

HALAL INFORMATION ON FOOD PRODUCTS AS A GUARANTEE OF LEGAL PROTECTION AGAINST MUSLIM CONSUMERS

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ABSTRACT Halal product guarantees are important considering the advancement of science and technology in the fields of food, medicine and cosmetics is growing rapidly. This has a real effect on shifting the processing and utilization of raw materials, from what was originally simple and natural to processing and utilizing raw materials resulting from scientific engineering. The state is obliged to provide protection and guarantees about the halalness of products consumed and used by Muslim consumers. The research raises two issues: how are the government's efforts to provide legal protection for Muslim consumers of halal food products? The urgency of halal labels listed on food products as an effort to protect the law for Muslim consumers? This research aims to examine the legal certainty for Muslim consumers related to the right to halal information. This research method is normative juridical research that focuses on library research. The results showed the need for legal protection for Muslim consumers related to halal information rights as regulated in Law No.33 of 2014 concerning Halal Product Guarantee, legal protection is provided through halal certification which must be carried out by business actors, so that the right to halal information for Muslim consumers can be fulfilled.

KEYWORDS: *Legal Certainty; Halal Information Rights; Halal Products.*

1. INTRODUCTION

Halal product guarantees are important considering the advancement of science and technology in the fields of food, medicine and cosmetics which are growing rapidly. This has a real effect on shifting the processing and utilization of raw materials for food, beverages, cosmetics, medicines, and other products from what was originally simple and natural to processing and utilizing raw

materials resulting from scientific engineering. Product processing by utilizing advances in science and technology allows the mixing of halal and haram either intentionally or unintentionally. Therefore, to determine the halalness and sanctity of a product, a special study is needed that requires multidisciplinary knowledge, such as knowledge in the fields of food, chemistry, biochemistry, industrial engineering, biology, pharmacy and understanding of sharia. (Undang-Undang Nomor 33 Tahun 2014 Tentang Jaminan Produk Halal, 2014)

With the enactment of Law Number 33 of 2014 concerning Halal Product Guarantee, it is hoped that legal certainty for Muslim consumers in obtaining the right to halal information on food products can be fulfilled, thus creating legal protection which is the main form of protection, because the law is a means that can fulfill the interests of a person's rights as a whole, and the law also has a compelling force that is officially recognized in a country, so as to create legal certainty for Muslim consumers on the right to halal information on food products.

As with the enactment of the Halal Product Guarantee Act, in Article 4 of this JPH Law (Undang-Undang Nomor 33 Tahun 2014 Tentang Jaminan Produk Halal, 2014), states that products that enter, circulate, and are traded in the territory of Indonesia must be Halal certified, this article is the most important part of this law, where so far halal certificates are only voluntary but now they are mandatory, but apparently this rule does not apply to all products. The JPH Law does not focus these rules on halal foods but also regulates non-halal ones, indirectly the JPH Law regulates halal food and non-halal (haram) food at the same time. Therefore, in this paper there are two things that become the focus of the study How is legal certainty for Muslim consumers on the right to halal information on food products? How is the role of halal label as a form of legal protection for Muslim consumers.

Guarantee of Halal Products is part of the State's obligation to provide legal protection to its citizens in order to feel safe, comfortable and avoid mistakes or errors in consuming and / or using food, drinks, medicines and cosmetics, especially in this study, namely a food product. The halalness of a product is a religious commandment that must be carried out and implemented by every Muslim who from a business perspective is the largest market share in Indonesia. The reality is that in the market there are many products circulating and traded that are not all guaranteed halal, while a number of existing laws and regulations have not been able to provide guarantees of legal protection, the community as consumers are faced with difficult choices when the products available on the market are not guaranteed halal (Konoras, 2017).

The target population in this study is the Muslim consumer community in Indonesia, which is the majority of the population and holds an important role in the national economy, especially in the food sector and other consumer products. Muslim consumers are embedded in a social and cultural

context that strongly emphasizes the importance of halal products as part of worship and compliance with Islamic law. However, the reality on the ground shows that there are difficulties for the community in accessing accurate information regarding the halal status of products, due to the complexity of the production process and limited education regarding halal standards.

A number of phenomena that form the basis for the implementation of community empowerment activities include:

- a. There are still many food and cosmetic products on the market that do not have official halal certificates.
- b. Consumers often have difficulty distinguishing between halal and non-halal products due to unclear or missing labels.
- c. There is ignorance or lack of public understanding about the importance of halal certification and procedures for applying for halal certificates.
- d. The risk of mixing halal and haram ingredients in an increasingly complex production process due to advanced technology.
- e. Inequality of access to halal information and education in various regions, especially in rural areas and remote areas.

Several parties have played an active role in overcoming these problems, among others:

1. The government through the implementation of Law Number 33 of 2014 concerning Halal Product Guarantee (JPH Law), which requires halal certification for products circulating in Indonesia.
2. The Indonesian Ulema Council (MUI) as an institution that issues halal certificates and conducts socialization and education regarding halal products.
3. Community organizations and educational institutions that actively conduct counseling and training related to halal standards and product halalness.
4. Manufacturers and business actors who are beginning to realize the importance of halal certification as a marketing strategy and meet the demands of Muslim consumers.

However, obstacles still arise in the implementation of these regulations, especially regarding consumer understanding, the reach of socialization, and the effectiveness of supervision in the field.

This study aims to:

1. Protection through halal certification of food products in Indonesia
2. The importance of the inclusion of halal labeling on food products as information for Muslim consumers

While the targets of community empowerment activities include:

1. Increase public awareness and knowledge about the importance of halal certification and consumer rights to obtain halal products.
2. Provide practical education on how to read and understand halal labels on products.
3. Develop communication media and training programs that are easily accessible to communities in various regions.
4. Supporting the realization of legal certainty and protection of Muslim consumers through optimal implementation of the JPH Law.

Thus, halal product guarantee is not only a state obligation in providing legal protection, but also an effort to empower the community so that they can enjoy halal products that are safe and in accordance with religious demands as well as health and economic needs

2. METHOD

In this study, researchers used normative juridical research, in accordance with the problems in this study. Normative research is a scientific research procedure to find truth based on the logic of legal science from its normative side (examining written legal norms), where this research emphasizes the use of secondary data or literature studies (Mamudji et al., 2005).

The normative juridical approach refers to the legal norms contained in the laws and regulations relating to the object under study. In addition, by looking at the synchronization of a rule with other rules in a hierarchical manner (Ali, 2009).

a. Types and Sources of Data

As a normative research, this research focuses on literature studies based on secondary data. Secondary data consists of primary legal materials, secondary legal materials, or tertiary materials:

1. Primary legal materials, namely binding legal materials in the form of laws and regulations that are closely related to the problems to be studied, namely:
 - a) Constitution of the Republic of Indonesia Year 1945
 - b) Law No. 8 of 1999 concerning Consumer Protection
 - c) Law Number 18 of 2012 concerning Food
 - d) Law Number 33 of 2014 concerning Halal Product Guarantee
2. Secondary Legal Materials, namely legal materials that provide explanations of primary legal materials. As for what will be examined in secondary legal materials, among others, in the form of scientific writings of experts related to the problems to be studied or related to primary legal materials, including textbooks, articles and research results (Soekanto, 1986).

3. Tertiary Legal Materials in the form of other references related to the research topic that provide further information about primary and secondary legal materials such as encyclopedias, dictionaries and newspapers (Sunggono, 2005).

b. Data Analysis

In this research the author uses a qualitative data analysis method. This qualitative method is carried out by analyzing data which includes laws and regulations, documents, literature books, jurisprudence and other literature relating to legal certainty for Muslim consumers on the right to halal information on food products, which will then be connected to the data obtained by the author in the field, to then collect and compile data systematically and describe it with sentences and without using statistics..

3. RESULT AND DISCUSSION

Legal protection for Muslim consumers through halal certification of food products is an important effort to ensure the safety, halalness, and sanctity of products consumed in accordance with Islamic law. With the halal certification required under Law Number 33 of 2014 concerning Halal Product Guarantee, Muslim consumers obtain legal certainty and the right to clear information regarding the halal status of food products circulating in the market. Halal certification not only protects consumers from the risk of consuming haram ingredients or products, but also provides a sense of security and comfort in carrying out religious obligations. In addition, this legal protection is the basis for the government to carry out supervision and law enforcement against producers who do not comply with halal provisions, thus creating a fair and transparent market for Muslim consumers and encouraging sustainable growth of the halal industry in Indonesia.

3.1. Protection through Halal Certification of Food Products in Indonesia

The government is responsible for organizing halal product guarantees, the executor of this responsibility is the Ministry of Religion of the Republic of Indonesia to carry out its responsibilities, a Halal Product Guarantee Agency (BPJPH) is formed which is domiciled under and responsible to the minister, and BPJPH is regulated by Government Regulation. The position of BPJPH as a new institution in the implementation of halal product guarantee, is in accordance with its authority, namely as stated in Law No. 33 of 2014 concerning Halal Product Guarantee in Article 6. The authority of BPJPH in article 6 does not mean that BPJPH is an institution that exercises its authority independently, but BPJPH also cooperates with related ministries and / or institutions, cooperates with the Halal Examining Agency, and cooperates with MUI. In particular, the cooperative relationship between BPJPH and MUI is carried out in the form of, Halal Auditor Certification, Implementation of product halalness, and LPH Accreditation.

Halal certification in Indonesia began in 1994, and the Institute for Food, Drug and Cosmetic Studies of the Indonesian Ulema Council (LPPOM MUI) as the institution responsible for halal certification was established in January 1989. And as already know that among the cases that are quite influential in encouraging the birth of this institution is the case of research that reveals the presence of lard in many foods conducted by Tri Susanto from Brawijaya University Malang in 1988. And when viewed from the juridical aspect at that time the legal basis for organizing halal certification in Indonesia was very weak. Even the operation of halal certification is an initiative of MUI, which is a non-governmental organization (Triyatna, 2012).

Indonesia is not an Islamic country. However, Indonesia is a country with a majority Muslim population, so that the practice of Islamic teachings becomes an inseparable part of daily life, both in the socio-community and socio-political activities of the Indonesian nation. Therefore, religious guidance and guidance is needed from the scholars to guide every activity of society, one of which is issuing fatwas. The MUI fatwa commission also has its own definition of fatwa, which is an explanation of Islamic law or teachings on issues faced or asked by the community, and is a guide in carrying out their religious teachings (Komisi Fatwa MUI, 2005).

MUI in carrying out the halal certification process, through LPPOM MUI uses standard procedures as an implementation guide, which is then outlined in the form of SOP (Standard Operation Procedure). This guide is always developed and continuously improved, in accordance with the needs and developments in science and technology. MUI sets the stages or steps of the procedure and mechanism for determining the halal fatwa until the issuance of a halal certificate (Majelis Ulama Indonesia, 2015).

Several countries have also implemented halal certification, including halal certification in Malaysia, which began in 1974, when the Research Center of the Islamic Affairs Division of the Prime Ministers Office began to carry out predetermined criteria. Currently, the management of halal certification in Malaysia is managed under a government agency called Islamic Development Malaysia or Jabatan Kebajikan Islam Malaysia (JAKIM). Then Halal Certification in Singapore as a country with a minority Muslim population has started to establish institutions that serve halal food since 1978. This issue is handled by the Singapore Islamic Ulama Council (MUIS) which has been formed since 1968. As of 2009, MUIS has issued 2.600 halal certificates.

In Singapore, this halal certification process has binding legal force, even falsification of the halal logo will be subject to punishment. The law governing this law is AMLA (*the Administration of Muslim Law Act*), clearly stated in Section 88A (5) that: "*Any Person who, without the approval of the majlis a) issues a Halal certificate in relation to any product, service or activity; or b) uses any specified Halal certification mark or any colorable imitation thereof, shall be guilty of an*

offense and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or both."

Similar to Malaysia, in Singapore halal certification is guaranteed by the *Trade Description Order 1972* which details the halal criteria and legal standards used to determine the halalness of a particular food or product (Hasan, 2014).

The enactment of Law No.33 of 2014 concerning Halal Product Guarantee is expected to guarantee legal certainty over the right to halal information on food products, especially those that will be obtained by Muslim consumers. The information conveyed or provided by MUI itself so far is in the form of a halal label that is included by business actors in their products. By obtaining a Halal Certificate in advance from the relevant institutions that previously existed in LPPOM-MUI with the enactment of the JPH Law, halal certificates will be obtained through BPJPH and other related institutions authorized in accordance with the regulations of the JPH Law.

The presence of law provides protection (*to protect*) to consumers as promoted by the substance of the JPH Law and at the same time can also guarantee legal certainty, that the legal relationship between producers and consumers is equally bound and based on the rule of law, namely by applying halal labeling to various products (Konoras, 2017).

The concept of prohibited acts for business actors when their products contain the statement "halal" in consumer protection law, is more focused on the inclusion of halal labels if they do not follow the provisions of halal production, while the concept of food law emphasizes the inclusion of halal labels for required food products, both of which are unable to provide legal guarantees and protection because of how the application of halal products is only attached to food labels and advertisements. PP No. 69 of 1999 concerning Food Labels and Advertisements is only limited to the labeling. Strengthening in a number of laws and regulations, starting from the provisions in the prohibited acts section for business actors and then including one of the provisions regarding the guarantee of halal products for those required, then in Law No. 13 of 2014 is a provision of legislation that contains provisions of Islamic law. It is formulated that, halal products are products that have been declared halal according to Islamic law (Undang-Undang Nomor 33 Tahun 2014 Tentang Jaminan Produk Halal, 2014).

The Indonesian Ulema Council through its fatwa dated June 1, 1980 stated:

1. Every food and drink that is doubtfully mixed with haram/ unclean substances is haram.
2. Any food or drink that is questionably mixed with haraam or unclean substances should be avoided.

3. The existence of food and drink that is doubtfully mixed with haram / unclean goods, let the Indonesian Ulema Council ask the agency concerned to examine it in the laboratory to determine the law.

Halal labeling for Muslim consumers is halal information on food products indirectly from business actors, where business actors include halal labels for their food production on product packaging that is clearly made and displayed. And the inclusion must also go through halal certification from related institutions with established laws and regulations, as with the enactment of the JPH Law, in accordance with Article 25 letter a of the JPH Law states business actors who have obtained a halal certificate must, include a halal label on products that have received a halal certificate, and in Article 38 of the JPH Law it is also explained that , business actors who have obtained a halal certificate must include a halal label on: product packaging, certain parts of the product, and / or certain places, the halal label is defined as a sign of the halalness of a product (Undang-Undang Nomor 33 Tahun 2014 Tentang Jaminan Produk Halal, 2014). With the halal mark on food products, Muslim consumers can see and read the information conveyed on the packaging and can consume food products safely and comfortably.

3.2.The Importance of Inclusion of Halal Labeling on Food Products as Information for Muslim Consumers

The importance of the inclusion of halal labeling has a strong relationship with halal certification, halal certification and halal labeling are two different activities but have a relationship with each other. The result of halal certification activities is the issuance of a halal certificate. Halal certification is carried out by an institution that has the authority to carry it out. The ultimate goal of halal certification is formal legal recognition that the products issued have met halal requirements. Meanwhile, halal labeling is the inclusion of halal writings or statements on product packaging to indicate that the product in question has the status of a halal product (Hasan, 2014).

Every business actor who will include a halal label must first have a halal certificate. Without a MUI halal certificate, the government will not grant permission to include a halal label. There are no rules regarding the form of a typical halal logo, so in general, business actors print halal writing in Latin or Arabic letters with various colors and shapes. However, there are several business actors who have started to make halal logos in the form of the MUI logo by including the halal certificate number they have. This is felt to be safer for consumers because there are still many products on the market that include halal labels without having a MUI halal certificate (Rusli, 2005).

After the enactment of the JPH Law, regarding the inclusion of the Halal Label has been regulated in this JPH Law, namely BPJPH determines the form of a halal label that applies

nationally, Business Actors who have obtained halal certification are required to include the Halal Label on : product packaging, certain parts of the product, and / or certain places on the product. The inclusion of the halal label must be easy to see and read and not easily removed, removed, and tampered with. Business actors who include the halal label not in accordance with the provisions, are subject to administrative sanctions in the form of: verbal reprimand, written warning or revocation of halal certificate. With clear rules as regulated in the JPH Law, halal labeling listed on product packaging can be interpreted as information that can be found by Muslim consumers, and it is very important that Muslim consumers can be well informed through halal labels listed on food products in circulation.

The urgency of halal labeling for Muslim consumers is because, the number of inclusion of halal labels that are not appropriate and vary in shape, color and writing, some are accompanied by certificate numbers and some are not accompanied by certificate numbers, so clear regulations regarding halal labels are needed so that business actors can comply with these rules. Labels have functions, namely (Edi Wibowo & Diah Madusari, 2018):

- a. *Identifies*: labels can introduce a product.
- b. *Grade*: labels can indicate the value or class of a product.
- c. *Describe*: the label will indicate the value or class of a product.
- d. *Promote*: the label will promote through images.

With the inclusion of halal labeling on product packaging, it will also have an influence on consumers, especially Muslim consumers, to consume these food products, a sense of security and comfort, increase trust in products produced by business actors and also as a form of halal information can be obtained easily by Muslim consumers, moreover the halal label that is included is uniform and determined nationally, so the legal certainty of the mandate of the JPH Law is urgently needed for its realization. So that the right to halal information for Muslim consumers can be felt, through the inclusion of halal labeling on these food products.

In detail the forbidden food comes from: Pigs, dogs Carcasses except fish and locusts, Disgusting animals such as worms, lice, leeches and so on, Animals that have fangs, clawed animals that eat their prey by pouncing and snatching, Animals that are prohibited by Islam to kill them such as bees, hud- hud birds, frogs, and ants, Meat cut from halal animals while the animal is still alive, Animals that are poisonous and dangerous when eaten, Animals that live in two realms such as turtles, crocodiles, monitor lizards and so on, Blood urine, feces and placentas, Oil, fat and bones from animals mentioned above; Animals slaughtered not in the name of Allah, Khamr/hard liquor (Hasan, 2014).

Sharia Legal Basis for Halal Product Guarantee, namely:

- a. QS. Al-Baqarah (2): 172 and 173.

يَا أَيُّهَا الَّذِينَ ءَامَنُوا كُلُوا مِن طَيِّبَاتِ مَا رَزَقْنَاكُمْ وَاشْكُرُوا لِلَّهِ
إِن كُنْتُمْ إِتِيَاهُ تَعْبُدُونَ ﴿١٧٢﴾

Meaning: O you who believe, eat of the good sustenance We have given you and give thanks to Allah, if indeed to Him you worship.

إِنَّمَا حَرَّمَ عَلَيْكُمُ الْمَيْتَةَ وَالدَّمَ وَلَحْمَ الْخِنْزِيرِ وَمَا أُهْلَ بِهِ
لِغَيْرِ اللَّهِ فَمَن اضْطُرَّ غَيْرَ بَاغٍ وَلَا عَادٍ فَلَا إِثْمَ عَلَيْهِ إِنَّ اللَّهَ غَفُورٌ
رَّحِيمٌ ﴿١٧٣﴾

Meaning: Allah has only forbidden to you carrion, blood, pork, and that which is called by the name of other than Allah when slaughtered. But whoever is compelled to eat them and does not desire to do so, nor does he transgress the limits, there is no sin on him. Verily, Allah is Forgiving and Merciful.

- b. Q.S. Al-An'am (6) : 119

وَمَا لَكُمْ أَلَّا تَأْكُلُوا مِمَّا ذُكِرَ اسْمُ اللَّهِ عَلَيْهِ وَقَدْ فَصَّلَ لَكُم مَّا
حَرَّمَ عَلَيْكُمْ إِلَّا مَا اضْطُرِرْتُمْ إِلَيْهِ وَإِنَّ كَثِيرًا لِّيُضِلُّونَ بِأَهْوَاءِهِمْ بِغَيْرِ
عِلْمٍ إِنَّ رَبَّكَ هُوَ أَعْلَمُ بِالْمُعْتَدِينَ ﴿١١٩﴾

Meaning: Why do you not want to eat (lawful animals) of which the name of Allah is mentioned when slaughtering them, when indeed Allah has explained to you what He has forbidden you, except what you are compelled to eat. And indeed most (of the people) do seek to mislead (others) by their lusts without knowledge. Indeed, your Lord knows best those who transgress the limits.

Based on the above verses, there are two criteria for the food we consume, namely halal and thayyib. The scope of "halal" in the verse includes halal in terms of its substance, namely food that is not included in the haraam and halal in terms of how to obtain it. Meanwhile, what is meant by thayyib in the verse according to Ibn Kathir as quoted by Sofa is food whose substance is good and does not cause harm to the human body and mind (Sopa, 2013).

4. CONCLUSION

The government's efforts to provide legal protection for Muslim consumers on the right to halal information can be seen from the issuance of past laws and regulations to the presence of new laws and regulations, namely Law Number 33 of 2014 concerning Halal Product Guarantee. Various laws and regulations that have existed before, which also regulate and relate to halal products, have not been able to provide guarantees and legal certainty for Muslim consumers. So this JPH Law was issued which is expected to provide guarantees and legal certainty that halal information on food products in circulation is guaranteed halal for Muslim consumers.

The urgency of halal labeling is listed on food products as legal certainty for Muslim consumers, because the label is part of a product that can convey information to consumers, and so far there is no standard halal labeling rule set nationally, so that the current halal label varies in form.

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