

# LEGAL POLITICS OF HALAL CERTIFICATE IN STRENGTHENING INDUSTRIES IN INDONESIA

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## ABSTRACT

*The 1945 Constitution of the Republic of Indonesia, Article 29 (2), guarantees the state the freedom of every inhabitant to embrace his or her religion and to worship according to that religion and belief. In the explanation of the article, it implies that the state is present to guarantee freedom so that every citizen can carry out his religious teachings and beliefs. The research method, a form of normative legal research with a legal regulatory approach, concepts, and comparisons. Legal resources and materials, using primary and secondary legal materials. The technique for collecting legal material in this research has been carried out through literature search through document research. The processing and analysis of legal material are carried out using classification techniques. The analysis of legal material on the results of the processing of legal material is supported by the theories used. In conclusion, the legal policy of halal certification to strengthen the industry in Indonesia is a manifestation of the state's responsibility to ensure that all religious adherents worship and practice their religious teachings. The state is obliged to provide protection and certainty regarding the halal of products consumed and used by the public by the principles of protection, fairness, legal certainty, accountability and transparency, effectiveness and efficiency, as well as professionalism.*

**Keywords:** Legal politics, Halal Certificate, Strengthening Industry in Indonesia.

## INTRODUCTION

The 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), Article 29 paragraph (2), stipulates that the state guarantees the independence of every citizen to embrace their respective religions and to worship according to their religion and belief. In the explanation of this article, it implies that the state is present to guarantee freedom, for every citizen to carry out his religious teachings and beliefs by the norms and/or rules which are the basic religious values or rules adopted by each citizen are complied with.

Based on data from the Global religious future, the Muslim population in Indonesia in 2010 was 209.12 million or about 87% of the total population, in 2020 the Muslim population in Indonesia will be 229.62 million Jahar & Thalhah (2017). As a country where the majority of the population is Muslim, the halalness of a product is a very basic need and even becomes something to be fulfilled by every Muslim. Halal is a very important point in Islam as it relates to the relationship between people and God and between people. Consuming Halal and avoiding what is haram are part of a Muslim's worship Faridah (2019).

Aside from protecting consumers from a variety of foods that are inappropriate according to Islamic Sharia, halal certificates also have the advantage of encouraging competition and becoming a market advantage? Currently, the halal certificate is one of the points of competitiveness in international trade. The government's legal policy on halal certificates to bolster the industry in Indonesia has long been looked forward to about regulations that support

this direction. This article focuses on the politics of halal certification legislation in strengthening the industry in Indonesia.

## **METHODS**

This type of research is normative legal research with legal approaches, concepts, and comparisons. Legal sources and materials use primary and secondary legal material. The technique of collecting legal material in this research is carried out through a literature study of legal material, both primary legal material and secondary legal material, carried out through document studies of the required legal material. Processing and analysis of legal material are carried out using classification techniques for legal material collected in classes with the same symptoms and is analyzed using the theories used to conclude.

## **RESULT AND DISCUSSION**

### **Regulation of Halal Certification**

Regulations regarding halal certification are governed by various laws and regulations, starting with consumer protection law No. 8 of 1999, this law was created to protect consumers from legal certainty and to provide consumer protection, including halal certification. Law No. 18 of 2012 on Food, where food is the most important basic human need and its fulfillment is part of the human rights of every Indonesian people. Food should always be available in sufficient quantity, safe, quality, nutritious and varied, at a price that is affordable for people's purchasing power and does not contradict the religion, belief, and culture of the community.

At the time of the formation process of Law No. 33 of 2014 on Halal Product Guarantee, there were negotiations and debates between interest groups that touched and even agreed upon the political interests of the holders of the power authority, whether of the state, political parties, businessmen, religious groups and Public Faridah (2019). In general, the debate on the aspects of public attention, interest, and guarantee as an important part to be protected by the state, regardless of the specific interests of religion, ethnicity, or group, is less of a basis for debate in the discussion of this law, but more importantly, the interests of the state, power and business people. This shows that the idealism of laws made by the government and the DPR is still strong in terms of political and economic interests rather than the interests of justice and humanity Wahyudi (2019).

The issuance of Law No. 33 of 2014 on Halal Product Warranty, and Government Ordinance No. 31 of 2019 on Implementing Provisions of Law No. 33 of 2014, is because various laws and regulations about the regulation of Halal Products do not provide certainty and guarantee law for the Muslim community, so it must be regulated in a law extensively covering products that include goods and/or services related to food, beverages, medicines, cosmetics, chemicals, biological products, and genetically engineered products, as well as used goods used, used or used by the community. The existence of Law No. 33 of 2014 is an expression of the state's responsibility to ensure that all religious adherents worship and practice their religious teachings. The state is obliged to provide protection and guarantee regarding the halalness of products consumed and used by the community. Warranty regarding halal products in Law No. 33 of 2014 is carried out by the principles of protection, fairness, legal certainty, accountability and transparency, effectiveness, and efficiency, as well as professionalism.

## **Politics of Law Enforcement of Halal Certification in Thailand and Malaysia**

Political law is an instrument or means used by the government to achieve the nation's ideals and goals, the state has a goal to be achieved. To achieve this goal, it is carried out by using the law as a law enforcement tool by the stages of development facing our society and our country Hidayah (2020). Likewise, the enforcement of halal certification cannot be dissociated from the objectives of the state as stated in the preamble to the 1945 constitution of the Republic of Indonesia, which is to "protect the whole nation ..." which also means that the state guarantees citizens to embrace their respective religions, worship according to their religion and beliefs, including guarantees of the halal of a product that is very basic and must be fulfilled by every Muslim.

Halal certification has deep meaning not only for the majority of the Muslim population but also in countries with Muslim minorities, the halal lifestyle is a lifestyle that is sweeping the world. Each country has its policy regarding halal certification, as is the case with Malaysia with a Muslim majority population and Thailand with a Muslim minority. The implementation policy in Malaysia and Thailand is as follows:

### **Country of Thailand**

Thailand is one of the 10 largest export countries in the world that needs to connect with Muslim countries for export Aminuddin (2016). Thailand is a country with a majority of the Buddhist population, but its halal certification, especially in terms of food, has been done well. Halal certification in Thailand was taken over by the Central Islamic Council of Thailand (CICOT), an association of Thai scholars at the national level. CICOT has a Halal Standard Institute of Thailand in charge of researching and certifying Thai products. Also, there is a halal research center in Thailand at Chulalongkorn University, namely The Halal Science Center of the Faculty of Applied Sciences, even though Thailand is not a Muslim country, but the government supports the existence of halal certification due to economic interests Agus-Putra (2017). The government is very enthusiastic and supports programs related to halal certification to penetrate the world market, especially among the majority of the Muslim population Prabowo, et al., (2020). Halal certification in Thailand is carried out by non-governmental organizations. The existence of a halal certification body is one way of ensuring that products exported abroad are halal, especially in countries with a majority of the Muslim population.

### **Country of Malaysia**

Malaysia has formed a coalition to build and monitor the global halal certification process, namely the International Halal Authority Board (IHAB) to open cooperation with countries wishing to use their halal certification standards. Halal certification in Malaysia is regulated by the Malaysian Islamic Advancement Position (JAKIM), a government agency that regulates Islamic religious affairs in Malaysia. Negara Malaysia, certification in Malaysia is carried out by a government certification body directly under the government. The certification has been taken over by the state because the country claims to be an Islamic state and thus pays a lot of attention to halal rules and guarantees for all citizens. Since 1965, Malaysia has carried out halal certification carried out by Selangor Islamic Religion Department (JAIS), while in 1974 halal certification was under government supervision, namely Malaysian Islamic Progress Position or commonly abbreviated as JAKIM. JAKIM's Halal Management Division and the country's Islamic Religious Affairs Department are specifically tasked with taking care of everything related to halal certification in Malaysia.

The legal policy of halal certification to strengthen the industry in Indonesia is philosophically known that the underlying halal certification is:

- a. Dominant religion, namely al-Qur'an and Al-Hadith;
- b. While in the dominant positive law is based on law No. 36 of 2009 on health, law. No. 18 of 2012 on food, law no.8 of 1999 on consumer protection, and finally law no.33 of 2014 on the guarantee of halal products, sociologically speaking, the entry into force of law no.33 of 2014 aims to provide legal protection in the form of guarantees of halalness.

The increasing demand for imports from Muslim-majority countries, the growing number of Muslims in Western countries, and the emergence of halal institutions around the world to facilitate the export and import needs of halal products. Greater awareness of religion and cultural identity and the globalization of industrial products would also have played a role in spreading halal issues Prabowo, et al., (2020).

Thus, the halal certification policy in Indonesia is an expression of the state's responsibility to ensure that all religious adherents worship and practice their religious teachings (2019). Halal certification is also related to global trends; halal is no longer talking about Islam, but is universal Tahun (1945). The position of halal certification in the national legal system in Indonesia has a central position and as an effort to protect consumers in Islamic law Tahun (1999).

## CONCLUSION

The legal policy of halal certification to strengthen the industry in Indonesia is a manifestation of the state's responsibility to ensure that all religious adherents worship and practice their religious teachings. The state is obliged to provide protection and guarantee regarding the halalness of products consumed and used by the community. Warranty regarding halal products in Law No. 33 of 2014 and Government Ordinance No. 31 of 2019 on the Implementing Regulations of Law No. 33 of 2014 are implemented by the principles of protection, fairness, legal certainty, accountability and transparency, effectiveness and efficiency as well as professionalism.

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