
Analysis Of Consumer Protection Laws Against Food And Beverage Products That Do Not Have Halal Labels In Gorontalo City

Novrianto Harun², Nirwan Junus², Dolot Alhasni Bakung³.

¹ Faculty of Law, Universitas Negeri Gorontalo, Indonesia. E-mail: novriharun2426@gmail.com

² Faculty of Law, Universitas Negeri Gorontalo, Indonesia. E-mail: nirwan.junus@ung.ac.id

³ Faculty of Law, Universitas Negeri Gorontalo, Indonesia. E-mail: dolot.bakung@ung.ac.id

ARTICLE INFO

ABSTRACT

Keywords :

Consumer Protection,
Halal Label,
LPPOM-MUI

How To Cite :

Novrianto., Junus, N.,
Bakung, A, D. Analysis Of
Consumer Protection
Laws Against Food And
Beverage Products That
Do Not Have Halal Labels
In Gorontalo City.
Estudiante Law Journal
1(3): 673-684

DOI :

This study aims to find out and analyze how consumer protection against food and beverage products that do not have halal labels in Gorontalo City and to find out and analyze what factors cause there are still many circulating food and beverages not labeled halal in Gorontalo city. The type of research used is empirical and juridical legal research and uses qualitative data analysis techniques. The results showed that consumer protection of food and beverage products that do not have halal labels in Gorontalo City is still not well implemented this can be seen from the many food and drink products that are not labeled halal widely circulated and very much in Gorontalo city. As well as factors that cause there are still many circulating food and beverages not labeled halal in the city of Gorontalo, namely a) Convoluted economic and administrative factors, b) Business Factors undertaken are small businesses, c) The lack of public knowledge about law no. 33 of 2014 on halal product guarantees.

©2019 Novrianto., Junus, N., Bakung, A, D

Under the license CC BY-SA 4.0

1. Introduction

The large Muslim population in Indonesia is a potential market for halal products. A Muslim in consuming a good or service certainly not only establishes the useful value of a good or service but also considers the benefits of consuming the goods or services.

Muslims in consuming food and drink are bound by Islamic teachings that require the fulfillment of food requirements to be consumed, namely, the food must be halal and good. The basis used to indicate the necessity to consume food and drink, plants and animals/animals that have been halal and good as stated in the Qur'an and Hadith

Means:

"Andean good food from what Allah has sustenance for you, and fear the Allah whom you believe in." (QS. Al-Ma'idah verse 88)

The above verses not only state that consuming the halal law is obligatory because it is a religious commandment but also show that it is one of the manifestations of gratitude and faith in Allah SWT. On the contrary, consuming halal is seen as following the teachings of satan.

A hadith narrated by Muslims is said that the halal is clear and the haram is clear, however, in the hadith, it is mentioned quite a lot of vague things (syubhat), whose legal status, whether it is halal or haram, is not known to many people.

Means:

"Halal and haram are obvious things, and between them, there is a thing that is syubhat (something dubious, vague, something that is not clear whether it is halal or haram), most people do not know the law. Whoever is careful of the rest matter, he has saved his religion and self-esteem." (HR. Muslims).

Another hadith is also explained about the reward for those who consume and use things that are haram. The hadith is narrated from Abu Bakr:

"It will not enter into the paradise of flesh that grows from an unclean source, hell is worthy of it." (Narration of Imam Ahmad in his Musnad).

Not only regulated in the Qur'an and Hadith in the Indonesian Constitution also gives the right to the people of each religion to practice their respective religions, including Islam which is not least a religion with the majority adherents in Indonesia, but it is also in accordance with Article 28E Paragraph (1) Everyone has the right to embrace religion and worship according to his religion, choose education and teaching, choose a job, choose citizenship, choose a place to live in the territory of the country and leave it, and entitled to return and Article 2 of Law No. 8 of 1999 concerning Consumer Protection based on benefits, fairness, balance, security, and safety of consumers, as well as legal certainty. Also in Article 8 of Law No. 8 of 1999 concerning Consumer

Protection Paragraph (1) letter h, business actors are prohibited from producing and/or trading goods and/or services that do not follow the provisions of halal production, as the statement "halal" is included in the label.

The government has also issued legislation related to the necessity to include halal labels on packaged food products. Various laws and regulations in question include article 97 paragraph (3) of Law No. 18 of 2012 on Food, Law of the Republic of Indonesia Number 8 of 1999 on consumer protection Article 8 paragraph (1) letter h, and Law of the Republic of Indonesia Number 33 of 2014 concerning Halal Product Guarantee.

The number of regulations above that regulates the importance of a halal label on food products and the obligation of business actors to produce food and beverages must be by what has been determined by law is nothing but aimed at providing a sense of security to the community, it is by Article 28D of the Constitution 1945 paragraph (1) Everyone is entitled to recognition, guarantees, protection, and fair legal certainty and equal treatment before the law.

Although the Constitution has required every product to be halal certified as stated in Indonesian Law No. 33 of 2014 concerning Halal Product Guarantee Article 4 Products entering, circulating, and traded in the territory of Indonesia must be halal certified, but there are still many foods and drinks that do not have halal labels circulating in Gorontalo City, this is by my search in several stalls in Gorontalo City, Various kinds of traditional cakes, drinks are still many even almost completely do not have a halal label, Sejaln with it According to haasil wawancr with Mr. Marjan Paputungan M.Si as Deputy Director of LPPOM MUI Gorontalo Province he revealed that there are still many foods and drinks circulating in Gorontalo that do not have halal labels.

The process to get Halal certification itself is not difficult, even according to Mr. Marjan Paputungan sometimes LPPOM MUI Prov Gorontalo who came down to pick up the ball or come to the production sites and offer so that their business can have halal certification, following the mechanism to obtain halal certification.

1. Manufacturers who apply for a halal certificate for their products must fill out the form that has been provided by attaching:
 - a. Specifications and halal certificates of raw materials, additives, and auxiliary materials as well as process flow charts.
 - b. Halal Certificate or Halal Certificate from MUI Daerah (local products) or Halal Certificate from Islamic Institutions that have been certified by MUI (imported products) for materials derived from animals and their derivatives.
 - c. The halal assurance system outlined in the halal guidelines and their standard implementation.

2. LP POM MUI auditor team conducts an examination/audit to the manufacturer's location after the form and attachments are returned to LP POM MUI and checked for completeness
3. The results of examination/audit and laboratory results are evaluated in a meeting of LP POM MUI experts. If it has met the requirements, then an audit report is made to be submitted to the MUI fatwa commission hearing to be decided directly to the page.
4. The MUI fatwa commission hearing can reject the audit results report if it is deemed not to meet all the requirements that have been determined.
5. Halal certificates are issued by the Indonesian Ulema Council after being established by the MUI fatwa commission.
6. Companies whose products have received Halal Certificates, must appoint internal Halal auditors as part of the Halal Assurance System. If there is then a change in the use of raw materials, additives, or auxiliary materials in the production process, the Internal Halal Auditor is required to immediately report for "disobedience" to its use". If there are changes related to halal products should be consulted with LP POM MUI by the Internal Halal Auditor.¹

Permasalahan related to the number of food and drinks circulating in Gorontalo that does not have halal meaning is certainly the responsibility of the government in this case the institution that has been given the mandate by the constitution to oversee all food and beverage products circulating in the community so that later it does not cause concern in the wider community. This is what is behind the prospective researchers to deepen this research and pour it in a paper entitled "Legal Analysis of Consumer Protection Against Food and Beverage Products That Do not Have Halal Labels in Gorontalo City" this study was created to answer questions related to how consumer protection of food and beverage products that do not have halal labels in Gorontalo City as well as what factors cause there are still many circulating food and drinks not labeled halal in the city of Gorontalo

2. Research Method

The type of research used is sociological juridical *research*, which means reviewing the circumstances and problems that exist in the field about aspects of applicable law and that govern the problem. This research is based on normative legal science (laws and regulations), but not reviewing the norm system in the law, but observing how reactions and interactions occur when the norm system works in society.² Legal research is research that is in the past on the law. Law is not only in the sense of being a rule or norm (*law in the book*) but

¹ LP POM MUI, *Pedoman Untuk Memperoleh Sertifikat Halal*, Semarang, 2003, hlm. 2.

² Mukti Fajar ND dan Yulianto Achmad, *Dualisme Penelitian Hukum Normatif dan Empiris*, (Yogyakarta: Pustaka Pelajar, 2017), hlm. 47

includes laws related to the behavior of people's lives (law in *action*).³ The location of this research was conducted at the Institute of Food, Medicine, and Cosmetic Assessment of the Indonesian Ulema Council of Gorontalo (LPPOM-MUI). As for the consideration and reason the author chose the location is because all the data needed in this study is in the location, also the city of Gorontalo still circulates many foods and drinks that are not labeled halal. The analysis of data used in this study is descriptive data analysis which means that researchers in analyzing want to provide an overview of exposure to the subject and object of the study.

3. CONSUMER PROTECTION AGAINST FOOD AND BEVERAGE PRODUCTS THAT DO NOT HAVE HALAL LABELS IN GORONTALO CITY

The Constitution of the Unitary State of the Republic of Indonesia in 1945 conveys the constitutional foundations for all people of the Republic of Indonesia in carrying out life, both worldly life, as well as *ukhrowi* life. Article 28D paragraph (1) stipulates that as follows: Every citizen is entitled to recognition in the eyes of the law, guaranteed by law, get legal protection, get fair legal certainty, and be treated equally with other Indonesian citizens before the law. As the principle applies in the Indonesian legal system that everyone is equal in the eyes of the law.

So the importance of a legitimate aspect of drug liberalization and culinary is related to the desire of consumers who are increasingly higher and higher, especially about the aspect of the idolatry of a food and beverage product. By rule or constitutionally this issue has been regulated by our policymakers, namely the government either in the order of food laws, or other regulations on consumer protection that regulate specifically about the certification process to obtain halal certificate numbers for food and beverage products.

For this problem, the existence of halal labels becomes a control of the emergence of intentions or desires in every society. The control is influenced by several other inhibitory factors and supporters that give rise to intentions. Supporting factors arise because based on experience and news, then the news is obtained from science that exists in every community or individual or other people around it. Knowledge about this halal label is included in the understanding of each individual from each information it becomes a factor supporting the stronger control of attitudes felt by individuals or communities. Strong attitude control will eventually create a strong day as well. So with the understanding of halal labels, it can affect the intention of everyone or society in buying a product.

³ Suratman dan Philips Dillah, 2013, *Metode Penelitian Hukum*, Penerbit Alfabeta, Bandung, hlm. 39

With the obligation of halal certification for every beverage and food product that will be distributed in every corner to be consumed by people throughout Indonesia, it is an effort made by the government in protecting its citizens who are not the majority of Muslim communities, but in addition to being viewed from one of the people's points of view, liberalization in every beverage and food product and drug and cosmetic products in Indonesian society can be shown to the community that drugs and food are feasible or can be consumed or used in all walks of life, both Muslims and non-Muslims.

With the presence and development of science and technology of science and technology, then whatever is desired by the community can be provided in this case is needed a variety of substances or ingredients *tambhana* to process food and drink as well as drugs and cosmetics. These additional materials are made can be done by *kiwi* or by biotechnology but can also be done extraction from animals and plants. From that process, there may be changes in food and beverages that were initially halal, it is because the additional ingredients derived from animal extraction are not halal.

Especially with Indonesia's current condition to face the free trade system whether it is in the international/global order or the regional order, it is feared that it will be flooded with various foods and products of drugs and cosmetics that are contained or can be contaminated with haram elements so that it can change the food that was originally halal to not halal.

For this reason, it is necessary to make a legal product or provision that directs the manufacturer to install halal labels for every beverage food product as well as drugs and cosmetics circulating in the territory of the Kseatuan Republic of Indonesia. It is hoped that the existence of halal labels on every package of food products can provide a sense of security and a society that in this case is a Muslim consumer, so that consumers, especially Muslims, feel calmer when they consume every food, it also applies to non-Muslim citizens, they will feel safer when consuming every food product, drinks and medicines, and cosmetics.⁴

There is a basic constitution that is a reference in making policies on the protection of consumers, especially Muslim consumers in Indonesia from the existence of every haram product, namely as follows:

1. The Constitution of the Republic of Indonesia of 1945.
2. Law No. 8 of 1999 on Consumer Protection (UUPK).

Seeing the current condition there are still many circulating various food and beverage products that do not have halal labels in the city of Gorontalo indicating that consumer protection of food and beverage products that do not have halal labels in Gorontalo City, it is that although there are many clear rules

⁴ AZ. Nasution, *Hukum dan Konsumen*, Grasindo, Jakarta, 2011, hal. 22.

related to the obligation for uisaha actors so that food and beverage products sold must be halal certified. This makes the people in Gorontalo especially Gorontalo not unsafe, even though Gorontalo which is famous for the term medina portico whose majority Muslim community should be balanced with food and beverage products must have a halal certificate.

4. The factor that causes there are still many circulating food and drinks not labeled halal in the city of Gorontalo.

Seeing from the data on the ground that there are still many circulating foods and drinks that are not labeled halal and do not have halal certificates there are several factors found by the author related to the still many circulating food and beverages not labeled halal in the city of Gorontalo some of these factors are 1) economic factors, 2) Halal Certificate Management Process, 3) People do not want to know, and 4) Lack of Public Knowledge About Halal. The explanation is as follows:

4.1 Convoluted Economy and Administration

Economic factors are still one of the reasons why so many are found in the city of Gorontalo food and beverages that do not have halal labels it happens because MSMEs in Gorontalo City do not want to take care of halal certificates, it is served because one of the reasons is the registration fee is not cheap in addition to only home-owned actors who are not as happy as expressed by the source of Nurmin Abdulah's mother' mother and Medium -- banana chips goroho in Gorontalo City in his interview said that "For me, I want to register my business while the benefits I get are not much, even though to take care of the halal certificate according to him the cost required is more than 1 million".⁵

The same was also expressed by the source of Mr. Marjan Paputungan Deputy Head of the Institute of Food Assessment of Medicines, Cosmetics and Eating Assemblies of The Indonesian Ulema Council (LPPOM-MUI) in his interview said that "It is the reason why many of us eat food and beverages that do not have halal labels because the management process itself is not cheap for the size of a home business, therefore many of them only stick halal labels but do not have legality".⁶

From the results of the above interview, it can be concluded that economic limitations make people reluctant to register their efforts to get halal Zertifikat, so this affects the number of food and beverage products circulating in

⁵ Interview with Nurmin Abdulah owner of micro small and medium enterprises (MSMEs) banana goroho chips

⁶ Interview with Mr. Marjan Paputungan Deputy Head of the Institute for the Assessment of Food Medicine, Cosmetics and Eating Of the Indonesian Ulema Council (LPPOM-MUI)

Gorontalo city but does not have a halal certificate or even if it has a halal label, but only installed the outer logo.

In addition, the halal certificate application process is not easy as for the halal certificate application process based on the provisions of the current LPPOM-MUI, business actors must understand the requirements of halal certification and follow the halal assurance system training and apply it, complete the documents: product list, ingredient list, and material documents, product matrix, halal assurance system manual, process flow diagram, list of production facility addresses, evidence of halal policy socialization, evidence of internal training and evidence of internal audit, registration of halal certification, conducting pre-audit monitoring and payment of certification agreements, conducting audits, conducting post-audit monitoring, having a PIRT / MD marketing permit, having MD marketing permit for high-risk products. All these requirements can be prepared by business actors except for MD circular permits from BPOM and IUI / IUMK from BPPTPM / Sub-District.

To obtain an MD distribution permit based on BPOM provisions, business actors must have an IUMK or IUI Business License from the local government by the IUMK Implementation Guidelines, conduct product testing to an accredited laboratory, apply for an MD license to the POM RI Agency (double 2), fill out the MD application form and include the attachment, including the design of etiquette/product label, send the application file to the Directorate of Food Safety Assessment of POM RI Agency.

When applying for a halal certificate, business actors complete documents with MD circular permits, and when taking care of MD licenses business actors complete documents with industrial permits.

Related to the completeness of the document is also classified as complicated by attaching all the requirements requested and including having to attach MD license and industrial permit IUI / IUMK where both can be obtained from BPOM and BPPTPM / Sub-district. Md's license is very strict in its implementation often makes business actors give up before filing. BPOM as an institution that has the authority as a food supervisor circulating in Indonesia is responsible for Indonesia's food safety. Audits and laboratory checks on materials that are not equipped with documents need to be done because currently many products are produced from technological processes so it is necessary to know their traceability.

The process for obtaining a halal certificate is 1. NIB (parent number attempted), MANDATORY 2. NPWP (support), 3. PIRT (support), 4. Mandatory ID card, 5. Application Letter, 6. Fill out the Registration Form, 7. Halal Supervisor Decree, 8. History of Halal Supervisor, 9. Manual SJH

(mandatory for LARGE companies), 10. Production Process Flow, 11. List of Ingredients and Products:⁷

Related to the complicated administrative management process to obtain halal certificates was also stated by the source of Mr. Marjan Paputungan Deputy Head of the Institute of Food Assessment of Medicines, Cosmetics and Eating Of The Indonesian Ulema Council (LPPOM-MUI) in his interview said that "Sometimes citizens do not want to register halal Zertifikat because the process is complicated and the length of many administrations that must be fulfilled, not to mention now has entered the era of digital whose registration has been through online but must register in some applications so that it is too complicated for MSME business class whose market only circulates in the city of Gorontalo."⁸

From the results of the above interview, it was concluded that the factors that cause there are still many circulating food and beverages not labeled halal in the city of Gorontalo is because the administrative process in taking care of halal certificates is not easy to take care of, starting to register online and take care of various administration in related agencies before registering it. This certainly makes people lazy and no longer interested in taking care of halal certificates, the next reason is that some of the MSME esar in the Gorontalo market is still around the city of Toronto so according to meek not too needed halal certificate. This factor makes many products whether it is food or beverages circulating in the city of Gorontalo does not have a halal label and do not have a halal certificate.

Ignorance and lack of understanding that occurs to business actors also cause ignorance about the procedures for halal certification registration, as well as what processes are needed to get halal certification.

This recognition also reinforces that the lack of socialization regarding Law No. 33 of 2014 on Halal Product Guarantee that causes businesses not to perform halal certification.

4.2 The business that is undertaken is small.

A small business is a small company whose operations are relatively small, usually with total revenue of less than \$5 million. The company is generally:

1. Managed by the owner himself,
2. Have several other owners, if any,
3. All owners are actively involved in the conduct of corporate affairs except

⁷ Interview with Mr. Andriano Tobuhu, Lc. Halal Task Force BPJPH Gorontalo Province (Operator)

⁸ Interview with Mr. Marjan Paputungan Deputy Head of the Institute for the Assessment of Food Medicine, Cosmetics and Eating Of the Indonesian Ulema Council (LPPOM-MUI)

- perhaps certain family members,
4. Rare transfer of property rights, and
 5. It has a simple capital structure.

Law No. 33 of 2014 itself does not explain the category of companies that can perform halal certification, but this Law only describes every product that enters and circulates in Indonesia must have halal certification products. It should be explained in detail what companies can do halal certification of products, therefore business actors can more easily understand what categories of companies can do halal certification products.

The small turnover or income of businesspeople from their businesses is also an excuse. If you look at the facts on the ground that they do is still classified as a small business with a small income that is not large and unstable, they feel that with the type or level of their business that they say is still small they feel they are not obligated to do the halal certification.

5. Lack of Public Knowledge about Law No. 33 of 2014 concerning Halal Product Guarantee

Knowledge of business actors regarding Law No. 33 of 2014 on Halal Guarantee is not aware of the existence of Law No. 33 of 2014 on Halal Guarantee which explains that all food and beverage products circulating in The Must have a halal certificate as stated in Article 4 of Law No. 33 of 2014. Based on this, it can be said that the socialization of Law No. 33 of 2014 concerning Halal Guarantees This product is lacking and has not reached the bottom of the community, because many of the small roadside stalls are not aware of this Law, as well as the understanding of this Law is also very minimal.

Ignorance of business actors about the Existence of Halal Product Guarantee Law then they believe that the entire processing process and raw materials they use are by halal provisions in Islam. With them doing such production they believe the subtlety of their products they already believe in their idolatry. Starting from them looking for all types of raw materials needed to do the production. They look for and use raw materials that they already know are halal ingredients. Then after that, they do the processing well of course also by prioritizing the page of their products.

6. Conclusion

Related to consumer protection of food and beverage products that do not have halal labels in Gorontalo city is still not well implemented this can be seen from the bank of food and drinking products that are not labeled halal widely circulated and very much in the city of Gorontalo. The factor that causes there

are still many circulating food and drinks not labeled halal in the city of Gorontalo you a. Convoluted economic and administrative factors, b. The business factor is a small business, c. Factor in the lack of public knowledge about Law No. 33 of 2014 concerning Halal Product Guarantee.

Reference:

Book:

- Tim LP POM MUI, "Urgensi Sertifikasi Halal", dalam Ichwan Sam, et. Al., *Ijma' Ulama Keputusan Ijtima' Ulama Komisi Fatwa Se-Indonesia III Tahun 2009*, Jakarta: Majelis Ulama Indonesia, Cet. ke-1, 2009.
- Faridatun Nikmah, *Penetapan Fatwa Halal Produk Makanan Minuman Olahan (Studi di Lembaga Pengkajian Pangan Obat-obatan dan Kosmetika Majelis Ulama Indonesia Jawa Tengah)* Universitas Islam Negeri Walisongo Semarang, Skripsi, 2015.
- Ma'ruf Amin, et al. "Himpunan Fatwa Ulama Indonesia Sejak 1975", Jakarta : Erlangga, 2011.
- Soerjono Soekanto, *Pengantar Penelitian Hukum*, Ui Press. Jakarta, 1984.
- Satjipto Rahardjo, *Ilmu hukum*, (Bandung: Citra Aditya Bakti, Cetakan ke-V 2000
- Philipus M. Hadjon, *Perlindungan Bagi Rakyat di Indonesia*, PT.Bina Ilmu, Surabaya, 1987.
- Ishaq, *Dasar-dasar Ilmu Hukum*. Jakarta. Sinar Grafika. 2009
- Peter Mahmud Marzuki. *Pengantar Ilmu Hukum*. Jakarta. Kencana. 2008.
- Celina , *Hukum Perlindungan konsumen* (Jakarta : Sinar Garfika 2008)
- Janus Sidabalok, *Hukum Perlindungan Konsumen di Indonesia*, (Bandung : Citra Aditya Bakti, 2010)
- Susanti Adi Nugroho, *Proses Penyelesaian Sengketa Konsumen Ditinjau dari Hukum Acara Serta Kendala Implementasinya*, (Jakarta: Kencana, 2011)
- Suratman dan Philips Dillah, 2013, *Metode Penelitian Hukum*, Penerbit Alfabeta, Bandung.
- Burhan Ashshofa, 2010, *Metode Penelitian Hukum*, PT. Rineke Cipta, Jakarta.
- Peter Mahmud Marzuki, 2010, *Penelitian Hukum*, Penerbit Kencana Prenada Media Group, Jakarta.

Law:

1. Undang-Undang Dasar 1945
2. Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen
3. Undang-Undang Nomor 33 Tahun 2014 tentang Jaminan Produk Halal