

LEGAL PROTECTION FOR READY-TO-EAT FOOD BUSINESS CONDUCT THROUGH HALAL PRODUCT GUARANTEES

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Abstract

Certification and Labeling of Halal Goods is a fatwa and information about halalness. a halal product and one form of state regulation that provides the widest possible choice to the public to consume halal goods based on the provisions of Law Number 8 of 1999 concerning Consumer Protection. The formulation in this study is legal protection for fast food business actors through halal product guarantees and Legal Sanctions for Fast Food Business Actors Who Violate Halal Product Regulations in Indonesia. The method used in this study is normative juridical. Legal protection for fast food business actors through halal product guarantees is very important to ensure that products circulating in the community are not only safe and healthy, but also in accordance with Islamic principles. Through various laws and regulations, both administrative and criminal, the state provides clear protection for business actors and consumers.

Keywords: Business Actors, Food, Halal Product Guarantee.

INTRODUCTION

One source of positive law in Indonesia is Islamic law. To further clarify the meaning of Islamic law, it is necessary to first understand the meaning of the word "law." There is no perfect definition of law. However, to arrive at a more understandable definition, even though it may still have weaknesses, it is necessary to explain the definition taken by Muhammad Muslehuddin from the Oxford English Dictionary. According to him, law is "the body of rules, whether proceeding from formal enactment or from custom, which a particular state or community recognizes as binding on its members or subjects." (Hartono, 2006). According to Mardani (2003), the etymological meaning of law is to lead, command, determine, and decide, prevent, while qadha etymologically, according to the Jumhur Ushuliyyin, law is the Book (kalam) of Allah that relates to the actions of a Mukallaf, whether in the form of iqthida (commands, prohibitions, recommendations to do or recommendations to leave) or wadhi (provisions that determine something as a cause, condition, or mani (obstacle)).

Among the things that cannot be separated from the life of a Muslim today are food, drinks, medicines, or goods consumed and cosmetic tools or non-consumption goods. Along with the progress of the times and food technology, products made from these materials are also widespread in the Islamic world (Al-Asyhar, 2003). From the perspective of its modern form, the raw materials of these products are not recognized by Muslims, because they come from abroad, for example, canned packaging or the like, or non-consumption goods such as bags made from animals that are forbidden without labeling the composition of the raw materials used in their manufacture. (ingredients) (Yaqub, 2013).

Regarding export-import policies, Law Number 33 of 2014 concerning Halal Product Assurance, in principle, clearly regulates halal regulations for domestic and imported goods, but does not yet regulate those related to export products. To address the lack of halal certification regulations for Indonesian exports abroad, the Organization of the Islamic Conference, as an extension of the Islamic International Chamber of Commerce, Industry and Agriculture (ICCIA) and the Middle East Committee of the Indonesian Chamber of Commerce and Industry (Kadin), headquartered in Islamabad, Pakistan, implemented a one-stop shop policy requiring all Indonesian export products to obtain halal certification from ICCIA (Sugiarto, 2017). Therefore, knowing the halal and haram status of food, beverages, medicines, and cosmetics is a must for every Muslim (Efendi, 2012). Ignorance of these product laws can lead to consuming prohibited products, which can be harmful to Muslims (Yaqub, 2013). One form of legal regulation that protects Muslim consumers is the provision of halal certification and labeling. Halal Certification and Labeling of Goods constitutes a fatwa and statement regarding the halal status of a product and a form of state regulation that provides the public with the widest possible choice in consuming halal goods, based on the provisions of Law Number 8 of 1999 concerning Consumer Protection (UU, 1999). Consumer protection law adheres to five principles of responsibility: the principle of responsibility based on fault, the principle of presumption of responsibility, the principle of not always being responsible, the principle of absolute responsibility, and the principle of responsibility with limitations. Furthermore, there is product responsibility, which arises from an imbalance of responsibility between producers and consumers. This product responsibility embodies the principle of absolute responsibility (Kristiyanti, 2009).

Certification is the issuance of a certificate as a sign of approval, recognition, or proof of ownership. Labeling is a word derived from the English word "label," meaning "name" or "to name." In terminology, it refers to any information about food in the form of images, writing, a combination of both, or other forms included with, inserted into, affixed to, or constituting part of, food packaging. This information is referred to as a label in Government Regulations.

Az. Nasution (1995) states that business actors, in this case producers or providers of non-packaged/ready-to-eat food, such as cafes, restaurants, and food stalls, can be held liable for their products under Article 1365 of the Civil Code. Product liability arising from specific product conditions, such as the discovery of food ingredients that cause poisoning or are non-halal, is the absolute responsibility of the producer.

Article 1, number 3 of Law Number 8 of 1999 concerning Consumer Protection defines a business actor as any individual or business entity, whether a legal entity or not, established and domiciled or conducting activities within the jurisdiction of the Republic of Indonesia, either individually or jointly through an agreement, conducting business activities in various economic fields.

The liability of business actors for consumer losses in the Law on Consumer Protection is specifically regulated in one chapter, namely Chapter VI, starting from Articles 19 to 28. Of these ten articles, we can divide them as follows (Widjaja & Yani, 2003):

- a. seven articles, namely Articles 19, 20, 21, 24, 25, 26, and 27, which regulate the liability of business actors;

- b. two articles, namely Articles 22 and 28, which regulate the provision of evidence;
- c. one article, namely Article 23, which regulates dispute resolution in the event that a business actor fails to fulfill its obligation to provide compensation to consumers.

Based on the background of the problem above, the formulation in this research is legal protection for fast food business actors through halal product guarantees and legal sanctions for fast food business actors who violate halal product regulations in Indonesia.

RESEARCH METHOD

Based on the research description, a research method is needed. Research methods are crucial in conducting legal writing, enabling the author to understand its significance, assess its results, and foster a skeptical, analytical, critical, and creative mindset. Therefore, the author will utilize one of these research methods: the normative juridical research method. This normative juridical research method begins with legal research using secondary data, which is generally readily available.

Normative juridical research is conducted by examining library materials or secondary data. Secondary data in the legal field is divided into: Primary legal materials, which are legally binding materials, such as applicable laws and related laws. Secondary legal materials, which provide explanations of primary legal materials, such as research results, library materials (literature), and other legal publications related to the issues discussed in this research. Tertiary legal materials, which provide guidance or explanations of primary and secondary legal materials, such as dictionaries, encyclopedias, and the internet.

RESULTS AND DISCUSSION

Legal Protection for Fast Food Business Actors Through Halal Product Guarantees

A halal certificate is a written document certifying the halal status of a product, issued by the Indonesian Food and Drug Authority (BPJPH) based on a halal fatwa issued by the Indonesian Ulema Council (MUI) after undergoing an inspection process by authorized institutions and/or parties. For Muslim consumers, this halal certificate is crucial as proof or evidence of a product's halal status, particularly for processed, ready-to-eat foods, which have a high halal threshold.

The government has regulated halal certification in the Halal Product Guarantee Law. According to Law Number 33 of 2014 concerning Halal Product Guarantee, specifically Articles 4 and 67, which regulate the obligation to have a halal certificate for products distributed and/or traded in Indonesia, the primary purpose of a halal certificate is to provide legal certainty regarding a product's halal status and ensure its availability.

Legal awareness is the awareness inherent in every human being of what the law is or should be. It is a specific category of our spiritual life by which we distinguish between law and non-law (onrecht), between what should be done and what should not be done (Mertokusumo 1981).

Thus, legal awareness is a state that arises within an individual due to knowledge and understanding of a particular law, allowing them to accept or reject that law. Forming a societal habit of being aware of and obeying the law is one of the goals of establishing regulations and norms. If a country's citizens have a strong awareness and adherence to the law, then that society will become more orderly, and vice versa.

The upholding of a law or statutory regulation depends on the support of legal awareness throughout society, because awareness of the validity of a law is the basis for its implementation (Rosana 2014). The legal awareness of business actors regarding the ownership of halal certification for processed ready-to-eat foods was analyzed using four indicators of legal awareness as proposed by Soerjono Soekanto: knowledge related to legal regulations, legal understanding, attitudes toward legal regulations, and legal behavior. The researcher outlined these four indicators in the form of questions posed to the research subjects, to obtain detailed information regarding the research object, as follows:

Legal knowledge refers to the knowledge possessed by Sawce Chicken business owners regarding certain legally regulated acts. This legal knowledge indicator measures the business owner's knowledge of the law, specifically Law No. 33 of 2014 concerning Halal Product Assurance, which relates to the ownership of halal certificates for processed ready-to-eat foods.

Business owners stated they were aware of halal certification, but they were unaware of the law governing halal product assurance, which stipulates that products entering, circulating, and traded within Indonesia must be halal certified (Law No. 2014). They were also unaware of the regulations that require micro and small businesses to be halal certified, which are based on statements by micro and small businesses that adhere to halal standards established by the BPJPH (Law No. 2023).

If business owners possess legal knowledge, they should also understand the law's content. However, many members of the public who are aware of the regulations do not necessarily understand the law. Knowledge of the existence of a law in Law No. 2014 is unclear. Law No. 33 of 2014 concerning Halal Product Guarantees, issued by the Halal Product Guarantee Agency (BPJPH), as stated in Article 33 paragraph 6 and Article 34 paragraph 1 of the JPH Law, serves as the legal basis for the information system and serves as a guideline for both businesses and the public. Therefore, businesses should understand the content and purpose of this regulation. Understanding the obligation to consume halal food, as explained by Allah SWT in His word, Surah Al-Baqarah, verse 168 of the Quran, is also crucial for businesses, in addition to understanding the applicable law requiring businesses to have halal certification.

Fast-food businesses, which typically operate on a large scale with numerous products for sale, face challenges in ensuring the halal certification of each product. Therefore, legal protection is crucial to ensure businesses not only avoid legal issues but also benefit from increased consumer trust.

Protection for fast food businesses is as follows:

1. Fast food businesses in Indonesia are required to follow the procedures stipulated in Law Number 33 of 2014 concerning Halal Product Assurance and related Government Regulations to obtain halal certification from the Indonesian Ulema Council (MUI). In this case, legal protection can include protection of intellectual property rights and trademarks resulting from consumer trust in the halal status of the product. This protection includes protection of the business brand and assurance that the products sold are halal.
2. After obtaining halal certification, businesses have the right to market their products with halal claims, which instills confidence in consumers. However, they are also obligated to ensure their products meet halal standards throughout their marketing cycle. This obligation includes monitoring the raw material supply chain, production processes, and packaging, which must comply with applicable halal standards.
3. Products that have received halal certification provide legal protection for consumers, as consumers can be assured that the products they consume have undergone an inspection and certification process that complies with Islamic religious requirements. If a product claims to be halal but does not meet standards, consumers can report it and demand accountability, both administratively and criminally.

Legal Sanctions for Fast Food Businesses Violating Halal Product Regulations in Indonesia

In ensuring the freedom of worship and practice of their religion for all adherents of Indonesia, the state is obligated to provide protection and assurance regarding the halal status of products consumed and used by the public. Halal product assurance should be based on the principles of protection, justice, legal certainty, accountability and transparency, effectiveness and efficiency, and professionalism. Therefore, ensuring the implementation of halal products aims to provide comfort, security, safety, and certainty of the availability of halal products for the public in consuming and using products, as well as increasing added value for businesses producing and selling halal products.

The halal status of a product is a mandatory requirement for Muslims, whether for food, medicine, or other consumer goods. Due to the large Muslim population in Indonesia, Muslim consumers worldwide have formed a potential market segment due to their specific consumption patterns. These consumption patterns are regulated by Islamic teachings, known as Sharia.

Sharia prohibits Muslims from consuming certain products because their substances or the processes involved do not align with Sharia. With these strict regulations, marketers face both a barrier and an opportunity to target the market, particularly the Muslim community.

Producer honesty, consumer vigilance, and state regulations are integral to law enforcement regarding halal products. One issue concerning halal products is halal certification and the inclusion of halal labels on product packaging, which aim to protect the public from products deemed haram and harmful to health. However, conflicting interests often arise in its implementation, particularly between producers and consumers. This is why LPPOM MUI (Indonesian Ulema Council) and BPOM (Indonesian Food and Drug Authority) are taking serious action.

Food and beverage products are the primary considerations in the selection process based on sharia provisions, which serve as benchmarks for Muslim consumers. Muslims' reluctance to consume haram products will increase their involvement in the product selection process. The selection process itself will prioritize halal certification. This regulation limits the access of food products to the Muslim market.

Consumers have long sought legal certainty regarding the halal or haram labeling of all food they consume. This has led to a strong tendency for Muslim consumers to be highly selective in choosing

halal food products. This can result in consumers abandoning foods without halal labels, while halal-labeled foods are increasingly sought after.

Sanctions against fast food businesses that violate provisions related to halal product assurance in Indonesia are regulated by various laws, including Law Number 33 of 2014 concerning Halal Product Assurance (JPH) and its derivative regulations. These sanctions are intended to ensure that food products produced and marketed to consumers meet established halal standards. The following are some types of sanctions that can be imposed on fast food businesses that violate regulations related to halal product assurance:

1. Administrative Sanctions

Administrative sanctions are sanctions imposed on businesses that violate applicable provisions regarding halal product assurance. Some forms of administrative sanctions are as follows:

- a. Revocation of Halal Certificate
One administrative sanction that can be imposed is the revocation of halal certification. If a product that has already obtained halal certification is proven not to meet halal standards, the halal certificate can be revoked by the certification body, in this case LPPOM MUI.
- b. Prohibition on Using Halal Labels
Businesses that do not comply with halal requirements or are proven to have violated them may be prohibited from using halal labels or logos on their products, which can harm the product's reputation in the market.
- c. Written Warning
As a first step, businesses may be given a written warning to correct the error and comply with established standards. If this warning is ignored, more severe sanctions may be imposed.

2. Criminal Sanctions

Criminal sanctions apply to businesses that intentionally commit fraud or falsify their product's halal claims. The following types of criminal sanctions may be imposed:

- a. Imprisonment
Businesses found to have intentionally sold products containing haram ingredients or not meeting halal standards, despite claiming halal certification, may be subject to imprisonment. According to the Halal Product Guarantee Law, businesses can be subject to imprisonment, the duration of which depends on the type of violation committed.
- b. Fines
In addition to imprisonment, businesses may also be subject to fines, the amount of which can vary depending on the severity of the violation. These fines aim to serve as a deterrent and encourage businesses to comply with existing legal provisions.
- c. Falsifying Halal Certificates
Businesses that falsify halal certification documents or halal labels may be subject to more severe criminal sanctions. This includes falsifying documents that could deceive consumers and harm certification authorities.

3. Civil Sanctions

In addition to administrative and criminal sanctions, businesses may also be subject to civil lawsuits if another party feels harmed by false halal claims or fraud related to halal products. The following are some forms of civil sanctions that can be applied:

- a. Compensation
If a business actor is proven to have violated the rights of consumers or other parties by marketing non-halal products despite claiming to be halal, they may be sued for damages. Consumers or other parties who feel aggrieved can file a lawsuit through the courts for compensation.
- b. Transaction Cancellation
If a marketed product is proven to be non-halal despite a halal claim, the consumer has the right to cancel the transaction and request a refund of the money paid.

4. Sanctions against Related Parties

Supervision by Certification Bodies

The bodies responsible for granting halal certification, such as the Indonesian Ulema Council (MUI) through the LPPOM (Indonesian Food and Drug Authority), are obligated to conduct regular supervision of certified products. If certification bodies fail to perform their duties properly, they may be subject to administrative sanctions or warnings from higher authorities.

5. Business Suspension Business Closure

In cases of very serious violations, such as the sale of products that significantly violate halal requirements or counterfeiting that significantly harms consumers, the authorities may take steps to close the business of the business in question. This measure is taken to protect consumers and ensure that only businesses that comply with regulations can operate in the market.

CONCLUSION

Legal protection for fast-food businesses through halal product assurance is crucial to ensure that products distributed to the public are not only safe and healthy but also compliant with Islamic principles. Through various laws and regulations, both administrative and criminal, the state provides clear protection for both businesses and consumers. Fast-food businesses that comply with halal standards not only protect themselves from legal risks but also increase consumer trust, which ultimately has a positive impact on the sustainability of their businesses. Therefore, it is crucial for businesses to continuously maintain product quality and comply with all applicable regulations, both regarding halal certification and product supervision.

Sanctions against fast-food businesses that violate provisions related to halal product assurance aim to provide a deterrent effect and ensure compliance with applicable halal standards. These sanctions can include administrative, criminal, civil, and even business termination, all designed to protect consumers and maintain market integrity. Therefore, it is important for business actors to comply with all existing regulations and ensure that the products they market truly comply with halal claims, for the sake of consumer satisfaction and business sustainability.

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