



Obligation to Register Halal Certification of Pharmaceutical Products as Guarantee of Halal Products Based on the Perspective of Maqashid Al Syariah

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Abstract. The subjects or informants in the study were Muslim consumers who used pharmaceutical products. The purpose of this study is how the perspective of maqasid al-sharia regarding the obligation to register halal certification of pharmaceutical products. In this study the authors used a multi disciplinary approach, which is a normative-juridical approach. Maqashid sharia against the obligation to register halal certification of pharmaceutical products as *masalah* in other words, namely kindness and welfare in providing benefits. Although as a means of health the use of pharmaceutical products must pay attention to idolatry and must be registered. Where in sharia maqashid there is a core of one of them is maintaining reason, because if you look broadly at its meaning of reason with the meaning that if the mind is not able to think well about the benefits will affect the body system that is affected by products that are not halal.

Keywords: Halal Certification Registration Obligation · Pharmaceutical Products · Maqashid Syariah

1 Introduction

Cultural acculturation has had a huge impact on society. In line with this, there is a shift in people's well-being both related to increasing and decreasing prosperity so that it has a significant influence on changes in lifestyle and perspective of the community, especially to eat daily food.¹ People's lifestyles and viewpoints have shifted, especially to consume food and beverages and need to be responded to by all parties who have needs that come from the business environment and who operate in the field of policy making.

In article 29 of the Constitution of the Republic of Indonesia 1945 paragraph 2 states that the State of the Republic of Indonesia ensures the freedom of each of its citizens in

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¹ Abdi Wijaya, "Respon Lembaga Fatwa Terhadap Isu Fikih Kontemporer (Studi Komparatif Lembaga Fatwa MUI, Majelis Tarjih Muhammadiyah Dan Bahtsul Masail NU)," *Mazahibuna; Jurnal Perbandingan Mazhab* 1, no. 2 (2019): page 180–199.

embracing their own Agam and worshiping in accordance with their respective religions and beliefs. Based on the Law, the State is obliged to protect all Indonesian citizens and all Indonesian blood in order to realize the general welfare.²

There are two things that are very concerned about Muslim consumers, namely the idolatry of a product that is in accordance with Islamic sharia standards and product safety that is in accordance with health standardization. Both of these considerations must be considered by the producers.³

Halal and haram are important to note, not only limited to food and beverages, the use of pharmaceutical products must also pay attention to their idolatry even as an effort to do treatment. The use of drugs should also pay attention to the elements of its idolatry. The command to consume halal food in the Qur'an becomes the basis for every Muslim to pay attention and choose in consuming halal food only. As God says; "O people, eat what is lawful again good from what is on earth. Do not follow satan's steps because satan is a real enemy to you" (Qs. Al-Baqarah:168)⁴ The verse gives a clear command to choose food with halal and thayyib criteria.

The idolatry of a food can be seen from at least four aspects, namely: first, halal in how to obtain it, which is obtained from halal sustenance and justified in Islam. Second, halal substances/basic ingredients. Everything in nature is lawful to consume except for some types of animals and plants forbidden in the Qur'an, namely: carcasses, blood, pork, slaughter in the name of other than Allah, and animals that are suffocated, who are beaten, who fall, are slaughtered, which are pounced on by wild animals except those that have been slaughtered. The type of plant that is forbidden is khamr. Third, halal in the processing process. In the process of processing it does not mix with objects or animals that are prohibited. Raw materials, additives, and auxiliary materials must be halal processed hygienically and meet good food manufacturing procedures, facilities and infrastructure and the production process must be guaranteed halal on a fourth syar'i, halal packaging process. Food should be packed with halal and hygienic ingredients. The storage process must follow sharia standards. Thayyib criteria include; Quality and quality food, not stale, not expired, undamaged, non-toxic, safe and unpolluted with harmful and non-counterfeit bacteria/viruses. Food contains nutrients and nutrients that are useful for the body. With these four aspects, every Muslim is a guide to obtain and consume every intake and meal he will consume.

Eating halal food is a religious obligation that is worth worshiping, giving good for life in this world and the hereafter and a manifestation of gratitude to Allah for all His blessings. On the contrary, eating unclean food is a benefit, a ugliness, and a form of submission to satan. Food exerts influence both physically and psychologically humanly. This is because the food consumed will be digested by the body, absorbed by nutrients,

² Abdul Syatar, "Transformation Of Fiqh In The Forms Of Hajj And Zakat Legislation," *Mazahibuna: Jurnal Perbandingan Mazhab* 1, no. 2 Desember (2019): page 120–133;

³ Jabal Tarik Ibrahim dan Ainur Rahib, "Standarnisasi Sertifikat dan Lebelisasi Halal serta pengawasannya", *Jurnal Besar*, (t.t..p. 1996), h iii. <http://ejournal.umm.ac.id/index.php/bestari/article/view/3009> (diakses 5 februari 2022)

⁴ Departemen Agama RI, *Al-Qur'an al-Karim dan Terjemahnya* (Bandung: Mikraj Khazanah Ilmu, 2010), page 25.

and circulated throughout the human body. This means that food that has been processed by the digestive system will flow from head to toe into energy that drives human activity.⁵

This reality in the daily implementation, for Muslims in Indonesia, needs assurance over the food he consumes. The guarantee in question is a structured and systematic effort so that the food consumed is guaranteed halal, both from the aspect of its nature, the process and its additions. In order to realize the guarantee of halal food consumed by the community, the state issued Law No. 33 of 2014 on Halal Product Guarantee. Based on the background above, the formulation of the problem that the author will discuss is: What are the provisions regarding the Obligation of Halal Certificate Registration on Pharmaceutical Products? and How is the Perspective of Maqashid Syariah Related to Halal Certificate Registration as Halal Product Guarantee?

2 Research Method

In research the methods used are normative juridical, by emphasizing the principles of sharia law, legal rules and relating to its implementation in Indonesian society. The technique of data collection by conducting literature studies as secondary data in the form of primary legal materials, namely Law No. 33 of 2014 on Halal and secondary Product Guarantees related to Maqashid Syariah and relevant jurisprudenced studies on sharia maqashid, also compares the practice of implementing sharia maqashid in some legal products that apply in Indonesia.

3 Result and Discussion

3.1 Provisions Regarding the Obligation of Registration of Halal Certificates in Pharmaceutical Products Before and After the Halal Product Guarantee Law

Before the birth of Law No. 33 of 2014, the institution that conducts halal certification and implementation was LPPOM MUI. The institute was established on January 6, 1989. The establishment of this institution is based on the anxiety of Muslims since the release of the findings of Brawijaya University researchers in the Canopy Bulletin. Research was conducted on food products, such as milk, noodles, snacks and so on. The results showed that the product contained gelatin, shortening, lecithin, and fat that likely came from pigs.⁶ The impact of the issue of lard is enough to shake the national economy, especially in the food industry sector and drew protests and criticism from Muslims who demanded guarantees on the products they consume.

The working pattern of lppom mui halal organization and certification is based on systematic testing at the production site and in the laboratory to prove that the goods produced are free from unclean objects and prohibited elements, so that their idolatry

⁵ Sugijanto, “*Kehalalan Produk Pangan*”, (Manual Materi Pelatihan Kader Ulama Muslimah Jawa Timur: Tidak Diterbitkan, 2014), page 11.

⁶ Ainul Yaqin, *Halal di Era Modern: Kupas Tuntas Halal Haram Produk Pangan, Obat dan Kosmetik di Sekitar Kita* (Surabaya: MUI Jawa Timur, 2014), page 167.

can be consistently guaranteed. Halal certification can be interpreted as the process of clarifying products whose page is still unclear by examining the stages of production, from the process of preparing raw materials, production process, storage and material control system to be halal consistent.⁷ Reverse proof pattern is the concept of halal certification in processed products based on the assumption that processed products are likely contaminated with illegal objects, so it must be clarified through halal certification. Thus, halal certification does not need to be applied to products that are clearly idolatry, such as fruits, vegetables, fresh fish and others.

Products that have been certified, guaranteed and declared halal will get a halal certificate from MUI. Halal certificate is a written fatwa from MUI that states the idolatry of a product in accordance with Islamic sharia. The permit for the inclusion of the “Halal” label on the product packaging from BPOM can be issued on condition that the product has received a halal certificate from the MUI fatwa commission.⁸

Halal labelization becomes the authority of the government, namely the Food and Drug Control Agency. LPPOM has legitimacy as an institution responsible for the implementation of halal certification based on Central MUI Decree No. kep 164/MUI/IV/2003. This Central MUI Decree refers to the Decree of the Minister of Health of the Republic of Indonesia No.: 924/Menkes/SK/VIII/1996 on the Inclusion of “Halal” Writing as stated in the following article.

1. Article 8 affirms that producers and importers who will apply for the inclusion of “halal” writing must be ready to be examined by the joint team officer from MUI-Director General of POM (BP-POM)
2. Article 10 explains that the results of laboratory examination and testing are evaluated by a team of experts from MUI. The results of the evaluation were submitted to the fatwa commission to obtain the fatwa. Mui fatwa in the form of the granting of halal certificates for products that have qualified or rejected.
3. Article 11 explains that the approval of the inclusion of “halal” writing is given based on a fatwa from the MUI fatwa commission.
4. Article 12 mentions that the fatwa issued by MUI, the basis of the Director General giving approval for those who obtain “Halal” certificates and rejections for those who do not obtain “Halal” certificates.⁹

The decree is the first regulation governing that the examination, testing, determination of halal fatwas becomes the authority of mui. While the inclusion of halal labels based on halal certificates from MUI becomes the authority of BPOM. This policy continues to this day. Regulations that strengthen halal food guarantees in Indonesia have been outlined in several laws, namely:

1. Law No. 7 of 1996 on food was passed on November 4, 1996.
2. Law No. 8 of 1999 on Consumer Protection was passed on April 20, 1999.

⁷ *Ibid* page 164

⁸ LPPOM MUI, “Sertifikasi Halal” dalam (<http://halalmuijatim.org/sertifikasi/tentang-sertifikat-halal/>), diakses pada 5 Februari 2022.

⁹ Menkes RI, “Permen No.:924/Menkes/SK/VIII/1996 tentang Pencantuman Tulisan “Halal” dalam http://peraturan.bkpm.go.id/jdih/userfiles/batang/KEPMENKES_924_1996.pdf), diakses pada 5 Februari 2022.

3. Government Pledge No. 69 of 1999 on Food Labels and Advertisements was set for July 21, 1999.
4. Decree of the Minister of Religious Affairs No. 518 of 2001 on Guidelines for The Examination and Determination of Halal Products was established on November 30, 2001.
5. The decree of the Minister of Religious Affairs No. 519 of 2001 concerning the Halal Food Inspection Implementation Agency was established on November 30, 2001.
6. Law No. 18 of 2009 on Animal Husbandry and Health was passed on June 4, 2009. Article 58 states that the stage of supervision, inspection, testing, standardization, certification, and registration in order to ensure safe, healthy, intact and halal animal products become the authority of the Government and Local Government.¹⁰
7. License for The Circulation of Medicinal Products, Traditional Medicine, Cosmetics, Food Supplements and Foods Sourced, Containing, from Certain Ingredients and or Containing Alcohol is regulated in the Regulation of the Head of the Drug and Food Control Agency of the Republic of Indonesia Number HK.00.05.1.23.3516 stipulated on August 31, 2009.
8. Registration of Processed Food is regulated in the Regulation of the Head of the Food and Drug Control Agency of the Republic of Indonesia Number HK.03.1.5.12.11.09955 of 2011 stipulated on December 5, 2011.
9. Guidelines for Granting Certificates of Domestic Industrial Food Production are listed in the Regulation of the Head of the Food and Drug Control Agency of the Republic of Indonesia Number Hk.03.1.23.04.12.2205 of 2012 set on April 5, 2012
10. Food Law No. 18 of 2012 was passed on November 16, 2012.¹¹

The series of decisions and laws above shows the government's concern to provide security and food benefits for the general community and Muslims in particular. The Mandate of Law No. 18 of 2012 explicitly discusses halal food and the inclusion of halal labels as stated in the following article.¹² Article 1 point 5 mandates food safety guarantees for consumers. Food safety is a condition and effort to prevent food from contamination of biological, chemical and other objects that can harm and endanger health and does not conflict with religion, beliefs, culture of the community, so that it can be consumed safely. Article 37 discusses that food imports carried out to meet domestic consumption needs must meet the requirements of safety, quality, nutrition and not contrary to the religion, beliefs and culture of the community. Article 95 affirms the system of supervision of halal guarantees on products required in accordance with the provisions of the Legislation to be the authority of the Government and Local Government.

Food labelization is stipulated in article 97 mentioned that: the inclusion of labels in and or on food packaging contains at least the following information.

a. product name;

¹⁰ Ramlan dan Nahrowi, "Sertifikasi Halal sebagai Penerapan Etika Bisnis dalam Upaya Perlindungan Konsumen Muslim", *Jurnal Ahkam*, Vol. XIV, No. 1 (Januari 2014), page 147.

¹¹ Ainul Yaqin, *Halal di Era Modern Op Cit*, p 177-178.

¹² Salinan UU No. 18 Tahun 2012 tentang Pangan diakses dalam jdih.bpk.go.id/wpcontent/uploads/2012/03/UU-Nomor-18-Tahun-2012.pdf. Diakses pada 5 Maret 2022.

- b. materials used;
- c. net weight/clean contents;
- d. the name and address of the party producing/importing;
- e. halal for those required;
- f. date and production code;
- g. date, month, and year of expiry;
- h. distribution permit number for processed food; the origin of certain foodstuffs.

Law No. 18 of 2012 on Food expressly stipulates that food circulating in Indonesia should not be contrary to religion. This implicitly requires the inclusion of the “Halal” label on the product packaging. This means planning the active role of halal certification bodies appointed by the government. However, since 1996 until now there are two dichotomies of halal certification and halal labeling bodies in Indonesia. These two interrelated activities are the authority of two institutions, namely MUI and BPOM. Institutions that have the authority to conduct research, audit, careful and holistic assessment of processed products are LPPOM MUI. While BPOM has the authority to issue halal labels.

The halal certification process begins with the application for halal certification by the company. Companies applying for halal certification must be authorized companies yeng has received a business license from the government. Administrative data that must be equipped by the company, including:

- a. halal certificate request form,
- b. list of products submitted halal certification,
- c. company data form,
- d. material affidavit,
- e. halal certification affidavit,
- f. affidavit appointing an internal halal auditor, and
- g. Halal Assurance System form.

The fill form consists of

- a. list of raw materials, additives and product helper materials that include the name and brand of the material, the name and location of the manufacturer, supplier, halal certificate document of materials and other supporting documents, such as the flow chart of the production process and the packaging of the product and
- b. List of material applications. Completeness of files and supporting data is deposited into LPPOM for review and determined the amount of certification duty. After the applicant pays the certificate management duties, will be given a schedule of audit implementation. The audit is conducted by a team of appointed LPPOM auditors. The results of the audit are submitted to the MUI Fatwa Commission for discussion in the Commission’s hearing and then the law is declared, namely halal fatwa. Halal fatwas

are issued after products are believed to contain no elements of haram or unclean objects.¹³

The procedure for establishing the MUI fatwa can be explained through the following stages. First, the recruitment of auditors from academics in the fields of food technology, chemistry, animal husbandry, religion and related fields. The auditors were given a briefing on the treasurer prohibited by Islamic sharia and the critical point of food products through the training of halal auditors and the halal assurance system. Second, the auditor conducts research and audits to companies that apply for halal certificates. The assessments carried out include: examination of raw materials, additives, and auxiliary materials used in the production process and examination of evidence of material purchase, packaging of materials and other supporting evidence. The whole ingredient must be halal. Third, the examination of materials in the laboratory, especially materials suspected of being illegal objects or containing illegal/unclean objects to get certainty. Fourth, if the auditor encounters or suspects there is an illegal material content, the company is required to replace it with halal materials, if it still wants to get a halal certificate. Fifth, the results of the audit will be closely held by the audit team to assess the vulnerable points and critical points of food. The formulation was outlined in the News of events to be submitted at a fatwa commission hearing. Sixth, in the mui fatwa commission hearing, LPPOM delivered the news of the event to be discussed carefully and in depth by the Fatwa Commission which was focused on the critical point of the material. A product that is still in doubt or there is evidence of the purchase of materials that are not transparent is returned to LPPOM for research or re-audit to the company. As for the products that have been believed to be idolatry by the fatwa commission hearing, it was decided on the halal fatwa. Seventh, the results of the commission hearing in the form of halal fatwas were reported to the MUI leadership council to be established and issued a Halal Fatwa Letter in the form of a Halal Certificate. Mui's task only reaches the stage of halal certification.¹⁴

Halal certificates that have been issued by the MUI Fatwa Commission on a product based on the results of lppom audit will be sent to BPOM to obtain halal label. Labeling "Halal" becomes the authority of the Food Drug Control Agency (BPOM). Labelization is a permit for the inclusion of halal writing or statement on the product packaging to show that the product is halal status. This labelization is a form of licensing that becomes a government authority through BPOM. The relationship between these two institutions is a partnership. BPOM government agencies are tasked with conducting food supervision from the health side. To determine the validity of food, BPOM cooperates with LPPOM in determining halal/not a product.¹⁵

The illustration above mentions that the certification process is in the MUI region through the autonomous institution LPPOM and the Fatwa Commission until the stage

¹³ Mutimmatul Faidah, Sertifikasi Halal di Indonesia; Dari Civil Society Menuju Relasi Kuasa Antara Negara dan Agama, *ISLAMICA: Jurnal Studi Keislaman*, Volume 11, Nomor 2, Maret 2017, page 459

¹⁴ Mutimmatul Faidah, Sertifikasi Halal di Indonesia dari Civil Society menuju Relasi Kuasa antara Negara dan Agama, *Islamica Jurnal Studi Keislaman* 11(2), 2017, page 460

¹⁵ *Ibid*

of the exit of halal certificates. The next process is abundant into the authority of BPOM. BPOM issued halal labels based on certificates issued by the MUI Fatwa Commission.

Supervision of products that have been certified halal is carried out by implementing the Halal Assurance System (SJH) in every company, both small, large and medium scale. In SJH is determined the implementation of internal audits. The internal auditor is responsible for controlling the product page and carrying out reporting every six months on halal assurance of the production process and material information if there are additions or changes. If needed, at any time LPPOM MUI will do sidak to the production process. The halal certificate obtained by the company is valid for two years. Two months before the expiration period, the company must apply for a halal certificate by filling out forms and fill forms by completing the data in accordance with the company's latest developments. The company must submit an explanation if there are additions of raw materials and additional materials. The process of monitoring products that have been certified will be carried out properly with the support of the community who provide information, reports and complaints if there are indicators of violations committed by business actors.

The existence of two institutions that regulate halal certification and labelization shows the weak position of LPPOM MUI. This weakness can be traced from three aspects. First, LPPOM MUI is a non-governmental institution that does not have the authority to issue binding rules in the community, so halal certification is more recommended. Second, LPPOM MUI is not given the breadth of the mandate to have more authority in carrying out the task of implementing certification. This institution has no right to label, enforce, impose administrative sanctions or legal sanctions. Third, LPPOM does not have the power to carry out control, supervision, and lawsuits if there are manufacturers who counterfeit halal labels. Fourth, LPPOM as a non-governmental organization, in its operations must collect certification management duties that are nominally not the same between producers. Certification management duties are issued after LPPOM reviews the files and forms that have been filled out by the company. Based on the received files known the level of complexity and industrial scale of the product.

The separation of authority between the two institutions, LPPOM and BPOM, has an impact on the weak food control system. Among the problems that arise, namely:

- a. first, the rampant circulation of products labeled "halal" based on the manufacturer's own initiative, not the official "Halal" stamp. The consequences of the inclusion of the "Halal" label are not official, as long as there is a conformity between the facts and those listed on the label, then the company cannot be prosecuted. However, if there is a lie to the public, where in the process of producing products contaminated with illegal substances, then the company can be prosecuted for violating consumer rights. This fact indicates the weak umbrella of halal labeling law in Indonesia.
- b. Second, the circulation of the official "halal" stamp is forged. In this case, the manufacturer can legally be sued and entered into a criminal penalty. The institution authorized to conduct the lawsuit is BPOM because the halal stamp was issued by BPOM. While LPPOM, to the limit issue halal certificates.
- c. Third, there is no legal regulation if the manufacturer does not take care of halal certificates. During this time, halal certificates in Indonesia are limited to recommendations not obligations. LPPOM is passive in doing certification, inactive. Manufacturers who

do not do halal certification, then the product can still circulate and not be ensnared by law.

- d. Fourth, halal certification still reaches large industries, not yet reaching widely small and medium enterprises (SMEs). Contributing factors are the lack of socialization and education to SMEs about the importance of halal certification of products, the assumption that certification management procedures are complicated, and relatively expensive certification duties for small businesses.
- e. Fifth, halal certification can only be submitted to the central LPPOM for national-scale industries and in provincial LPPOM for regional industries. This makes it difficult for small industries in rural areas to apply for halal certification of their products due to transportation problems. LPPOM MUI province does not have representatives in the area that can be empowered for the registration process or completeness of files. The entire administrative process is in the Provincial LPPOM for local industry and the LPPOM Center for national industry.

From the explanation we have mentioned above, the authority of LPPOM MUI in conducting halal organizing and certification seems half-hearted. This can be traced from the absence of obligations for every manufacturer of processed products to perform halal certification and the absence of sanctions, both civil and criminal for manufacturers who do not perform halal certification or manufacturers who commit violations. Referring to the various noises, the government issued Law No. 33 of 2014 on Halal Product Guarantee. In the Undangh-Act formulated the following provisions.

1. Article 4 affirms that products entering, circulating, and traded in the territory of Indonesia must be halal certified.
2. Article 5 explains that the person in charge of the implementation of halal Product Guarantee (JPH) is the government. To carry out the implementation of JPH, BPJPH (Halal Product Assurance Agency) was established which is based under and responsible to the Minister.
3. Article 6 affirms that bpjph's authority in the implementation of JPH, namely:
 - a. Formulate and implement JPH policies;
 - b. Implement JPH norms, standards, procedures and criteria;
 - c. Issuance and revocation of halal certificates and Halal labels on products;
 - d. Carrying out halal certificate registration on foreign products;
 - e. Conduct socialization, education, and publication of halal products;
 - f. Accrediting LPH;
 - g. registration of Halal Auditors;
 - h. Conducting supervision of JPH;
 - i. Carrying out the construction of halal auditors; and
 - j. Cooperate with domestic and foreign institutions in the field of JPH implementation.
4. Article 7: In exercising the authority as in article 6, BPJH cooperates with:
 - a. Related ministries;
 - b. MUI; and
 - c. 3 Halal Inspection Board.

5. Article 8: BPJPH cooperation with MUI in the form of: halal auditor certification; the determination of the product page; and LPH accreditation. The determination of the product page is issued by MUI in the decree of halal product determination.

Halal products referred to in the Act are food, mminuman, drugs, cosmetics, chemical products, biological products, genetic engineering products and useful goods used, used, or utilized by the community. The products in circulation must be declared halal in accordance with Islamic sharia. Products circulating in Indonesia must have JPH. JPH is a legal certainty of the idolatry of a product as evidenced by a halal certificate. The ministry responsible for organizing JPH is the Ministry of Religious Affairs as stated in Presidential Regulation No. 83 of 2015 concerning the Ministry of Religious Affairs (KEMENAG).¹⁶ In the presidential regulation it is mentioned, among the organizational makeup of the Ministry of Religious Affairs is the Halal Product Assurance Agency (BPJH). In carrying out the above duties, the Halal Product Assurance Organizing Agency conducts functions including: the preparation of policies in the field of halal product guarantees; the guarantee of halal products; JPH supervision, bpjh administration organization. Thus the role of BPJH includes design, implementation and supervision.

The halal certification process, based on the Halal Guarantee Act, can be described as follows:

- a. First, the company applied for halal certification application to the Halal Assurance Organizing Agency (BPJH) under the Ministry of Religious Affairs.
- b. Second, filling in the file and administrative completeness along with supporting data by the company to be submitted to BPJH.
- c. Third, the filing file after review by BPJH is submitted to the Halal Assurance Agency (LPH) which has been accredited for audit.
- d. Fourth, the implementation of audits by LPH. The results of the audit in the form of news of the examination event (BAP) were given to BPJH for follow-up. If in the implementation of the audit, LPH finds materials or processes contaminated with halal or unclean goods, then LPH will provide recommendations to BPJH for the replacement of materials to be followed up to the applicant.
- e. Fifth, the LPH audit results file will be submitted to the MUI Fatwa Commission for trial and establishing halal or haram law.
- f. Sixth, the Fatwa Commission hearing, if it is found that the product contains pig elements or unclean objects that have not gone through the received purification process, the Fatwa Commission will reject the certification application and recommend changes to the material or process in doubt. In an effort to conduct internal control and supervision of products, the company appointed a Halal Supervisor responsible for the Halal Product Process (PPH).

Based on a review of the Halal Guarantee Law, there are known changes. Elimination of dualism of institutions that manage the implementation of halal certification. Before the issuance of the Halal Guarantee Law, LPPOM MUI was tasked with carrying out the certification process, while BPOM was tasked with issuing labels. Currently, the

¹⁶ Peraturan presiden Nomor 83 Tahun 2015 tentang Susunan Organisasi Kementerian Agama, diakses di: <https://jatim.kemenag.go.id/files/jatim/file/file/PP/esaf1452072379.pdf>. Diakses pada 5 Maret 2022.

authority is with the Ministry of Religious Affairs which forms the halal certification organizing and managing institution, namely BPJH. The unity of the halal certification system is expected that the monitoring and supervision system of products circulating in the community can be controlled and the legal umbrella of consumer protection can be strengthened. On the other hand, the whole process that boils down to the BPJH desk is a challenge for this new institution to compile an effective, efficient, credible and accountable certification system so that the demands and needs of the community can be answered. The issuance of the Halal Product Assurance Act provides certainty that halal certification is no longer an option, but an obligation that binds every food, drug and cosmetics packaging company. The obligation of every manufacturer of packaging products to carry out the certification process is expected to ensure the peace and clarity of the legal status of products circulating in the community. On the other hand, it is necessary to do an easy and cheap halal certification application system. It is easy to mean that the process is not convoluted and takes a long time. Cheap is intended so that halal certification does not burden small and medium-sized businesses. This means the birth of this new institution needs to be carefully designed and professionally managed.

Referring to the above description it can be understood that the issuance of the Halal Prosuk Guarantee Law provides two useful values for the community to get comfort, security, safety and certainty of the availability of halal products in the market and for business actors to get added value from their products. The public will assess the professionalism of BPJH as a government agency in handling the guarantee of halal products.

3.2 Maqashid Syariah Perspective in the Implementation of Halal Product Guarantee

In establishing Islamic law, the method of legal discovery can be seen in terms of the language approach and the approach of legal purpose. Among ushul fiqh scholars, the purpose of the law is commonly called sharia maqashid.

Maqashid shari'ah itself consists of two words, namely maqashid and Shari'ah. Maqashid is the bentuk jama' of mufrad maqashad. Qashid, Maqashid or Qushud are verbs taken from qashada, yaqshidu, qashdan. In language, maqshad is the backrest, direction (explanation), and istiqamah in the path.¹⁷ Thus, maqashid al-syariah means the content of values that are the purpose of legal wisdom, so what is meant by maqashid al-sharia is the purpose of legal law and which becomes the goals to be achieved from a law determination.¹⁸ According to Asy-syaitibi Maqashid Syariah can be seen from two points of view. First maqashidus shari'ah' (god's purpose). The second maqashidul mukallaf (mukallaf goal).

¹⁷ Abdi Wijaya, "Cara Memahami Maqashid al-Syariah", Jurnal al-Daulah, Vol.4 N0.2. (Desember 2015). http://journal.uin-alauddin.ac.id/index.php/al_daulah/article/view/1487 (diakses 5 Maret 2022).

¹⁸ Ghofar Shidiq, "Teori Maqashid al-Syariah Dalam Hukum Islam", Jurnal Sultan Agung, Vol. XLIV, No.118. (Juni-Agustus, 2009),h. 119. <http://jurnal.unissula.ac.id/index.php/majalahilmiahsultanagung/article/view/15> (diakses 5 Maret 2022)

Substantially the maqashid of sharia stated by Syatibi in al-Muwafaqat, namely the benefit and benefit can be seen from two points of view, namely; First, maqashid al-syariah (the purpose of God). Second, maqashid al-mukallaf (mukallaf goal). Viewed from the point of purpose of God, maqashid al-sharia contains four aspects, namely:

- a. The original purpose of Syar'I establishing Sharia is the benefit of mankind in the world and the hereafter;
- b. the establishment of Shari'ah as something that must be understood;
- c. the establishment of sharia as a law that must be implemented;
- d. the establishment of sharia to bring humans under the protection of the law.¹⁹

As mentioned in Law No. 33 of 2014 that the implementation of halal product guarantees aims to include:

- a. provide comfort, safety, safety, and certainty of the availability of Halal Products for the public in consuming and using the Products; and
- b. increase the added value for businesses to produce and sell Halal Products

The purpose of the implementation of halal product guarantee is considered as the basic basis of author review, to then be considered as a facilitation and description of the existence of sharia maqashid principles in the regulation. Therefore, the author tries to explain two main things that are the purpose of the implementation of halal product guarantees in the following analysis.

First, that the implementation of halal product guarantee aims to provide comfort, safety, safety, and certainty of the availability of Halal Products for the community in consuming and using the Products. The sense of comfort of the community (producer/customer) becomes a priority, because one will be comfortable in consuming a certain product, especially the product is halal.

Besides being comfortable, it's security. The term security is in terms of guaranteed and safe products consumed by the public from non-halal matters. This becomes important for people who are Muslim, and is also protected by applicable laws in Indonesia.

In addition to these two things, is the safety aspect and certainty of the availability of halal products in Indonesia. The certainty of the availability of halal products in Indonesia, for muslim communities, is an absolute thing that must exist in everyday life. Because, it is an obligation for every Muslim to consume halal products, especially those related to food and drink. Consuming halal products, is a recommendation and even a religious obligation for the Muslim community, because if you do not consume halal things, it will undoubtedly be a human being who is disobedient in the eyes of Islam.

Second, the second purpose of halal product guarantee is to increase added value for businesses to produce and sell Halal Products. This is a pragmatic goal in the world of business and business, but also part of the shiar against the teachings of good Islam, so that if it can be implemented in the order of modern business systems and mechanisms, it will certainly increase the added value for people who do it.

¹⁹ Abu Ishaq al-Syatibi, Al-Muwafaqat fi Ushul al-Syariah (Beirut: Dar al-Kutub al-Alamiyah,t.th) jilid 2,3.

Any business actor, any religion, when he wants to sell his products in a country that is majority Muslim, must pay attention to the aspect of the page of a product that will be sold. Products that are not clear of their subtlety, of course, will be shunned by customers or consumers whose bene notes are Muslim. In other words, the conformity aspect of a product to be sold in a country with a majority Muslim population, is a concern for the syar'I aspect of the product.

In the perspective of maqashid al-sharia, the two objectives in Law No. 33 of 2014 on the guarantee of halal products, are important components that must be realized in human life, so that human life will be considered as an optimal life. The sense of comfort, security, safety and certainty of halal products circulating around the territory of Indonesia is important (dharuri) in the life of Muslims in Indonesia, so it must be realized, one of which is only through the enacting of Law No. 33 of 2014 on halal product guarantees. Even the existence of the Halal Products Assurance Act is aligned to support the existence of existing regulations, especially in order to protect consumers, be it Muslim consumers or others.

In addition, maqashid al-shari'ah is not only the most decisive factor in giving birth to components of halal products that can double as social tools of control and social engineering to realize human benefit, but more than that, maqashid al-shari'ah can provide a philosophical and rational dimension to halal products born in the activities of contemporary halal products. Maqashid al-shari'ah will provide a rational and substantial pattern of thought in looking at halal agreements and products. While the thought of jurispruding alone will give rise to formalistic and textual thinking patterns. It is only with the maqashid al-sharia approach that halal products can develop well and can respond to the ever-changing business progress quickly.

From the above explanation of Maqashid Syariah we can see from the Halal Certification Registration Obligation that the implementation of halal product guarantees is aimed as follows:

- a. Providing comfort, safety, safety and certainty of the availability of halal products for the public in consuming and using products.
- b. Giving an increase to business actors to produce and sell halal products.

4 Conclusion

From the analysis that has been conducted this study concludes, that the implementation of halal product guarantees after the issuance of Law No. 33 of 2014 on halal product guarantees becomes the responsibility of an institution called the Halal Product Assurance Management Agency (BPJPH), which is under the auspices of the Ministry of Religious Affairs. In the perspective of maqashid al-sharia, first, the Halal Product Assurance Law can provide comfort, security, safety, and certainty of the availability of Halal Products for the community for the purpose of maintaining guarantees to improve halal products. Second, the Halal Product Assurance Act can add value for businesses to produce and sell Halal Products. The two objectives in Law No. 33 of 2014 on the guarantee of halal products, are important components that must be realized in human life, so that human life will be considered as an optimal life. The sense of comfort, security, safety and certainty of halal products circulating around the territory of Indonesia

is important (dharuri) in the life of Muslims in Indonesia, so it must be realized, one of which is only through the enacting of Law No. 33 of 2014 on the guarantee of halal products.

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