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*by Achmad Siddiq*

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## Exploring the Interaction among MUI, Fatwa Commission and LP POM MUI on Halal Products (A Study on Public Response to Halal Product Certification and Its Factors)

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Article Info	Abstract
<p><b>Article History</b></p> <p>Received: May 13, 2021</p> <p>Accepted: December 15, 2021</p> <p><b>Keywords :</b> Interaction, Respond, Halal Products, Certification</p> <p><b>DOI:</b> 10.5281/zenodo.5784219</p>	<p><i>This study aims to describe the interaction among MUI, Fatwa Commission, and LP POM MUI regarding halal products. The focus of this research is the response of the community (producers and consumers) to halal product certification. This type of research is field research in the form of applied research. Data collection techniques were carried out through questionnaires, interviews, and documentation. The sources of research data are primary data from field research and secondary data from library research. The data analysis technique was qualitative in the form of descriptive explanations, eclectic, content analysis, and rationalistic. Data accuracy is maintained through triangulation. This research is concentrated at LP POM MUI in 4 (four) provinces on the island of Java by taking samples from Jakarta, Bandung, Semarang, and Surabaya. The results show that the response of producers and consumers to halal product certification conducted by LP POM MUI is low/negative. The factors that cause the low/negative response of producers are that the legal institutions for halal product certification are partial, producers tend to prioritize business aspects, and lack of government supervision of the use of raw materials and additives that are categorized as non-halal. Whereas, low/negative public response to halal product certification include low public purchasing power, lack of education and knowledge of some Indonesian Muslims about halal products, differences in lifestyle due to geographic location s rural and urban consumers, coastal and mountainous.</i></p>

### 1. Introduction

Consuming halal products according to religious beliefs (Islam) and/or for the sake of quality of life is a citizen's right guaranteed by the 1945 Constitution of the Indonesian Government (Asnawi et al., 2018; Girindra, 2008:151). The 1945 Constitution guarantees constitutionally every citizen of the Republic of Indonesia in terms of; human rights, the right to worship according to one's religion and belief, the right to legal protection, the right to a legal position and equal rights, and the right to a decent life (Khalek et al., 2017; Alfian, 1993).

According to Islamic law, eating, drinking, or using halal products is categorized as worship behavior. The majority of commentators state that the two verses are qath'i, meaning that their appointment is a necessity. If Allah obliges to eat halal food, then it is obligatory to eat halal food properly. In vice versa, if Allah forbids certain foods, it is obligatory to avoid them as much as possible (Musa & Jalil, 2012; Ibn Katsir, 2002:589-590). The importance of prudence in sorting out what is halal and what is haram, as well as both of them, are obvious, intended for humans to avoid a case doubtful (Nurrachmi, 2017; Hosen, 1990). As the second source of religious law, the hadith emphasizes that what is halal is clear and what is haram is clear, and between the two something's are mutasyabihat (syubhat) or vague. It is not clear what is lawful or unlawful, most people do not know the law. Whoever is careful from doubtful matters he has saved his religion and pride, and whoever falls into doubtful matters (it is easy) for him to fall into forbidden things" (Rahim et al., 2015).

With several normative explanations above, Muslim consumers are emphasized in researching the halalness of a product. Among the actions that can be taken is by paying attention to the halal sign and registration on the product packaging. Observing the halalness of a product is indeed recommended even though on the other hand it is realized; Muslim consumers have recently begun to realize the importance of the halal aspect both related to food, beverage, drug, and cosmetic products, as well as to products resulting from biological chemical processes and genetic engineering. The development of the times with all its supporting tools seems to make people behave that way (Rahim et al., 2015).

Consumer caution in choosing this product remains important. Based on the facts regarding the distribution of food and beverages in Indonesia, certification and halal marking of a product, only reaches a small number of products in Indonesia. Data from the Indonesian Food and Drug Monitoring Agency (BPOM) 2005 showed that there were no more than 2,000 products that had requested the inclusion of the halal mark. While data from

the Indonesian Ulema Council shows that the application for halal certification for the last 15 years (1994-2009) has no more than 15,689 certificates, 42,620 products from 870 producers in Indonesia (LP POM MUI, 2010:5). Although the MUI fatwa regarding the halalness of products has been accepted by the public, the fatwa does not yet have binding force based on the applicable positive law. The fatwa still requires legal confirmation from the state, given the socio-political conditions of the Indonesian people which have recently become increasingly dynamic. Such community dynamics can be seen from the declining level of "compliance" with the fatwa. Not infrequently, the MUI fatwa becomes a debate among various groups regarding its legality, which has never happened before (or rather has never been heard of). Thus, the halal fatwa contained in the halal certificate needs to include the existence of the Ministry of Religion as a form of recognition or confirmation by the government (MUI, 2005).

The community needs protection from the government for all food and beverage products, especially processed products. For this reason, policies and supervision are needed (Mohamad & Chris, 2017; Ministry of Religion, 2003) from the government. At this time there are still quite a lot of problems faced around halal certification. This can arise because halal certification is still voluntary, not mandatory. Ideally, with the presence of various statutory regulations and existing legal instruments, producers guarantee the rights of Muslim consumers in a halal and thayyib manner. However, the reality proves otherwise, that there are still many irresponsible producers (Ratanamaneichat & Rakkarn, 2013).

Society should not be left in legal uncertainty. Serious and collective efforts are needed for the realization of laws and regulations regarding the certification and labeling of halal products. Although so far LP-POM MUI has acted as the party that organizes the halal product certification process, there is still a tug of war on the validity of the fatwa/halal labeling between the non-governmental LP POM MUI and the Ministry of Religion as a government institution. The issue of legal construction and the community's response to halal product certification is the focus of this research. Community response means the community's response to halal product certification, which includes positive and negative responses, good and bad, as well as high and low responses (Sudiro, 2017; Rahardjo, 2002).

Several previous studies have discussed the community's response to halal product certification and found differences with research. Sopiah (2008) researched Halal Certification of the Indonesian Ulema Council: Study on the MUI Halal Fatwa on Food, Drug, and Cosmetic Products. Fazhar (tt.) researched the Fatwas of the Indonesian Ulema Council: A Study of Islamic Legal Thought in Indonesia 1975-1988 (Fatwas of The Council of Indonesian Ulama: A study of Islamic Legal Thought in Indonesia 1975-1988). Efforts to construct law related to Halal Product certification in the fields of food, medicine, and cosmetics with a socio-legal approach form legal protection for Muslim consumers. This research aims to be scientifically grounded and at the same time globalize halal products. Al-Qardhawi (1994) discusses halal and haram in all aspects of human life, including issues of aqidah, usury, and others in Al-Halal wa al-Haram fi al-Islam. Sakr (1996) discusses in the book Understanding Halal Foods; Fallacies & Facts. Additionally, Othman & Hussin, 2009 researched on Some Issues in The Marketing of Halal Food in Malaysia

Considering the background of thought and focus of the research above, this research reveals the interaction of MUI, Fatwa Commission, and LP POM MUI regarding Halal Products. The focus of this research is the response of the community (producers and consumers) to the certification of halal products as an effort to secure food (safety food), medicines, and very low cosmetics and the conditions are quite alarming.

## Method

This research type is field research by prioritizing qualitative characteristics supported by library data. Meanwhile, if viewed from the aspect of its objectives, this research can be grouped into applied research because, in addition to obtaining information, this research can also be used to solve problems (Pettigrew, 1990).

This study uses a socio-legal approach to further trace the community's response to the certification labeling process of halal products on primary, secondary, and data obtained from field research. The legal approach is carried out by conceptualizing law as norms, rules, regulations, laws that apply at a certain time and place as a product of certain sovereign state power (Lillis, 1999; Soemitro, 1999). Data collection techniques were carried out through questionnaires, interviews, and documentation. The list of questions is open, which means in the form of questions with short answers or; Usman & Akbar, 2004 short descriptions (oral form) on a Likert scale (Joshi et al., 2015; Usman & Akbar, 2004). Interview technique (interview) is used in the form of "semi-structured" (Croasmun & Ostrom, 2011; Arikunto, 1992). The target objects (sources of information) of this interview are actors and policymakers in the Central LP POM MUI, the Special Capital Region of Jakarta, West Java, Central Java, and East Java. While the pattern used is a focused interview with several samples or a limited population (Usman & Akbar, 2004:43). The Documentary Study aims to take an inventory of statutory

regulations, explore various principles, legal concepts, and regulations regarding certification and labeling of halal products.

The sources of the data come from integral primary and secondary data. Primary data were obtained from field research related directly or indirectly to public responses to halal product certification and labeling, LP POM MUI fatwas in the field of halal product certification and labeling which were reviewed through a socio-legal approach. Secondary data, namely library research, include 1) Research related to laws and regulations on food, beverages, drugs that support the process of certification and labeling of halal products; 2) Library materials related to certification and labeling of halal products, as well as government policies in the field of halal products to protect consumers (Hox & Boeije, 2004; Salim, 2001). The data analysis technique was carried out using qualitative methods in the form of descriptive explanations, eclectic, content analysis, and rationalism. Researchers maintain data accuracy by going through three polar points, namely: methods, theories, and data sources which in qualitative research terms are called triangulation (Silverman, 1998)

This research was concentrated in LP POM MUI in 4 (four) Provinces on the Java island by taking samples from LP POM MUI in several cities, namely: Special Capital Region of Jakarta, Bandung, Semarang, and Surabaya. The basic reason for the research in several locations is because each of the LPPOM MUI has advantages over each other, such as a strategic area has a laboratory with human resources that have adequate competence, has conducted adequate auditors with case findings. It has been operating intensively and has handled many cases in small, medium, and large scale companies that are assumed to use additives for processed food, beverages, and pharmaceuticals produced, thus enabling more accurate data and information received.

## Results and Discussion

### The interaction among the MUI, Fatwa Commission, and LPPOM MUI regarding Halal Products

The Indonesian Ulema Council (MUI) is a forum in which scholars, *zu'ama*, and Indonesian Muslim scholars are gathered. It is based on Islam and aims to create a quality society (*khaira ummah*), and a country that is safe, peaceful, just, and prosperous spiritually and physically blessed by Allah SWT (*baladun thayyibatun wa rabbun ghafur*) (MUI, 2005:20). The missions of the MUI are: (1) to mobilize the leadership of Muslims effectively by making *ulama* as role models (*qudwah hasanah*) so that they can direct and foster Muslims in instilling and cultivating the Islamic *aqidah*, as well as implementing *sharia Islamiyah*; (2) to carry out Islamic *da'wah*, *amar ma'ruf nahi munkar* in developing good morals in order to realize a quality society (*khaira ummah*) in various aspects of life. Third, developing *ukhuwah Islamiyah* and togetherness in realizing the unity and integrity of Muslims in the unitary state of the Republic of Indonesia (MUI, 2005:21).

The organizational relationships between MUI at various levels are coordinating, aspirational, and administrative structural. Meanwhile, MUI's relationship with the government and Islamic organizations is consultative and partnership. The position of MUI regarding halal products is very important because the existence of MUI in the arena of mass organizations in this country is positioned as the parent of Islamic organizations. The dynamics of the MUI in serving the interests of Muslims in Indonesia is supported by the formation of several commissions, including the Fatwa Commission and the LP POM MUI as an institution that specifically handles food, medicine, and cosmetics law (Ministry of Religion of the Republic of Indonesia, 2003). MUI only conveys what it is as stipulated by the text (MUI, th.).

Departing from this reality, MUI as a "melting pot" of forum for gathering scholars and *zu'ama* from various components/Islamic organizations in Indonesia, has a strategic position. MUI also accommodates other elements that are not from Islamic organizations, such as Islamic universities, *pesantren*, and other Islamic institutions.

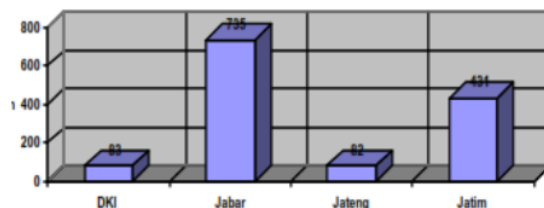
Indonesia, although not an Islamic country, has Muslim like the majority of the population so that the noble values of Islam are embedded in the daily life of the people in this country, both in social-social and socio-political activities. Therefore, every community activity requires religious guidance and guidance from the *ulama*, such as in the form of giving fatwas (MUI, 1997). *Ulama's fatwa* is not part of the legal system and legislation in Indonesia, even in the state institutional structure there is also no known what is called a *mufti* or fatwa institution.

MUI as a forum for the service of *ulema'* to Indonesian Muslims has several functions and duties, one of which is to issue religious fatwas in Indonesia (MUI, articles of association). The fatwa process is carried out by the Fatwa Commission and is responsible for issuing fatwas (*ifta'*) which need to pay attention to several principles, a code of ethics (*adab*), and very strict requirements (Amin, 2003:vii).

The fatwas set by MUI can be grouped into three main categories. First, the fatwa regarding the halalness of food, beverage, drug, and cosmetic products. Second, fatwas on issues of worship and issues related to religious systems and social systems, such as the development of religious thought and schools, health issues, state issues, and so on. Third, fatwas related to Islamic economics and the activities of Islamic financial institutions.

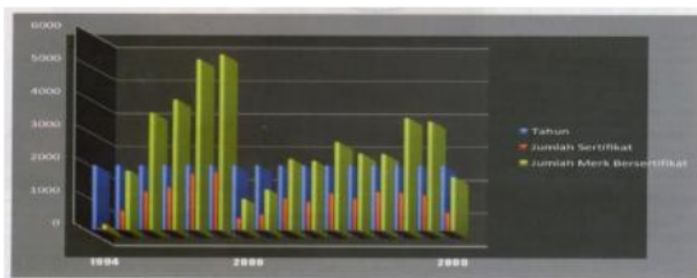
31 The Institute for the Study of Food, Drugs, and Cosmetics of the Indonesian Ulema Council (LP POM MUI) is an institution tasked with researching, reviewing, analyzing, and deciding whether products, both food, and their derivatives, medicines, and cosmetics, are safe for consumption in terms of health, and from the religion of Islam (ie, lawful and good for consumption for Muslims), especially in the area of Indonesia provide recommendations to formulate rules and guidance to the public (MUI, 2001). The Institute for the Study of Food, Drugs, and Cosmetics of the Indonesian Ulema Council (LP POM MUI) was established based on the decision of the Indonesian Ulema Council Number: 018/MUI/1989 dated January 6th, 1989. The position of LP POM MUI is as an institution semi-autonomous which has a special task in the field of food safety for Muslims from addictive substances. Structurally, the position of LPPOM MUI can be established at both the Central MUI and the Regional MUI (Osmena, 2006). However, because the process of obtaining a halal certificate requires experts and the support of laboratory facilities to carry out the legal process, for the time being, the position of LPPOM MUI is only with the Central and Provincial MUI. The determination of the fatwa regarding the halalness of food, beverage, medicine, and cosmetic products is carried out by the MUI Fatwa Commission after an audit by the MUI LPPOM and reporting it to the Fatwa Commission. The report from the LP POM MUI was then brought to the Fatwa Commission hearing. The MUI Fatwa Commission then determines whether the product is halal or not based on the research report submitted by LPPOM MUI. After all the processes are passed, then a halal certificate is issued for the product. Certified Halal of MUI Center was established upon a decision MUI by decree number 018 / MUI / 1989, on January 6th of 1989. This institution was founded because of the teachings of Islam regulation in such a way about halal consumption and the demands of the situation and conditions of the people. Especially nowadays, there are many foods, cosmetic and drug industries that are developing according to technology, so it is necessary to investigate whether they are made or contain haram elements or not as well as harmful or not to consumers (MUI, 2005, 27).

Graph 1 Recapitulation of Regional LP POM MUI Halal Certificates Up to August 2008 (Soft Certificate Data, not in process)



As a comparison, the comparative data are presented on the halal certification process carried out by the Central LP POM MUI, from 2006 to 2008. The number of companies, certificates, and halal products from 2006 to 2008 can be detailed as follows: In 2006 the number of domestic companies was 180, overseas 7 the number of certificates 384 and the number of products 12,533. Meanwhile, in 2007 the number of domestic companies was 333, overseas 81, the number of certificates was 414 and the number of products was 8,636. As for 2008 the number of domestic companies was 406, overseas 95 the number of certificates was 800 and the number of products was 3,682.

Graph 2 Development of Halal Certification from 1994 to 2009



**How LP POM Works on Halal Product Certification**

Every producer who applies for a Halal Certificate for their products must fill out the form provided by attaching: a). Halal specifications and certificates for raw materials, additives, and auxiliary materials as well as process flow charts; b). Halal Certificate or Halal Certificate from Regional MUI (local products) or Halal Certificate from Islamic Institutions that have been recognized by MUI (imported products) for materials derived from animals and their derivatives; c). The Halal Assurance System is described in the halal guide along with the standard procedures for its implementation.

Some of the steps that need to be taken are: First, the LPPOM MUI Auditor Team conducts an inspection/audit to the producer's location after the form and its attachments are returned to the LP POM MUI and checked for completeness. Second, the results of the examination/audit and laboratory results are evaluated in the LPPOM MUI Experts Meeting. If it meets the requirements, then an audit report is made to be submitted to the MUI Fatwa Commission Session to decide on its halal status. Third, the MUI Fatwa Commission Session may reject the audit report if it is deemed not to have fulfilled all the specified requirements. Fourth, the Halal certificate is issued by the MUI after its halal status has been determined by the MUI Fatwa Commission. Fifth, companies whose products have received Halal Certificates must appoint an Internal Halal Auditor as part of the Halal Assurance System. If then there is a change in the use of raw materials, additional materials, or auxiliary materials in the production process, the Internal Halal Auditor is required to immediately report to get "no objection to their use". If there are changes related to halal products, the LP POM MUI must be consulted by the Internal Halal Auditor.

### Product Certification Financing System Certificate

The financing is a fee charged to the company when the company receives a halal certificate. These costs will be used by the institution to fulfill the following budgets: office expenses, telephone and electricity costs, salary/honor fees, business travel expenses, HR development costs, meeting costs (auditors meetings, expert meetings, and management meetings), and Fatwa Commission meetings), as well as surprise inspection fees. The cost of certificates for food, beverage, drug, cosmetic, and non-flavored animal slaughter products is determined based on the size of the company by considering: turnover capacity, marketing network area, level of complexity in inspection, and technology used.

Nominally, the cost of halal certification ranges from Rp. 500,000.00 to 2,500,000.00 per product type. For small businesses, efforts are made to obtain cost subsidies. Companies that have a large number of brands/trade names or packaging models (above 5 kinds) with more than one factory are subject to additional fees. For flavored products, the cost is determined based on the number of flavors, with the table below:

The fees also apply to the addition of new products. As for the restaurant, the cost is determined based on the number of menus and the number of outlets by taking into account the size of the company. The cost policy was set in Jakarta on May 1, 2003, after going through discussions and meetings was quite long and presented the entire Plenary Session of the Central and Regional LP POM MUI.

The procedure for inspection (audit) at the producer's location is carried out in several stages. The inspection of halal products at the company's location is carried out in the following ways: First, an official letter is sent by LPPOM MUI to the company to be inspected, which contains an audit schedule for inspection and other administrative requirements. Second, LP POM MUI issues an inspection warrant which contains: a) Names of team leaders and team members. b) Determination of the day and date of inspection.

Third, at the appointed time, the Auditor Team, which has been equipped with a letter of assignment and identification, will conduct an audit (auditing) to the company that applied for the Halal Certificate. During the inspection, manufacturers are asked to provide honest and clear information. Fourth, the inspection (audit) of halal products includes a. Producer management in ensuring product halalness. b. Field observation. c. Sampling is only for materials suspected of containing pork or its derivatives, containing alcohol, and deemed necessary.

Some provisions for the validity period of halal product certificates are as follows: First, the Halal Certificate is only valid for two years. Halal Certificate is issued for each shipment. Second, three months before the expiration of the certificate validity period, LPPOM MUI will send a notification letter to the producer concerned. Third, two months before the expiry of the certificate validity period, producers must re-register for a new Halal Certificate. Fourth, producers who do not renew their Halal Certificates are no longer allowed to use the Halal Certificate and are removed from the list contained in the official magazine of LPPOM MUI, Halal Journal. Fifth, if the Halal Certificate is lost, the holder must immediately report it to LPPOM MUI. Sixth, the halal certificate issued by MUI belongs to MUI. Therefore, if for some reason the MUI is asked to return it, then the certificate holder is obliged to submit it. Seventh, the MUI decision based on the MUI fatwa cannot be contested.

The supervisory system is as follows: First, the Company is required to sign an agreement to receive the LPPOM MUI Inspection Team. Second, the Company is obliged to submit an internal audit report every 6 (six) months after the issuance of the Halal Certificate. Meanwhile, the procedure for renewing the halal certificate is

determined by the following procedure: First, producers who intend to extend the certificate they hold must fill out the available registration form. Second, filling out the form is adjusted to the latest product developments. Third, changes in raw materials, additional and auxiliary materials, as well as the type of product grouping must be informed to LPPOM MUI. Fourth, producers are obliged to complete the latest documents regarding specifications, halal certificates, and process flow charts (Osmena, 2006).

### Halal Products

Advances in food technology at this time must be watched out for where many materials and additives are used to produce processed food. To be safe from the influence of technology on the halalness of food, beverage, drug, and cosmetic products, several principles should be considered in the principles of food and beverage products.

Dozens of types of ingredients, for instance, are needed to make instant noodles, ranging from flour, cooking oil, spices, flavors, salt, yeast extract, etc. If we investigate further, one of the ingredients, namely flavoring (mostly synthetic), turns out to contain dozens of constituent materials, either in the form of pure chemicals or the result of a reaction. Therefore, to research the halalness of instant noodles alone is not easy because you have to check various sources of ingredients, in addition to the noodle manufacturer concerned. Often it takes time and a fairly long stage to be able to find out the origin of material. For example, to check the flavor of chicken (the ingredient used to make chicken taste), it is necessary to check the flavor industry (flavor house) that produces it.

The results of the author's research can be reported that the majority of consumers are not selective in choosing food. Ignorance or following tastes are the main causative factors. The development of food processing technology does not always produce good and healthy food. It is suspected that there are food products that contain haram elements in the additives used (MUI, 2005:21). Therefore, three criteria, namely: halal, thayyib, and nutritious food should be met in choosing food (MUI, 2005: 21-23).

That is why according to the LP POM MUI, some foods should be avoided by children because they can endanger their health, namely: a) junk food or. This food should not be consumed as a main meal. If consumed too often it is dangerous because the fat and salt content is high while the fiber is little, such as fried chicken, burgers, and pizza. The consequences: the child's eating pattern is disturbed because the appetite is wrongly formed, the risk is that the child's body can stretch, the burden on the organs becomes heavier, there is a high chance of getting high blood pressure and stroke b) preserved food. When consumed continuously in the long term this type of food can trigger cancer cells. Included in these foods are canned foods and beverages, instant foods, foods that are added with preservatives, not for food such as borax and formalin. c) brightly colored snacks. This type of food is suspected of using too concentrated food coloring or using non-food colorings, such as rhodamine B, amaranth, metanil yellow, and even textile dyes. d) snacks are too tasty. Containing preservatives and high sodium, this type of food has the potential to cause health problems in children in their adulthood.

Halal criteria for food set by LPPOM MUI experts are general and are closely related to technical inspection issues. Inspecting food, always based on standards, starting from the raw materials used, additives, auxiliary materials, production processes, and the type of packaging. The search for these materials does not only come from pigs or not, but also includes slaughter methods, storage methods, and production methods (Aryanti, 2007).

The experts in question are experts who are involved in the halal certification process at LP POM MUI, both experts in food science, food technology, biochemistry, biotechnology, analytical chemistry, organic chemistry, veterinary medicine, and Islamic law experts. Capacity expert (experts) in this process is very important given the MUI is the only institution with the authority in issuing halal certification on food.

In terms of haram foods, basically, haram foods as in the texts of the Qur'an and Hadith are not much, but because of the influence of other ingredients, the haram category has developed, such as the use of gelatin (derived from pork fat). The use of gelatin has penetrated almost every food, beverage, and drug product. The use of gelatin in the food industry is currently quite wide, ranging from emulsions, pastes, soft candy, beverages, jelly to capsules (LP POM MUI, 2008: 8). Materials for making food can be obtained from various sources, both from natural animals and plants. This is done to improve the "quality" of the food, both in terms of taste, texture, and color. In addition to the main ingredients, materials that are often used are additives. This material can come from chemical processes of natural materials or chemical processes of synthetic materials. However, some gelatin is a product derived from animals, including pork. In addition to having a distinctive elasticity, pork gelatin is also considered cheaper than other ingredients. Recently, gelatin from cows has begun to be widely produced, but even though it comes from cows, its halalness still has to be monitored (LP POM MUI, 2004:10).

### Relation of Halal Certification with Halal Labeling

A halal certificate is a certificate issued by the Central or Provincial MUI regarding the halalness of food, beverage, drug, and cosmetic product produced by the company after being examined and declared halal by LPPOM MUI. The holder of the authority to issue halal product certification is the MUI which is technically handled by the Food, Drug and Cosmetics Assessment Institute (LP POM) (LP POM MUI, 2004:10).

Recently, the issue of halal food has become part of a global issue following the finding that some processed products are indicated to contain raw materials derived from haram ingredients. To find out the halalness of a product requires in-depth study and research. Departing from this, a halal certification system was developed whose output was the issuance of halal certificates for products that have met halal standards, and have dual functions.

In Indonesia, the authoritative institution implementing Halal Certification is the Indonesian Ulema Council (MUI) which is technically handled by the Institute for the Study of Food, Drugs, and Cosmetics (LP POM). Meanwhile, halal labeling activities are managed by the Food and Drug Supervisory Agency. In its implementation, confusion often occurs, especially in halal labeling activities that have been implemented before halal certification.

Regulations that are technical regulate the issue of halal labeling, including the joint decision of the Minister of Health and the Minister of Religion of the Republic of Indonesia No. 427/Men.Kes/SKB/VIII/1985 (No. 68 of 1985) concerning the Inclusion of Halal Writings on Food Labels. So, it is clear that the halal writing affixed to the label or food marking of its product is considered by law that the producer has legally complied with the halal product certification procedure from the LP POM MUI. However, if it is proven otherwise, the producer can be legally prosecuted for lying to the public.

Besides that, the producer must be responsible for the halal label that is included in the product; he is also obliged to report to the government, in this case, the Ministry of Health of the Republic of Indonesia. This procedure is as mandated by the Joint Decree of the Minister of Religion and the Minister of Health (Kemenkes, 2018). This is intended to facilitate further monitoring. Supervision basically can be carried out routinely, incidentally, or suddenly (surveillance) (Kemenkes RI, 2018). Based on the regulation, the permit for labeling is based on the results of the company's unilateral report to the Indonesian Ministry of Health regarding the processing and composition of ingredients, not based on a halal certificate.

The final results of research in the laboratory do not necessarily make the product declared halal; because the function of the laboratory is only limited to determining whether or not a product or material is hygienic. However, the authority to determine the halalness of a material or product is the MUI through the Fatwa Commission. In this case, the Decree of the Minister of Health of the Republic of Indonesia No. 82/Menkes/SK/I/1996 confirms it in Articles 11 and 12 (Kemenkes RI, 1996).

Thus, the relationship between certification and labeling is very close and should not be separated. This means that a person is not allowed according to law, to install a halal label before fulfilling administrative procedures and obtaining a halal certificate from the LP POM MUI.

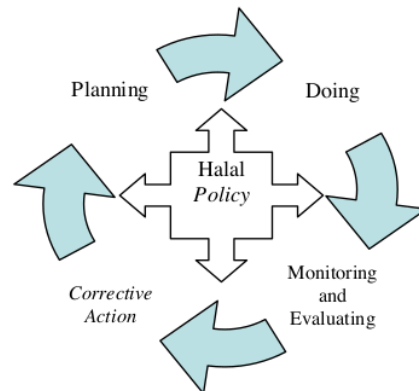
### Halal Assurance System

The guarantee of a halal product requires a system that includes halal assurance, both in terms of raw materials and their derivatives as well as from the production process. The system must be able to guarantee that the products consumed by the people are halal accompanied by an institution that determines the halalness of a product, the existence of signs of halal products that are easily seen by consumers, and a continuous monitoring system so that there are no deviations.

The Halal Assurance System itself is a system that is prepared, implemented, and maintained by companies holding halal certificates to maintain the continuity of the halal production process so that the resulting products can be guaranteed to be halal, following the rules outlined by LPPOM MUI (LP POM MUI, 2005:31). The components of the halal assurance system prepared by the company must include the following:



Chart 1 Operation Cycle of the Halal Assurance System



Source: LP POM MUI 2020

The diagram above provides an understanding that the Halal Assurance System (SJH) cycle is interrelated between one component and another. Starting from the halal policy, then planning, implementation, monitoring, and evaluation are formulated, and ends with corrective action. If any discrepancies are found at each stage, then corrective actions will continue to be carried out from the beginning.

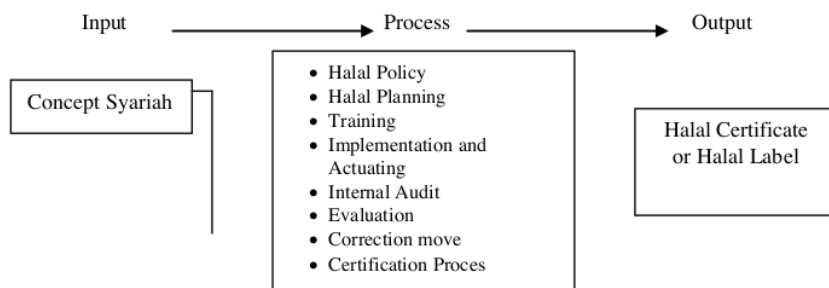
Planning for the Halal Assurance System includes: HAS Objectives, Halal Management Structure, Halal Guidelines, Standard Operating Procedures (SOP), Technical Reference for HAS Implementation, Administration System, and Documentation System. The implementation of the Halal Assurance System includes: Functioning the Organizational Structure of Halal Management and Monitoring its Functions, Implementation of Standard Operating Procedures (SOP), Socialization of HAS, HAS Training, Internal and External Communications, Document Maintenance, and Reporting. Monitoring and Evaluation of the Halal Assurance System are intended as an effort to control the halal quality of a product by carrying out several activities, namely: Internal Audit Procedures, Internal Audit Checklists, and Periodic Reports conducted by the company through internal audits to the LPPOM MUI. Corrective Actions in the Halal Assurance System

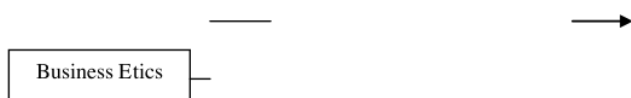
include: Implementation of the Halal Assurance System, Reviewing HAS management. The Halal Assurance System must be described in writing in the form of a halal manual, including a) Statement of company policy on halal (Halal Policy); b) Halal Guidelines based on Standard Operating Procedures; c) Halal Management System (Halal Management System); d) Critical Description of Product Haram (Haram Critical Control Point); e) Halal Audit System (Internal Halal Audit System) (LP POM MUI, 2004:51).

Producers are obliged to fulfill consumer needs/rights. The form of responsibility of producers to Muslim consumers is to produce halal products. To give consumer's confidence that the products they consume are halal, companies need to have a halal certificate. Companies that have certified halal for their products are required to prepare a system to ensure the continuity of the halal production process consistently, which is referred to as a halal assurance system (Mohamad & Chris, 2017).

One of the rights of consumers is the right to correct, clear and honest information regarding the conditions and guarantees of goods and/or services. Meanwhile, the producer fulfill the rights of consumers in every good and/or service produced and traded. Regarding halal products, Article 8 paragraph (1) letter h of the Consumer Protection Law states that business actors are prohibited from producing and or trading goods and or services that do not meet the production requirements in a halal manner, as stated in the halal statement on the label. So to protect consumers to obtain halal guarantees for products purchased from producers, the Government can make policies on halal product information systems both within the framework of public services (provided by government agencies or other institutions appointed by the government) or requested by business actors.

Chart 2 Halal Assurances as a System





Source: LP POM MUI

Chart 2 shows the Halal Assurance System (HAS) as a system in a production chain. The concepts of sharia and business ethics will be the main inputs in SJH and similarly, SJH is always inspired and based on these two concepts. The HAS principle refers to the concept of Total Quality Management (TQM), which is an integrated quality management system that emphasizes quality control in every line. SJH must be integrated into overall management based on four basic concepts, namely the commitment to consistently meet consumer demands and requirements, improve production quality at affordable prices, free production from rework, free from rejection and investigation.

For this agenda, it is necessary to emphasize 3 (three) aspects of production, namely: zero limit, zero doc, and zero risk. With an emphasis on these 3 zeros, there should not be the slightest illicit goods used, there should be no process that causes the product to be haram, and there should be no risk with this application. That's why, there needs to be a commitment from all parts of the management organization, starting from the procurement of raw materials to marketing distribution.

Chart 3 below shows the halal assurance system as a model. The halal guarantee system was developed because of the awareness and need of Muslim consumers to protect themselves from products that are prohibited (haram) and dubious (*syubhat*) according to the provisions of Islamic sharia.

### Conclusion

The response of producers and consumers to halal product certification by LP POM MUI is low/negative. Factors that cause the low/negative response of producers are: First, the legal system regarding halal product certification is partial and there are disparities in the laws governing halal product certification, including RI Law No. 7 of 1999 concerning Food, Law No. RI No.8 concerning Consumer Protection, RI Law No. 23 of 1992 concerning Health, Government Regulation no. 69 of 1999 concerning Food Labels and Advertisements; Second, some producers tend to prioritize business aspects; Third, government supervision of the use of raw materials and additives that are categorized as non-halal. This is evident from the existence of manufacturers who put halal logos on their products without the basis of a halal certificate and the implementation of the Halal Assurance System (SJH) issued by LPPOM MUI.

Factors that cause low/negative public response to halal product certification include: First, although most Indonesian Muslims believe that consuming halal products is a religious commandment that should be obeyed, the low purchasing power of the people, resulting in people being forced to consume goods that are cheap to get fulfill their needs by ignoring the halal aspect; Second, the education and knowledge of some Indonesian Muslims about halal products are low; Third, in certain areas the consumptive culture causes consumers to ignore the halal aspect of the product; Fourth, differences in lifestyle caused by the geographical location of consumers in rural and urban, coastal and mountainous areas also result in low community response. There are similarities between the lifestyles of urban and coastal communities, which are generally consumptive and less concerned about the halalness of products, compared to rural and mountainous communities.

This study theoretically recommends that the study increase the authority for regulation of halal product certification and increase the study of halal product certification to find harmony in the regulation of halal products based on studies of Islamic law and national law to find the ideal legal concept of regulation. Practically, this study recommends the government provide legal certainty regarding the regulation of halal product certification; the Government should immediately promulgate the Draft Law on Halal Product Guarantees into law and expect the immediate enactment of Standard Operating Procedures (SOP) and the implementation of Halal Analysis Critical Control. A point provides free space for producers and consumers to be more critical by always being based on legal and ethical norms. Consumers should be more careful in using food products, beverages, medicines, and cosmetics and try to equip themselves with knowledge and resources to be wiser in their behavior and have consumer ethics (consumer ethics).

### Recommendations

Theoretically, the next investigations increase the study of halal product certification in order to find harmony in the regulation of halal products based on a study of Islamic law and national law in order to find the ideal regulatory legal concept. Practically, to provide legal certainty regarding the regulation of halal product certification, the Government should immediately promulgate the Draft Law on Halal Product Guarantee into

law. The implementation of the Standard Operating Procedure (SOP) and the implementation of Halal Analysis Critical Control Point which provides free space for producers and consumers should be more critical by always being based on legal and ethical norms.

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