foods that have not been labeled halal. Injustice can arise if Muslim consumers are not clearly informed about halal status or if they are lied to or deceived into purchasing food.

In relation to the muamalah fiqh theory above, if relevant to the problem that occurs, namely the non-implementation of halal certification by jangek cracker producers whose address is in Medan Deli district, it illustrates that the act is an act prohibited by religion because in Islam it has been ordered through muamalah fiqh to provide an explanation related to business problems, namely a good trade in the form of objects, Food and services must be clear in their halal, not only halal but also toyyiba or either used or consumed by consumers.

It is clear that in the muamalah fiqh the adabiyah principle explains that all aspects of business must have several elements in it including halal, clean and justice elements. In practice, the jangek cracker industry is based on observations made by researchers that the industry in terms of raw materials already uses halal raw materials, besides that in terms of cleanliness this industry also seems to always maintain the quality of factory cleanliness. However, it's

²³ Inti Ulfi Sholichah, "Urgensi Label Halal Pada Produk Makanan Perspektif Hukum Islam," *Syar'ie*, 6.1 (2023), 27–40.

just that in fiqh muamalah emphasizes that the concept of halal in a business must also be clear in form; the clear meaning here is that there must be halal certification from the relevant institution.

CONCLUSION

In article 1 point 1 of the UUPK that consumer protection is all efforts that ensure legal certainty to provide protection to consumers. The existence of a legal protection that is able to protect consumer rights from the arbitrariness of producers / business actors. Based on the researcher's analysis of the absence of labels in the jangek cracker industry in Medan Deli sub-district which was reviewed through Law NO. 33 of 2014 concerning Halal Product Assurance found several problems that are very contrary to the provisions of the regulation including: a) Violating Article 4 of the Law on Halal Assurance Protection, b) Non-fulfillment of consumer rights, c) Criminal Sanctions or fines may be imposed and d) Muamalah Fiqh Review on the Lack of Halal Certification in the Jangek Cracker Industry.■

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