Authority For Issuing Halal Certifikation In Indonesia : History, Philosofhy, And Institutions

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Abstract
The UUJPH's halal certificate laws have clarified matters for the protection of consumers, particularly Muslims. The state is adamant about shielding Muslim customers from goods that are neither halal nor certified halal. The Indonesian government has enacted Law Number 6 of 2023 addressing job development, which contains laws on the authority to issue halal certification and halal emblems in Indonesia, as well as Number 33 of 2014 concerning Halal Certification. These regulations aim to regulate halal certification in Indonesia. Based on a formal Fatwa granted by Indonesia, a halal certificate is an acknowledgement of a product's halalness issued by the Halal Product Guarantee Management Agency (BPJPH). The Ministry of Religion's Halal Fatwa Council and Ulema Council (MUI). This study employed normative juridical legal research, or qualitative research, by examining the legal norms and principles found in statutes. It was decided that the Indonesian Ulema Council (MUI) would be in charge of halal certification after literature research revealed that the government, specifically the Ministers of Religion, Health, and Home Affairs Number 42/Me.Kes/VIII/1985, originally had the authority to issue halal certificates.

I. Introduction

The Constitution of the Unitary State of the Republic of Indonesia stipulates in Article 29 paragraph (1) that the State is founded on the belief in a single, all-powerful God. The freedom of every citizen to practice their own religion and to follow their own views is guaranteed by the state, according to Article 29 Paragraph 2. as a nation with independence. Indonesia adheres to the idea of human rights for all.

The implementation of Low Number 33 of 2014, covering halal product guarantee (JPH), as a set of guidelines for halal certification in Indonesia, is one example of how human rights are manifested. The Indonesia Ulama Council (MUI) was initially in charge of issuing halal certifications; later, this responsibility was passed to the halal product Guarantee Product Agency (BPJPH), which operates under the Republic of Indonesia's Ministry of Religions. The work copyright law also regulates clauses pertaining to product hallowing.

Law Number 6 of 2023, which deals with the omnibus law (Work inventions), has caused modifications and adjustments in Indonesia's halal product guarantee. The BPJPH authority exclusively works with the Halal Inspection Institution (LPH), while the MUI only issues written halal Fatwas. based on the employment creation law, Number 6 of 2023, which is distinct from the MUI. involves the halal fatwa being issued by other Islamic organizations.

When comparing Law Number 6 of 2023 regarding job creation to Law Number 33 of 2014 concerning JPH, many changes have been made. For example, the requirement for accreditation from the Halal Product Guarantee Management Agency in order to establish a Halal Product Institute (LPH) and the requirement for LPH to appoint halal product auditors are no longer in place. All of these things, including the MUI's halal auditors' issuance, were eliminated by law Number 6 2023, which dealt with job copyright laws. In contrast to the requirement for micro and small enterprises to obtain halal certification, the halal declaration is made on what are known as self-declarations by the business actor. If you take note of the legislation that created jobs. The positions of Law Number 33 of 2014 on the certificate halal product guarantee are truly weakened by this.

Regarding the change to Law Number 33 of 2024, Article 48 of Perpu job creation Number 6 of 2023 states the following: The halal product Fatwa Committee is responsible for carrying out the last step of the halalness determination process, which is carried out by the MUI, Provincial MUI, Regency/City MUI, or MPU Aceh. It takes no more than two (2) working days for the halal product Fatwa committee to carry out its termination of the product. Second, a halal statement on a certificate. Micro and small business actors apply for halal certificates by submitting a halal statement. The termination product halalnees I carried out by KFPH, in accordance with the halal Fatwa's provisions, must be received by BPJPH no later than 1 (one) working day after the PPH assistance result is received. Based on the halalness product, BPJPH then issues a halal certificate. Third, the Halal Product Fatwa Committee's existence. This committee was established, and the Minister of Religions is in charge of it. made up of scholars and Ulama. formed no later than a year following the promulgation of this low. In order to prevent the public from being suspicious of a food product's halalness while it is in circulation.

The circumstances and actions required to protect food against contaminating agents that can disrupt, damage, or endanger human health are known as foot safety. Food safety is defined as "the conditions and efforts needed to prevent food from possible biological chemical and other contamination, that can disturb and harm human health" in Article 1 (one) paragraph 4 of Law Number 18 of 2012.

According to Article 8 paragraph 1 letter h UUPK, business actors are not allowed to produce, trade, or otherwise deal in goods or services that do not adhere to the halal production guidelines as specified by the label. The government, particularly for Muslims, guarantees security under this article by outlawing commercial actors whose products violates Islamic law.

The UUJPH's regulation pertaining to halal certificates has clarified matters for the protection of consumers, particularly Muslims. Distribution of halal food products that do not have a halal certificate and are no longer able to be purchased in Indonesia. whether they are imported or manufactured domestically. The state is adamant about shielding Muslim customers from products that are neither halal nor certified halal.[1]

Halal cuisine consists of both ingredients that are controlled by it and food that is meant for human consumption. dictating to individuals that they must consume food that is strictly halal in terms of both substance and nature. Permit SWT to remind Muslims in the community not to walk in the devil's footsteps. As Allow SWT states in the Al-Quran:

"O people, eat what is lawful and good from what is found on earth, and do not follow the steps of the devil, for the devil is really your enemy; Satan only tells you to do cruel and evil deeds, and to speak evil of Allah SWT to people you do not know" (QS-Albaqarah, 2: 168-169)."

The upkeep of religion, soul, mind, lineage, and property is what the concept of syariah (maqosid Syariah) refers to, and it is why the question of halal and haram is so important in Islamic society. in terms of interpretation. What does halal mean? What is morally righteous is what is lawful, and what is not halal is immoral. As Alloh SWT states in the Al Qur'an, everything that is forbidden contains damage (dangar), and anything that possesses virtue (priority) is harmful. Whatever is prohibited is harmful (dangar), as Alloh SWT states in the Al Qur'an:

"It is true that Allah (name) alone has forbade you from consuming carrion, blood, knives, and animals that are referred to as enithing after they are killed. However, there is no sin for someone who is made to consume something they do not want to and who does not go over the limit. Alloh is, in fact, exceedingly kind and all-forgiving (QS Albaqarah, 2, 173)."

The verse above explains how syariah clearly regulates what is haram and what is halal. Muslims are only permitted to consume meat that is approved by the Al Qur'an, which is only permissible since it is halal in both substance and nature. If humans are in a dire situation and there is nothing

else to eat except the haram item, Allah SWT forbids eating haramfoot. It is edible and can keep humans from dying.

Islam offers instruction on every facet of life, including the relationship between a person and God. or the interactions between humans and other divine entities. This is referred to be the application of Islam in its most comprehensive form, or kaffah. In Kaffah, this entails: First, Islamic teachings are applied comprehensively, meaning that no portion is taught in part. Second, Islamic teachings must encompass every facet of life and ensure that no part is neglected. Islam as a system of living (a way of life), not only a ritualistic guideline between humans and their God, is what it means to practice Islam in the Kaffah method. Islam accepts all facets of life, including social and ritualistic ones like whorsip (Habalu Minalloh) and muamalah (Habalu Minannas).[1]

The power over MUI halal certificates was transferred to the Ministery of Religions (BPJPH) for a number of reasons. Firstly, many of the generated halal certificates cannot be audited. Secondly, MUI cannot be audited because it is not a government organization. Third, since MUI is not a government body, its income cannot be reported. Fifth, MUI is thought to be monopolizing the halal label. Lastly, the money for the halal certificate needs to come into the nation from non-tax state revenue (PPNBP). [1]

This is not accurate if one views it from the perspective of trying to construct a decent low. Internal functions and internal functions are necessary components of a good law. Initially, the internal mechanism, This function is mostly connected to the legal system's statutory regulations. The following internal activities of legislation are performed by it: a) creation of law; b) legal reform; c) integration; and d) legal clarity. The second role is an exterior one, which includes a social, stability, and convenience function.

According to Bagir Manan's above statement, the purpose of statutory regulation is to describe or relate to the organ that has the authority to make them. The low has been planned as necessary to achieve the desired goals, conforms to the power environment for the enactment of a legal rule, and serves as an instrument, both as a tool for control and as a tool for change (engeenering) in society.

2. Research Method

This study employed normative juridicial legal research, or qualitative research, by analyzing the legal norms and principles found in statutes. Investigate Indonesia's Authority Issue Halal Certificate by reading up on its institutions, philosophy, and history. The 1945 Constitution of the Unitary State Republic of Indonesia (UUD 1945) and Law Number 33 of 2014 and Law Number 6 of 2023, which deal with job creation, are related to each other.

3. Results and Discussion

A. Histori of Halal certificate

Indonesia started offering halal food assurance with the Ministry of Health's Dekree No. 280/Men.Kes/Per/1976. specifically with reference to the requirement for marking feet that include hog fat. Before. Long ago, people had been cautious of consuming non-halal food. A decade later, the Ministries of Health and Religion together released Joint Decision Number 42/Men.Kes/VIII/1985, which addressed the addition of halal text on food. This regulation's weakness is that food products fail inspections by the Ministries of Health and Religion.

A study on fork fat content in food was carried out in 1989 by Tri Suasanto of Universitas Brawijaya Malang. The study's findings indicated that 34 products and beverages on the market in Indonesia contained fork ingredients, such as lard gelatin and sotenin, which are typically derived from fork fat. and is typically employed in cake baking. That is what caused the Indonesian economy to collapse—people's reluctance to pay for individual products. The administration finally came to the conclusion that halal certificates are crucial. The Indonesia Ulama Council (MUI) was finally established on January 6, 1989, as a research on food, medicine, and cosmetics with Number 18/MUI/I/1989, and it remained that way until 2014.

The power for halal certification was transferred to the Halal Product Guarantee Management Agency (BPJPH), Ministry of Religion of Republic Indonesia, following the enactment of Law Number 33 of 2014, which came into effect on October 17, 2019. In order for BPJPH, under the Ministry of Religions, to have the ability to issue halal certificates.

B. Philosofhy Certificate Halal and Label Halal

Before the issuance of Law Number 33 of 2014, Concerning Halal Product Guarantee. Halal logo as in the following picture. Whithe the following meaning:



The Indonesia Ulama Council's Halal logo is shaped like a circle with the dominan caler green, white, and black colors on a green background. The Arabic letters that read "halal" are printed below, along with the alphabet "HALAL," which represents purity. There is the Indonesia Ulama Council's written work.The Indonesia Ulama Council's halal label is written in an easy-to-read manner, with the Arabic text being particularly readable. There are other countries in the world where halal writing in plain Arabic letters is employed.In general, the halal logo of the Indonesia Ulama Council emphasizes religion more the culture.

1. After Law Number 33 of 2014 Consening Halal Product Guarantee



One of the things that sets the Halal logo apart from other logos is its adaptation of the nation of Indonesia's cultural values, which are distinctive to Indonesia and shaped by its culture. The logo does not represent the country of Indonesia, though, since it symbolizes a culture that is centered around Java. This is what is most remarkable about it. The new halal logo's meaning, fhiloshopy. When the letters from the word "halal" are combined, the mountaim takes the form of caligrafi Araf ha, lam, and Alif. This indicates that a person will either grow taller and more upright or become more locked off from God or develop their soul, feelings, and creative intelligence. The shape has the appearance of a mountain striation in shadow puppets, ascending upward in the form of a meas devender, or distinct boundary creator, pyramid. While the color purple represents faith, creativity, and inner and outer oneness, the color green represents wisdom, steadiness, and peace.

C. Institution Halal Certificat

1. Indonesia Ulama Council (MUI)

Ulama-al-Indunisia, as the Indonesia Ulama Council (MUI) is known in Arabic. is an autonomous institution that welcomes zu'ma ulama, or Islamic scholars, to lead, protect, and guide Indonesia's Islamic Ummah.Prior to the passage of Law Number 33 of 2014. Thus, certifying halal and logo halal in Indonesia is one of the responsibilities of the Indonesia Ulama Council (MUI). In Indonesia, only MUI is authorized to grant halal certification. But following the passage of Law Number 33 of 2014, the Ministry of Religious Indonesia Republic shifted halal certification from MUI to the Halal Product Guarantee Management Agency (BPJPH).[1]

2. Halal Product Guaranti Managemen Agency (BPJPH)

The Ministry of Religions Republik Indonesia oversees and is answerable to the Halal Product Guarantee Agency (BPJPH), one of the supporting elements of the Ministry. The Ministry of Religion is responsible for implementing the halal product guarantee in compliance with Statutory Regulation Number 33 of 2014, which relates to the halal product guarantee element.[2]

3. Halal Inspection Institutions (LPH)

[1] Uklama - Wipedia Bahasa Indonesia, diakses tanggal 24 Desember 2023.
[2] Badan Penyelenggara Jaminan Produk Halal, https://id.m.wikipedia.org . diakses tanggal 24 desember 2023

Institutions entrusted with conducting halal inspections and/or testing

activities related to product halalness are known as Halal Inspections Institutions (LPH). Assigning halal auditors is one example.The government and the society formed the halal inspection institutions through Islamic religious institutions, which are recognized as legitimate organizations. LPH assigns auditors to conduct research, studies, and inspections in order to ensure that food, medicine, and beverage products produced by buth smoll and large businesses are halal.[3]

4. Conclusion

In Indonesia, halal certification started in 1978 with Ministery of Health Regulation Number 280/Me.Kes/XI/1976, which restricted the distribution of food containing lard. At the time, the reason for the considerations was that there weren't many products containing lard. Later, in 1985, regulations Number 42/Me.Kes/VIII/1985, based on the Tree Ministerial regulation SKB, concerned the obligation of entrepreneurs to include halal brands on food labels. The Indonesian Ulama Council will continue to hold the halal mark until 2021 (MUI). According to law Number 33 Tahun 2014, halal certification was transferred to the Ministry of Religions in 2021. In this instance, the Ministry is the Halal Product Guarantee Management Agency (BPJPH). The simpler-to-understand Indonesia Ulama Counsil halal emblem highlights the existence of syariah low in relation to halal certifications. In contrast, the halal sign emphasizes culture and is issued by the halal Product Guarantee Management Agency or the Ministery of Religions of the Republic of Indonesia. It is less noticeable because of its less striking color.Following the enactment of Law Number 6 of 2023 concerning employment, modifications to Regulation Number 33 of 2014 concerning halal certification, and other matters, there are two entities that provide fatwas concerning the halalness of products to be certified. The Indonesian Ulama Council and the Fatwa Council, established by the Ministry of Religions via the Halal Product Guarantee Management Agency, are these bodies. Because of their institutional overlap, the public loses faith in the authority that issues certifications.

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