

## Policy Required to Halal Product Certification in Indonesia

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**Abstract** - In This paper aims to examine the importance of the mandatory of halal product certification policy in Indonesia. This paper consists of four sections, the first part discusses the importance of consuming halal products, the second part discusses the mandatory policy of halal certification, the third part discusses about the differences in halal certification obligations and halal labeling, and the fourth part is the conclusions. The description of this paper will provide an overview that before the enactment of Law No. 33 of 2014 concerning Guarantees of Halal Products, there were no standard provisions regarding halal certification obligations, only those with appeal and halal certification were carried out with their respective awareness from producers. With the birth of the Halal Product Guarantee Act, all food, beverage, cosmetics and medicine products are required to carry out halal certification.

**Keywords:** *Mandatory, Certification, Halal Products*

### 1. Introduction

Indonesian people who are Muslim majority should be happy with the enactment of Law No.33 of 2014 concerning Halal Product Guarantee (JPH) in 2014. Muslims as the majority of consumers in Indonesia legally have adequate protection in obtaining halal food, medicine and cosmetics guarantees. For non-Muslim, there is no need to worry, they are also protected by the guarantee of good halal products (halalan thayiban). Many cases spread in the community that there is plastic rice, there are foods that contain formalin or borax, 'tiren' chicken, etc., Through this Law, of course all consumers in Indonesia will feel the benefits, because basically Islam is a blessing for all nature. The ratification of this law is not as smooth as one might expect, many parties support many parties who rejects it so that it becomes its own dynamic that has slices that are very close to political constellations, religious, ideological, and economic interests of the community and the state.

The basic regulation in Law No.33 of 2014 concerning Guarantees of Halal Products is that the Halal Certification Arrangement from voluntary becomes mandatory for food, medicine and cosmetics as referred to in Article 67 of the Law, even though this provision comes into force 5 (five) years since this Law is promulgated.

Enforcement of industrial players required to have a halal certificate will be carried out in stages with the mandatory priority of halal certificates for food, then medicines and cosmetics. JPH implementation based on the provisions of Article 3 of the JPH Law aims to provide comfort, security, safety and certainty of the availability of Halal Products for the community in consuming and using products

and increasing added value (commercialization) for businesses to produce and sell Halal Products in Indonesia. This law applies the classification of 2 types of products circulating in Indonesia later, namely Halal products and non-Halal products. Although the JPH Law was passed last year, several provisions in this Law will be implemented in stages, specifically the mandatory halal certification for products from within or outside the country circulating in Indonesia will be valid for 5 years after the JPH Law is promulgated.

## **2. Result and Discussion**

### **2.1. Obligations of Halal Product Certification**

Indonesia as a country with a majority Muslim population obligates the government to take the responsible for maintaining halal food products. For Muslims, the legal basis for halal food is found in the Qur'an, Sura Al-An'am verses 121, 145, Al-Maidah verses 3 and 88 and Al-Baqarah verse 173. When viewed entirely, then in Al-Quran there is no less than 18 verses that describe halal and haram food and beverage. The obligation for every human being to consume halal products requires provisions that can guarantee a halal product, and one of the best way can be done through a halal certification process.

According to LPPOM MUI's provisions in the Halal Assurance Guide, Halal Certification is a process to obtain halal certificates through several stages to prove that materials, production processes and SJH meet LPPOM MUI standards. Halal certificate is an obligation written by the MUI stating the halalness of a product in accordance with Islamic sharia. This halal certificate is a requirement to include a halal label on the product packaging, with the aim of providing certainty of halalness in a food, medicine and cosmetics product, so that it can reassure the mind that consumes it. The halal certificate of a product was issued after it was decided in the MUI Commission session which was previously based on an audit process conducted by LPPOM MUI. This Halal Certificate is a condition for obtaining permission to include halal labels on product packaging from authorized government agencies.

Halal products are products consisting of food, beverages, cosmetics and medicines, but do not rule out the possibility of other products. Food, cosmetics and medicines that are safe are halal products that are halal in substance, halal in how to process it, halal in how to slaughter it, and halal in how to get it. Halal food is food that does not contain elements or goods that are forbidden or prohibited for consumption by Muslims both regarding food raw materials, food additives, auxiliary materials and other supporting materials including foodstuffs processed through genetic engineering and food irradiation processes and their management carried out in accordance with the provisions of Islamic religious law. In other words, safe and healthy food products are foods that can meet human needs from inner aspects of health and comfort.

Halal products are products that meet the halal requirements in accordance with the Islamic teaching, namely: a. Does not contain pork and ingredients derived from pigs, b. All materials derived from halal animals are slaughtered according to the procedures of Islamic teaching, c. All storage places, places of sale, processing, place of management and transportation are not used for pigs. If it has ever been used for pigs or other non-halal goods, it must first be cleaned in a manner regulated according to the Islamic teaching, d. All foods and beverage that do not contain the amorous, e. All storage places, places of sale, processing, management places and transportation places are not used for pigs

or other non-halal goods, the place must first be cleaned in a manner regulated according to Islamic teaching.

So far there are no official regulations and institutions that require products to conduct halal certification and issue halal labels. Even if there is a halal label, it is only included by the manufacturer. There was an agreement between the MUI and the Ministry of Health that those authorized to give the halal label were the MUI, but because of its verbal nature it had not been stated in the form of certification so it did not have binding legal force. Moreover the MUI does not have the power of execution (executor) if there are entrepreneurs who do not take care of halal labels on their products. Until the end, Law No.33 of 2014 concerning Halal Product Guarantees was issued.

The fundamental changes stipulated in Law No.33 of 2014 concerning Halal Product Guarantees are changes in halal certificates from voluntary to mandatory for food, medicine and cosmetics as referred to in Article 67 of the Law, even though this provision comes into force 5 (five) years since the Law this is promulgated. The application of industry players must have a halal certificate will be carried out in stages with the mandatory priority of halal certificates for food, then medicines and cosmetics.

JPH implementation based on the provisions of Article 3 of the JPH Law aims to provide comfort, security, safety and certainty of the availability of Halal Products for the public in consuming and using products and increasing added value (commercialization) for businesses to produce and sell Halal Products in Indonesia.

Mandatory provisions for halal certification for food products, medicines and cosmetics will not necessarily make panic situation since in Indonesia at present not all products that are circulating are halal products based on Islamic law and order, there are also many products that are illegitimate according to the provisions of Islamic teaching. Non-halal products are not allowed to circulate in Indonesia, but this law applies the classification of 2 types of products circulating in Indonesia later, namely Halal products and non-Halal products.

According to Article 26 paragraph (2), for non-halal products, it must be written on the product label inscribed NOT HALAL, and the production process and its place of residence must be separate from Halal Products, so that concerns about the enactment of this Law will disrupt religious diversity and harmony in Indonesia since not all Indonesian citizens is Islam that will cause social shocks and will not occur. This law only provides clear limits for all communities where halal products and non-halal products will automatically be integrated with BPOM in the supervision of food and medicines and cosmetics that are guaranteed health.

Restrictions on Halal Products and Non-Halal Products will be reinforced by the JPH Law because for industries that have obtained Halal certificates are obliged to maintain the halalness of their products and establish a halal product guarantee system in their company. If the company cannot fulfill this, it can be subject to the threat of imprisonment for a maximum of 5 years or a fine of Rp.2 billion (Article 56 of the JPH Law).

The JPH Law has also changed the process, mechanism and standardization of checks and Halal studies which have been carried out by the Indonesian Ulema Council (MUI) through the Food and Drug Research Institute (LP POM MUI), then the MUI will no longer perform that function because based on the JPH MUI Law, it is only as a reference giving institution whether or not a

Halal product, while the institution that will issue the Halal certificate is the Halal Product Guarantee Agency (BPJPH). This department will soon be formed and will be under the Ministry of Religion, BPJPH does not act as a Halal Examining Agency (LPH) which will be implemented by government institutions and LPHs belonging to Islamic community organizations that are legal entities as regulated in Article 12 and Article 13 of the JPH Law.

Therefore, later there will be LPH located in the Center as well as in the regions. The Halal Examining Agency must be supported by the Laboratory or at a minimum cooperation with other institutions that have laboratories, Halal Auditor staff of at least 3 people with an educational background of at least S-1 graduates in Food Technology, Chemistry, Biology, Biochemistry, Industrial Engineering and Pharmacy, offices with its equipment and must be accredited by BPJPH (Article 13 of the JPH Law).

Although the JPH Law was passed last year several provisions in this Law will be implemented in stages, specifically the mandatory halal certification for products from within or outside the country circulating in Indonesia will be valid for 5 years after the JPH Law is promulgated. The reason for delaying the compulsory application of halal certification is because there are still many preparations to do. In addition, the JPH Law still has weaknesses because problems will arise if Halal Certificates are given by a foreign Halal Inspection Agency (LPH). It turns out that when circulating in Indonesia after being investigated in Indonesia, it is declared that Halal will lead to international trade disputes, because which institution will be sanctioned accordingly with the provisions of the JPH Law, of course there is still a need for further advanced provisions stipulated in the implementing regulations of the JPH Law.

The tool for implementing this JPH Law needs to be prepared and matured. From the legal aspect, the JPH Law still requires implementing regulations (Government Regulations, Presidential Regulations and Ministerial Regulations) which of course require time, and currently the PP and PERMENAG implementing regulations for the JPH Law are still being formulated by the government. In addition, the establishment of the Halal Product Guarantee Organization (BPJPH) also requires time and preparation of human resources personnel, the community also needs time to understand the provisions of the JPH Law, so that socialization and dissemination of the provisions of the JPH Law is still needed.

The JPH Law will require all food, medicine and cosmetics products to be halal or non-halal. Of course this provision must be welcomed by industry both at home and abroad to prepare halal equipment and a halal guarantee system if indeed the product is declared halal, and if the product is not a halal product, the production process must be individually designed and may not join halal products and their placement must be separated.

## **2.2. Differences in Halal Certification and Labeling Policies**

Juridically, the state has actually regulated the issue of halal labels through legislation before the birth of Law No.33 of 2014. The special rules governing the problem of halal food products in packaging are Law No. 23 of 1992 concerning health, 3 Act No. 7 of 1996 concerning Food and Law No. 8 of 1999 concerning Consumer Protection. Then followed by the regulations below, namely Government Regulation No. 69 of 1999 concerning Food Labels and Advertising, Minister of Religion Decree No. 518 of 2001 concerning Guidelines and

Procedures for Halal Food Inspection and Determination.4 Article 1 (3) of PP No. 69 of 1999 explains that what is meant by a food label is: any information regarding food in the form of pictures, writing, a combination of both or other forms that are included in food, put in, affixed to or is part of food packaging. From the meaning of the label above it can be seen that the information contained in the label. This is very useful for consumers, because from the information on the label, consumers can correctly make choices before buying and or consuming food. Information on labels is not only beneficial for consumers, because labels also have a significant impact on increasing the efficiency of consumers in choosing products and increasing their loyalty to certain products, so that it will also benefit businesses.

If we look closely, the issue of the provision of halal products is long enough in our country. In PP No. 69 of 1999 Article 1, halal food is food that does not contain elements or ingredients that are forbidden or prohibited to be consumed by Muslims, whether concerning food, auxiliary materials and other auxiliary materials including foodstuffs processed through genetic engineering and food irradiation and the management is carried out in accordance with the provisions of Islamic religious law.

Joint Decree of the Minister of Health and Minister of Religion No.427 / me.kes / VIII / 1985 and No. 68 of 1985 Article 1 mentions that halal food is all types of food that do not contain prohibited / unclean elements or ingredients and / or processed / processed according to the Islamic religion. Internationally, halal product rules are regulated in the Halal-Codex GENERAL GUIDELINES FOR THE USE OF THE TERM "HALAL" CAC / GL 24-1997. While in Indonesia, if observed, the regulation of halal products is clearly regulated. The following are nine regulations related to halal food in Indonesia and an explanation of the detailed rules: 1. Minister of Health Regulation No. 280 / Menkes / Per / XI / 1976 concerning Provisions on Circulation and Marking on foods containing Ingredients derived from Pigs. Article 2 regulates: a) In containers or food packages that are produced domestically or from imports that contain ingredients derived from porn must be marked with a warning sign. b) The warning sign referred to in paragraph (1) must be in the form of a picture of a pig and a text that reads: "CONTAINING PORN" and must be written in red red letters with a size of at least Universe Medium Corps 12, in a square box that is also red . 2. Permenkes RI No. 76 / Menkes / Per / III / 78 concerning labels and Food Advertising, article 2 states that: Sentences, words, symbols, logos, images and so on contained in the label or advertisement must match the origin, nature, composition, quality and food use. 3. Joint Decree between Minister of Religion and Minister of Health No. 427 / Menkes / SKB / VIII / 1985 and No. 68/1985 concerning the Inclusion of "Halal" Posts on Food Labels. Article 1: The "halal" article is the writing that is stated on the label / marking that guarantees the halal of the food for the followers of Islam Article 2: The producer who lists the word "halal" on the label or marking the food of the product is responsible for the halal of the food for religious Islam. In this provision whether or not a halal statement in food labels or advertisements is true not only in terms of food raw materials, food additives, or other auxiliary materials used in producing food, but includes the manufacturing process. Minister of Health Decree No. 82 / Menkes / SK / I / 1996 concerning the Inclusion of Halal Posts on Food Labels and their amendments in the form of RI Minister of Health Decree No. 924 / Menkes / SK / VII / 1996, along with the implementing regulations in the form of Decree of the Director General of

POM No. HK. 00.06.3.00568 concerning the Procedure for Inclusion of Ha-lal Writings on the Food Label, which among others explains: a. Approval of the inclusion of the words "halal" on the food label is given by the Director General of POM b. Food products must be registered with the Indonesian Ministry of Health c. Approval of the labeling of "halal" is given after an examination and assessment by a team consisting of the Ministry of Health, Ministry of Religion and MUI d. The results of the Assessment Team Assessment were submitted to the MUI Fatwa Commission to issue its fatwa, and finally given a Halal Certificate e. Approval of "halal" inclusion is given by the Director General of POM based on a Halal certificate based on the MUI f. Approval is valid for 2 years in accordance with the certificate. 7. Law No. 8 of 1999 concerning Consumer Protection, namely: Article 7 point (b): Business actors are obliged to provide true, clear and honest information about the conditions and guarantees of goods and / or services. Article 8 paragraph 1 point (h): Business actors are prohibited from producing and / or trading goods and / or services that do not follow the provisions of halal production. 8. PP No. 69 of 1999 concerning Food Labels and Ads a. Article 10 1) Every person who produces or enters packaged food into Indonesian territory to be traded and declares that the food is "halal" for mankind, is responsible for the truth of the statement and is obliged to include information or halal writings on label 2).

The statement about "halal" as referred to in paragraph (1) is an integral part of the label b. Article 11 1) To support the truth of the "Halal" statement as referred to in Article 10 paragraph (1), every person who produces or enters packaged food into Indonesian territory to be traded, must first check the food at an accredited inspection institution with the provisions of the prevailing laws and regulations. 2) Examination as referred to in paragraph (1) is carried out based on the Guidelines and Procedures established by the Minister of Religion, taking into account the considerations and suggestions of religious institutions that have competence in the field. c. Article 59 Supervision of the implementation of the provisions concerning labels and advertisements is carried out by the Minister of Health d. Article 60 1) In implementing the provisions referred to in Article 59, the Minister of Health appoints officials to be assigned inspection duties. 2) The inspection official as referred to in paragraph (1) is selected and appointed by the Minister of Health based on certain expertise possessed. 3) The inspection official as referred to in paragraph (1) is appointed and dismissed by the Minister of Health. 9. Explanation of PP No. 69 of 1999 Article 11 paragraph 1 states that the inclusion of halal writings is basically voluntary. As for sanctions against violations of label inclusion provisions can be imposed: 1. Criminal imprisonment of a maximum of 3 (three) years and or a maximum fine of Rp. 360,000,000, - for violations of Law No. 7 of 1996 article 34 paragraph (1).

### **3. Conclusion**

Based on the description outlined above, it can be stated that the halal certification policy in Indonesia has a very important role in guaranteeing the presence of halal products that will be consumed by the public. The obligation of halal certification complements the halal labeling provisions that existed before the birth of Law Number 33 of 2014 concerning Guarantees of Halal Products. Because basically the compulsory certification provisions have never been in the previous regulations and their nature is only an appeal and awareness of each,

with the mandatory provisions of halal certification, the people especially Muslims will get a guarantee of certainty in consuming halal and good products.

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