



## HALAL CERTIFICATION MECHANISM FOR FOOD AND BEVERAGE PRODUCTS ACCORDING TO LAW NUMBER 33 OF 2014 CONCERNING HALAL PRODUCT GUARANTEE

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### ABSTRACT

Halal labeling for every food product is very necessary for the realization of peace of mind of the community, especially Muslims in choosing the desired food and beverage products. The problem in this thesis is how is the legal position of halal certificates on food and beverage products according to Indonesian law, what is the role of the Indonesian Ulema Council of Medan City in granting halal certificates and labels to food and beverage products, what are the obstacles and efforts in granting halal certificates to food and beverage products at the Food, Drug and Cosmetics Assessment Institute (LPPOM) of the Indonesian Ulema Council Medan. In writing this thesis, the author uses the library research method to examine secondary data and field research, namely by conducting research with the authorities at the Medan MUI. Halal certification is only valid for 2 (two) years since the certificate was issued, and must be re-certified. The role of the Indonesian Ulema Council in providing halal certificates and labels on food products is to determine a fatwa on the halalness of food, drug and cosmetic products carried out by the Fatwa Commission after an audit by LP POM MUI and reporting to the Fatwa Commission.

### 1. Introduction

Halal product assurance has become crucial given the rapid advancement of science and technology in the food, pharmaceutical, and cosmetic sectors. This has significantly impacted the shift in the processing and utilization of raw materials for food, beverages, cosmetics, pharmaceuticals, and other products, from simple and natural ingredients to the processing and utilization of engineered raw materials. Product processing utilizing scientific and technological advances allows for the mixing of halal and haram ingredients, both intentional and unintentional. Determining the halal and goodness of a product requires specialized studies that require multidisciplinary knowledge, such as knowledge in the fields of food, chemistry, biochemistry, industrial engineering, biology, pharmacy, and an understanding of sharia law.





Halal product assurance aims to provide comfort, security, safety, and certainty of the availability of halal products for the public in consuming and using food products. This is crucial as part of efforts to protect consumers from non-halal food products.

Information is crucial for consumers, as it enables them to exercise their right to choose correctly. Producers or business actors must fulfill their obligation to provide clear information about the products they market.

A halal assurance system is a system created and implemented by companies holding halal certificates to ensure the continuity of the halal production process. This system is established as part of company policy, not a stand-alone system.

Regarding the halal certification of a product, Law Number 8 of 1999 concerning Consumer Protection (hereinafter referred to as the Consumer Protection Law) in Article 8 paragraph (1) letter h states that business actors are prohibited from producing and/or trading goods and/or services that do not comply with halal production requirements, as stated in the halal statement included on the label.

Halal labeling for every food product is essential to ensure the public's peace of mind in purchasing the food they desire. The government is responsible for implementing halal legalization, not limited to instructing businesses to include halal labels on their products, but also requiring testing and supervision of every food product distributed throughout Indonesia.

To ensure legal certainty for consumer protection, the government has enacted various laws and regulations regarding the halal certification of products. These laws play a crucial role as a legal umbrella, providing legal protection for Muslim consumers in adhering to Islamic law, particularly when consuming halal food and beverages.

Regarding halal products, there are two important and interrelated issues: halal certification and halal labeling. A halal certificate is issued by the Indonesian Institute for the Assessment of Food, Drugs, and Cosmetics (hereinafter referred to as LPPOM MUI) after conducting an audit of a product and declaring it free of prohibited elements (pork, impurity, or other prohibited substances). The halal label is the responsibility of the Directorate General of Food and Drug Supervision (hereinafter referred to as Dirjen POM) of the Ministry of Health of the Republic of Indonesia to be placed on product packaging.

The impact of the provisions of laws and regulations that do not require producers to obtain halal certification from LPPOM MUI for the food and beverage products they produce means that there are food and beverage products circulating in the community that do not have a halal label, so that the halal status of these products is doubtful.



## 2. Research Method

The type of research used in this thesis utilizes a normative juridical research method supported by empirical data. This study views law as a reality, encompassing social reality, cultural reality, and other aspects. The empirical study of the world is *das sin* (what is reality). This research is descriptive in nature, describing applicable laws and regulations in relation to legal theories and the practice of implementing positive law related to the problem.

All materials obtained from the literature and data obtained in the field are analyzed qualitatively. Using a deductive method, the secondary data described in the comparative literature review will serve as a guideline and its implementation will be examined in examining the role of the Indonesian Ulema Council (MUI) in granting halal certification to food products.

The data obtained from this study were analyzed qualitatively, a scientific study aimed at understanding a phenomenon within its natural social context by prioritizing in-depth communication between the researcher and the phenomenon under study. Data processing is then carried out, and conclusions are drawn using a deductive method.

## 3. Results And Discussion

### 4. Results

Items that are forbidden by Allah are carcasses, blood, pigs and animals slaughtered in names other than Allah (Qs. Albaqarah-173) while drinks that are forbidden by Allah are all forms of *khamar* (alcoholic drinks) (QS. Albaqarah-219). Animals that are halal will change their status to become haram if they die due to strangulation, being hit, falling on their horns, being torn by wild animals and being slaughtered for idols (Qs. Alma'idah-3). If these animals are slaughtered with the name of Allah before they die, they will remain halal unless they are intended for idols.

Materials that fall into the haram category, as described above and are prepared and processed according to halal provisions according to Islamic law, can be submitted for a halal certificate from the MUI. The purpose of implementing halal certification for food, pharmaceutical, and cosmetic products is to provide assurance of a product's halal status, thereby providing peace of mind to those who consume it.

The use of halal labels on processed food products in Indonesia is very common. A product with unclear raw materials and processing methods can be labeled halal (in Arabic), thus giving the impression that it is halal. Food is defined as



any item intended for human consumption and the ingredients used in its production.

Halal packaged food is food that does not contain elements or substances that are haram (forbidden) or prohibited for consumption by Muslims, whether in the raw materials themselves, food additives, auxiliary materials, or other supporting materials, including food processed through genetic engineering, and whose processing is carried out in accordance with Islamic law.

This phenomenon is encountered in real life, where producers falsify non-halal food to make it halal and intentionally sell it. Upon registration, the food passes halal certification, but when marketed, it is found to be non-halal or declared haram. There are also packaged food manufacturers who label their products as halal without obtaining halal certification, solely for profit.

Due to technological advances, many haram (forbidden) ingredients are used as raw materials, additives, or auxiliary materials in various processed packaged food products. As a result, what is halal and what is haram becomes unclear, mixed up, and legally unclear. This problem has given rise to many businesses simply attaching halal labels, without following the required procedures based on halal certification issued by the Food and Drug Monitoring Agency (BPOM) and the Assessment Institute for Food, Drugs, and Cosmetics of the Indonesian Ulema Council (LPPOM-MUI).

The public's paradigm regarding halal product production remains largely unconventional. They believe that if they do not directly add non-halal ingredients to the food they produce, it is guaranteed halal. However, the halal status of food is not determined solely by the ingredients; production methods and other factors also determine its halal status. Halal legalization in the form of a halal certificate for a packaged food product is not only a guarantee of consumer peace of mind, but also a guarantee that the product will be increasingly needed by consumers. Basically, consumers have Rights and Obligations contained in Article 4 letter a of Law Number 8 of 1999 concerning Consumer Protection which regulates the right to comfort, security and safety in consuming goods and/or services.

## 5. Discussion

The public's efforts to obtain halal food require protection from the authorities or government. The BPOM (Indonesian Food and Drug Authority) is the agency authorized to conduct audits on product safety from a health perspective, while LPPOM-MUI (Indonesian Ulema Council) is the institution tasked with conducting thorough and comprehensive research, audits, and assessments of



processed products. The research results are then submitted to the Fatwa Commission for discussion at a commission meeting, and a legal fatwa is issued, a halal fatwa, if it is determined that the product in question does not contain any elements of haram (forbidden) or impure (impure).

Product processing, utilizing advances in science and technology, allows for the mixing of halal and haram substances, both intentional and unintentional. Determining the halal and purity of a product requires specialized research that requires multidisciplinary knowledge, such as knowledge in the fields of food, chemistry, biochemistry, industrial engineering, biology, pharmacy, and an understanding of sharia law.

Many food and beverage products, both local and imported, are still circulating without halal certification, or the authenticity of the halal certification on the packaging is questionable. This demonstrates the low level of compliance with halal certification laws.

The halal logo benefits Muslim consumers by protecting them from non-halal products. Importers from abroad must ensure that their products are healthy and halal to protect Muslim consumers from non-halal products and provide peace of mind.

The purpose of displaying the halal logo on food products is to provide protection and legal certainty for Muslim consumers' rights against non-halal products. Preventing Muslim consumers from consuming non-halal products and beverages also protects their rights against non-halal products. It provides legal certainty to Muslim consumers that the food and beverage products are truly halal, as prescribed by Islamic law. Muslim consumers will feel confident purchasing food and beverage products because the halal logo is displayed on the packaging, preventing Muslim consumers from consuming non-halal products.

Non-halal food and beverage products, according to Law Number 33 of 2014 concerning Halal Product Assurance, are required to provide a sign indicating that they are not halal. Consumer protection law requires businesses to provide information regarding the composition of food and beverage products. Businesses in Indonesia that trade in food and beverage products should provide clear and honest information regarding the composition and halal status of their products to protect the rights of Muslim consumers against non-halal products.

The halal certification of food, beverages, medicines, and cosmetics issued by the Indonesian Ulema Council (LPPOM MUI) only covers the substantive legal value of a product. If a food product has been declared halal by the MUI (labeled halal), but is found to contain elements of haram or impure substances, the MUI



has implemented a policy to conduct random laboratory inspections of products declared halal. Although Law Number 33 of 2014 concerning Halal Product Guarantees has been enacted, it does not yet fully provide legal protection for Muslim consumers regarding halal food and beverage products. This law has not yet come into effect, and its effective date is 5 years after its enactment, namely 2019. Article 66 of Law Number 33 of 2014 concerning Halal Product Guarantees states that laws in effect prior to the enactment of this law remain in effect as long as they do not conflict with Law Number 33 of 2014.

Legal protection for consumers does not only concern product halalness. Law Number 33 of 2014 concerning Halal Product Guarantees also provides an exception for businesses producing products from prohibited materials, requiring them to explicitly state that they are not halal on the product packaging or on a specific part of the product that is easily visible, readable, and cannot be easily erased, and is an integral part of the product.

The regulations on halal certification, stipulated in Law Number 33 of 2014 concerning Halal Product Assurance, provide clear protection for consumers, particularly Muslim consumers. Food products without halal certification or halal labels are no longer permitted in Indonesia, whether produced domestically or imported. The government's commitment to protecting Muslim consumers from non-halal and non-halal-certified products is clear.

Every product that has received halal certification is required to renew or extend its halal certificate every two years, following the same procedures and mechanisms. If, after two years from the date of the halal certificate's validity, the company in question fails to apply for (renew) its halal certificate, the company is deemed no longer entitled to a halal certificate, and the halal status of its products falls outside the responsibility of the Indonesian Ulema Council (MUI).

One of the major challenges facing the Indonesian food industry regarding halal certification is the lack of detailed standards specifying which ingredients may and may not be used, and what management systems must be implemented. Standards for ingredients and management systems are lacking. It turns out that standards for halal certification bodies themselves are lacking, as are standards for halal auditors, halal assurance systems, standards for personnel conducting accreditation, and standards for accreditation of halal certification bodies.

This lack of standards often leads to problems. The Ajinomoto case could have been prevented if there were detailed standards outlining which ingredients are prohibited and at which stages. To support these standards, a database of ingredients that are clearly permissible (halal), clearly prohibited (haram), and



questionable (which can be halal or haram, depending on the origin of the ingredients and the manufacturing process) is also needed.

While some matters remain undetermined at this time, or emerging issues require new fatwas, these are considered special cases, outside the established halal standards. It's important to note that halal standards are not the same as quality standards. Quality is determined by producers based on consumer demand or needs, and quality is a matter of consensus.

The lack of public awareness regarding halal food is due to a lack of awareness that today's food products are no longer simple. Because the majority of the population is Muslim, people tend to be reassured that the food is halal as long as they say "Bismillah" (In the name of Allah), and that it is halal.

Besides consumers, food and beverage producers in Indonesia also lack awareness of obtaining halal certification as a requirement for including halal labels on their product packaging. However, to determine whether the food or beverage they consume is halal, people rely solely on the halal label on the packaging. Even then, people can still be caught off guard.

The prevention process for food products that lack halal certification is that the Food and Drug Authority (LPPOM) does not have jurisdiction over processes that lack halal certification; that falls under the purview of the BPOM. However, the LPPOM MUI oversees food products that have been issued halal certificates, and how LPPOM MUI supervises companies to ensure consistency in their halal products. Companies that have not registered for halal certification are not under the authority of LPPOM MUI; that falls under the authority of BPOM. LPPOM MUI's scope is smaller, except when all products are halal certified, then it becomes more extensive.

## 6. Conclusion

The legal status of halal certification for food and beverage products under Indonesian law is to provide legal protection and certainty for Muslims when consuming food and cosmetic products from producers. The Indonesian Ulema Council (MUI) collaborates with the Food and Drug Authority (LPPOM) to ensure a product's halal status by conducting research on raw materials, additives, processing facilities, and even the transportation used to deliver the food product, the point of sale, the processing facility, and the safety of pork. Halal certification is only valid for two years from the date of issuance and must be recertified.

The role of the Indonesian Ulema Council (MUI) in Medan City in granting halal certification and labeling to food and beverage products is to issue fatwas



(religious edicts) on the halal status of food, pharmaceuticals, and cosmetics. This is done by the Fatwa Commission after an audit by the LP POM MUI (Indonesian Ulema Council for Food and Drug Abuse and the Indonesian Ulema Council's Food and Drug Authority) and a report to the Fatwa Commission. The report from the LP POM MUI is then submitted to the Fatwa Commission's hearing. The Fatwa Commission then determines whether the product is halal based on the research report submitted by the LP POM MUI. Only after this has been completed does the product receive halal certification. The obstacle in granting halal certification to food and beverage products at the Food, Drug and Cosmetics Assessment Institute (LPPOM) is that the Indonesian Ulema Council Medan does not provide sufficient information about the halal certification application procedure, so that the public assumes that what is made is halal, but not necessarily the ingredients or tools used are halal. Efforts to grant halal certification to food and beverage products at the Food, Drug and Cosmetics Assessment Institute (LPPOM) of the Indonesian Ulema Council Medan are to continue to disseminate information about halal assurance.

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