



Juridical Overview of Halal Products at Street Food Stalls in the Perspective of Legal Protection for Indonesian People

Aryani Witasari^(✉)

Faculty of Law Unissula, Semarang, Indonesia
aryani@unissula.ac.id

Abstract. The purpose of this paper is to find out and examine the categories of halal food products according to the Indonesian government and to determine the form of protection for the Indonesian people against halal food products sold on the roadside (warungan). The writing method uses a normative juridical method using secondary data, which consists of three legal materials, namely primary legal materials, secondary legal materials and tertiary legal materials. Indonesia provides limits or categories for halal food products to be eaten by people who are Muslim, according to the fatwa decreed by the Indonesian Ulema Council No. 4 of 2003 concerning Standardization of Halal Fatwa.

As a form of protection given to the Indonesian people against food ingredients, halal products that have been issued by the MUI fatwa by producers must be labeled, even though the food is food sold at roadside stalls. The purpose of giving the halal label is to provide assurance to the Indonesian Muslim community, so that they feel protected.

Keywords: Stall Food Products · Halal · Legal Protection

1 Introduction

There are two things that we must live in this life, there is black and white, there is good and bad, there is heaven and hell, there is halal and haram. That is the color of life that always intersects with us. Allah SWT makes everything that exists on this earth with choices, which direction we will go is our effort and choice, then Allah determines with His permission and blessing for us, therefore as servants of Allah we must try and choose towards in the direction that is blessed by Allah SWT, including what we eat.

Our constitution stipulates in Article 28 H Paragraphs (1) and (2) of the 1945 Constitution that everyone has the right to live in physical and spiritual prosperity, to have a place to live, and to have a good and healthy living environment and the right to health services.”

The number of foodstuffs that can be consumed by humans in quantities that we find difficult to count, whether thousands, millions and even billions to masha Allah. Both food ingredients in the sea, land and air, so cheaply Allah loves these human beings. This

provision of food for humans by Allah is then not simply given to humans, especially humans who have been given by Allah in the form of guidance. There are limits set by Allah SWT about the food that can be consumed by people of faith. As regulated in Surah Al-Baqarah verse 172. It means:

“O you who believe, eat of the good sustenance We have given you and be grateful to Allah, if it is Him you worship.” As Muslims, our lives have been arranged by Allah, so that the amount of food provided by Allah is not all that we can consume. Allah obliges us to consume halal food as regulated in QS Al Baqarah verse 168, which is awchich means: “O people, eat what is lawful and good from what is on the earth, and do not follow the steps of the devil, for indeed the devil is a real enemy to you.”

Related to halal eating, the Indonesian government also appreciates the issuance of regulations, namely the issuance of Law No. 33 of 2014 concerning Guaranteed Halal Products. There is an obligation for traders in accordance with Article 4 of Law No. 33 of 2014, that products marketed/traded in Indonesian territory must be certified halal. Starting from Thursday 17 October 2019, all food and beverage products must be certified halal, including those sold by street vendors and micro, small and medium enterprises (MSMEs).¹

The government has made it mandatory for traders to register their merchandise in order to get a halal certificate, but the authors note when buying food at a roadside food stall, around the food stalls there is no logo or label at least there is halal writing, the author wonders about Where do you think the halal label is written, because as buyers, sometimes we forget the things we should pay attention to, especially if the stomach is very hungry.

If a food stall on the side of the road that sells food clearly mentions the name of food processed with animals which are forbidden by Muslims, that's not a problem for us, because we as Muslims will certainly not enter the stall.

Based on the description above, the authors are interested in taking the title “A juridical review of halal products at roadside food stalls in the perspective of legal protection for the Indonesian people”. Formulation of the problem is What are the categories of halal food products according to the Indonesian government? and How does the Indonesian government provide protection for halal food stalls for the Indonesian people?

2 Research Method

Writing with the title juridical review of halal products at street food stalls in the perspective of legal protection for the Indonesian people uses a normative juridical writing method, which uses secondary data with primary legal materials consisting of statutory regulations and secondary legal materials, namely by taking literacy from books and articles that are in accordance with this writing, as well as tertiary legal materials that are taken from the appropriate web.

¹ <https://www.bbc.com/indonesia/indonesia-500800006>, downloaded on March 25, 2022.

3 Results and Discussion

3.1 Halal Food Product Categories According to the Indonesian Government

Indonesia with a Muslim majority population is very respectful of everything that will enter its body, not only about food, but also cosmetics, medicines, injections, vaccines and other chemical products.

The Prophet gave an example that we eat and drink with halal food ingredients and with halal results.

Halal products are products that have been declared halal in accordance with Islamic law.² The products produced use halal food ingredients, whether they are raw materials, processed materials, as well as additional materials and auxiliary materials. The ingredients are of animal origin; plants, microbes, or materials produced through chemical processes, biological processes, or genetic engineering processes. The law also mentions ingredients derived from animals that are forbidden.³ The mention of “haram” with its changing form from the Koran which has a context with food, drink and clothing is found in Surah al-Baqarah (2): 172–73, al-Mâ'idah (5): 3, 87, al-An'âm (6) 143, 144, 145, and 146, al-A'râf (7): 32, 157, al-Nahl (16): 115, 116, 118. Sources of the Qur'an in the form of prohibition, for example the determination of prohibition carrion, blood, pork, and anything slaughtered in the name other than Allah, in surah al-Ma'idah (5).⁴

The government requires that every product produced must be labeled halal. The purpose of the inclusion of the halal logo on food and beverage products is to protect the rights of Muslim consumers against non-halal products.⁵ If a business actor does not carry out his obligations after obtaining a halal certificate, he will be subject to administrative sanctions.⁶ This sanction is applied to producers with the aim that consumers are protected from uncertainty regarding the food products sold. Consumers have the right to obtain clear information about products sold by producers, this is in accordance with Article 4 of the Consumer Protection Act, that consumers have the right to correct, clear and honest information regarding the conditions and guarantees of goods and/or services.⁷

According to the rules in Article 68 of Government Regulation no. 31 of 2019, products that are required to have a halal certificate basically consist of two main types, namely goods and services.

² Article 1 of Law no. 33 of 2014 concerning *Halal Product Guarantee*, Chapter 1 General Provisions.

³ Paragraph (2) of Law No. 33 of 2014 mentions materials originating from animals that are prohibited other than those mentioned in paragraph (1) above, then they are determined by the Minister based on the MUI fatwa.

⁴ Muchtar Ali, Concept of Halal Food in Sharia Review and Product Responsibility for Halal Industry Producers, *Ahkam Journal*: Vol. XVI, No. 2, July 2016, page. 295.

⁵ Syafrida, Halal Certificates in Food and Beverage Products Provide Legal Protection and Certainty for Muslim Consumer Rights, *ADIL: Jurnal Hukum* Vol. 7 No.2, page. 170.

⁶ Article 48 point 8 of the Job Creation Law (UU no 11 of 2020 concerning Job Creation) which amends Article 27 paragraph (1) of the Halal Product Law.

⁷ Abdul R.Saliman, *Business Law for Companies*, Kencana, Jakarta, 2020, page 212.

Goods that must be certified halal are:

- a. Food and Drink
- b. Drug
- c. Cosmetics
- d. Chemical products
- e. Biological products
- f. Engineering products
- g. Goods used, used, or utilized (goods in question are goods originating from and/or containing animal elements, whether the use is for clothing, accessories, household utensils, food and beverage packaging, stationery and office supplies, to equipment used as a medical device).

Meanwhile, the services that must be certified halal are: Slaughtering, processing, storage, packaging, distribution, sales, and presentation.

Food products, including food sold in small stalls or shops, must also have a halal label. The slaughter of animals that are processed into food must also be in accordance with Islamic law as written in Surah Al Hajj verse (37). In that verse, Allah SWT says, that it has actually been prescribed for you to slaughter the livestock as sacrifices so that you mention His name when slaughtering them.

Including how to process it into a food, it should not be mixed with harmful ingredients and mixed with ingredients that are not halal according to Islamic law, such as mixing with alcohol even if only a little or mixed with pork oil. Article 8 of the Consumer Protection Law states that business owners are prohibited from producing and/or trading goods/services that do not meet or do not comply with the required standards and provisions of laws and regulations.⁸

A food product, including those sold in small stalls that have been slaughtered, processed and served according to sharia, needs to be registered to be labeled. The sign of this halal label is important, it is for a sense of comfort and there is no sense of anxiety for consumers consuming it. The labeling process is carried out in accordance with the procedures specified in Law No. 33 of 2014.

Problems related to this labeling for small producers such as those who peddle their food in roadside food stalls are a matter of cost, so the government must pay special attention to small producers, especially traders, how to make them obey the rules made by the government, and the community as users and food connoisseurs at roadside food stalls can feel safe, comfortable and do not appear hesitant to consume them.

As for the category of halal products according to the Indonesian government, according to the fatwa decreed by the Indonesian Ulema Council Number 4 of 2003 concerning STANDARDIZATION OF HALAL FATWA, it is stated that there are 7 (seven) things that are regulated:

First: about Khamer which is something intoxicating,

Second: Ethanol, Fusel oil, Yeast, and Vinegar,

Third: Animal Slaughter,

Fourth: Problems Using Names and Materials,

⁸ Agustinus Simanjuntak, *Business Law*, Rajawali Press, Jakarta, 2019, page 189.

Fifth: Growth Media

Sixth: Frog Problem

Seventh: Miscellaneous Problems, between otherwise in paragraph (3) regulates:

The problem of washing used pigs/dogs:

- a. The method is in-sertu (washed with water 7 times, one of which is with soil/dust or a substitute that has the same cleaning power).
- b. An equipment must not be used interchangeably between pork and non-pork products even though it has been through the washing process.

That is the standard of halal products regulated by the Indonesian government through the MUI fatwa and then must go through a labeling process by an institution that is authorized to provide halal labels at the regional level according to the mandate of Law no. 33 of 2014 concerning Halal product guarantees.

3.2 Form of Protection Against Halal Products for Indonesian People

The issuance of Law No. 33 of 2014 concerning Guaranteed Halal Products has provided fresh air for the Indonesian people, especially those who are Muslim, not to have to hesitate about what we will use. This law was enacted in 2014. This law consists of 68 articles confirming that products that enter, circulate, and are traded in the Indonesian Territory must be certified halal. For this reason, the Government is responsible for implementing the Halal Product Guarantee (JPH).

The birth of Law no. 33 of 2014 against the background that not all products circulating in the community are guaranteed to be halal, so that with the issuance of this law it is hoped that there will be guarantees and there is certainty about halal products in Indonesia and the government is obliged to provide protection to the public.

People who incidentally are consumers, really need to be given protection, as stated in Article 4 letters a and c of Law No. 8 of 1999 concerning Consumer Protection, that consumers have the right to correct, clear and honest information regarding conditions and guarantees a product, and consumers have the right to choose, it is necessary to require a certificate which contains providing space and opportunities for community groups who do not consume illegal goods.

Halal products that have been issued by the MUI fatwa as mentioned above, must be labeled by the manufacturer. The mandatory labeling process can be started by submitting to the Halal Product Guarantee Agency (BPJPH). BPJPH based on Article 5 of Law No. 33 of 2014 is an institution formed by the Government in realizing its responsibility in ensuring the halalness of a product. This BPJPH is located under and responsible to the Minister and can be formed as a regional representative.

The powers of BPJPH are:

- a. formulate and determine JPH policies;
- b. establish norms, standards, procedures, and criteria JPH;
- c. issue and revoke Halal Certificates and Halal Label on Products;
- d. do registration of Halal Certificates on foreign Products;
- e. carry out socialization, education, and publications Halal Products;

- f. carry out accreditation of LPH;
- g. registering Halal Auditors;
- h. to supervise JPH;
- i. conduct training for Halal Auditors; and
- j. do cooperation with domestic and foreign institutions in the field of JPH implementation.

These ten powers are legal mandates that must be implemented, including providing socialization, education and publications about halal products to all Indonesian people, either directly or through social media or other digital media.

In carrying out the authority as referred to in Article 6, BPJPH cooperates with:

- A. relevant ministries and/or institutions;
- B. LPH (Halal Inspection Agency); and
- C. MUI.

BPJPH is located under and located under the ministry, if necessary can form representatives in the regions.

As for the mechanism for applying for a Halal Certificate, it is submitted by Business Actors in writing to BPJPH. Furthermore, BPJPH determines the LPH (Halal Inspection Agency) to carry out inspection and/or testing of product halalness. After being tested for the halalness of the product, then inspection and/or testing is carried out by the Halal Auditor at the business location during the production process.

“In the event that the inspection of the product as intended contains ingredients of doubtful halalness, it can be tested in a laboratory,” reads Article 31 Paragraph (3) of Law Number 33 of 2014.

Furthermore, LPH submits the results of inspection and/or testing of product halalness to BPJPH to be submitted to the Indonesian Ulema Council (MUI) in order to obtain a product halal determination.

MUI will hold a Halal Fatwa Session to determine the halalness of the Product no later than 30 (thirty) working days from the receipt of the results of the inspection and/or product testing from the BPJPH. The decision to determine Halal Products will be submitted by MUI to BPJPH to be the basis for issuing Halal Certificates. In the event that the Halal Fatwa Session declares the product to be non-halal, BPJPH returns the application for a Halal Certificate to Business Actors accompanied by reasons,” reads Article 34 Paragraph (2) of this Law.

Meanwhile, what is declared halal by the MUI Halal Fatwa Session will be the basis for BPJPH to issue a Halal Certificate no later than 7 (seven) working days from the date the decision on the halalness of the product is received from the MUI.

According to this Law, Business Actors who have obtained a Halal Certificate are required to affix the Halal Label on:

- a. Product packaging;
- b. Certain Parts of the Product; and/or certain places on the Products.

The inclusion of the Halal Label must be easy to see and read and not easily removed, removed, and damaged,” reads Article 39 of Law Number 33 of 2014.

The Halal Certificate is valid for 4 (four) years from the date of issuance by BPJPH, and must be extended by Business Actors by submitting a Halal Certificate renewal no later than 3 (three) months prior to the validity period of the Halal Certificate.⁹

Besides the halal certificate, BPJPH also stipulates a logo^{halal}the new one. This latest halal logo will apply nationally and must be on product packaging as a sign of product halalness and ownership of a halal certificate recognized by the government. Based on the Decree of the Head of BPJPH Number 40 of 2022 concerning the Determination of the Halal Label. The decision is effective as of March 1, 2022.

Currently, Indonesia is still undergoing a transition, but in order to protect people from the inconvenience of consuming food, then Halal certificates that have been determined by MUI before this Law comes into force are declared to remain valid until the period of validity of the Halal Certificates. And before BPJPH is established, the application for or renewal of the Halal Certificate is carried out in accordance with the procedures that were in effect before this Law was promulgated.

Because the maximum for forming BPJPH is no later than 3 (three) years from the promulgation of this Law.¹⁰ This law comes into force on the date of its promulgation, namely on October 17, 2014 by the Ministry of Law and Human Rights.

In accordance with Article 27 paragraph (1) of Law no. 33 of 2014, business actors who do not include a halal label if their products have been certified will be subject to administrative sanctions in the form of written warnings, administrative fines, or revocation of halal certificates.

4 Conclusion

The category of halal food products according to the Government of Indonesia is as regulated in the Fatwa of the INDONESIA ULAMA MEJELIS (MUI) Number 4 of 2003 concerning Standardization of Halal Fatwa, there are 7 (seven) matters regulated, namely about Khamer, Ethanol, Fusel oil, Yeast, and Vinegar., Animal Slaughter, Name and Material Use Problems, Growth Media, Frog Problems and Miscellaneous Problems.

The Indonesian government provides protection for halal food stall products for the Indonesian people by obliging every seller or food producer even those peddling on the roadside to register their food products with BPJPH in their respective areas, otherwise there will be sanctions. Everything requires a process and this process is still ongoing.

⁹ <https://kominfo.go.id/content/detail/4240/uu-no-332014-government-harus-form-badan-pengelenggara-jaminan-product-halal/0/berita#:~:text=06%2011%2D2014-,Law%20No.%2033%2F2014%3A%20Government%20Must%20Form,Agency%20Organization%20Guarantee%20Product%20Halal&text=Jakarta%20%2D%20After%20approved%20by%20Meeting,Yudhoyono%2C%20on%2017%20October%202,014.> Downloaded on Friday, March 25, 2022.

¹⁰ Article 64 of Law no. 33/2014.

Bibliography

Al-Qur'an

Books

Agustinus Simanjuntak, *Business Law*, Rajawali Press, Jakarta, 2019

Abdul R.Saliman, *Business Law for Companies*, Kencana, Jakarta, 2020

Journal/Article

Muchtar Ali, *Concept of Halal Food in Sharia Review and Product Responsibility for Halal Industry Producers*, Ahkam Journal: Vol. XVI, No. 2, July 2016

Syafrida, *Halal Certificates in Food and Beverage Products Provide Legal Protection and Certainty for Muslim Consumer Rights*, ADIL: Jurnal Hukum Vol. 7 No. 2, 2016

Legislation

1945 Constitution of the Republic of Indonesia

Consumer Protection Law no. 8 of 1998 concerning Consumer Protection

Law No.33 of 2014 concerning Halal Product Guarantee

Government Regulation No. 31 Year 2019

Decree of the Head of BPJPH Number 40 of 2022 concerning the Determination of the Halal Label.

MUI Fatwa Number 4 of 2003 concerning STANDARDIZATION OF HALAL FATWA

Website

<https://kominfo.go.id/content/detail/4240/uu-no-332014-government-harus-form-badan-pengelenggara-jaminan-product-halal/0/berita#:~:text=06%2011%2D2014-,Law%20No.%2033%2F2014%3A%20Government%20Must%20Form,Agency%20Organization%20Guarantee%20Product%20Halal&text=Jakarta%20%2D%20After%20approved%20by%20Meeting,Yudhoyono%2C%20on%2017%20October%202014>. Downloaded on Friday, March 25, 2022

Open Access This chapter is licensed under the terms of the Creative Commons Attribution-NonCommercial 4.0 International License (<http://creativecommons.org/licenses/by-nc/4.0/>), which permits any noncommercial use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons license and indicate if changes were made.

The images or other third party material in this chapter are included in the chapter's Creative Commons license, unless indicated otherwise in a credit line to the material. If material is not included in the chapter's Creative Commons license and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copyright holder.

