



Muslim Consumer Protection Against The Inclusion Of Halal Labels Not Registered With BPJPH

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Abstract: *The current progress of the economic sector has resulted in a high level of community needs, thus encouraging business actors to be more creative in creating businesses. One of them can be seen by the number of processed food traders in Bandar Lampung City, especially in Kota Baru Village. However, in running their business, the majority of food traders have not realized the importance of fulfilling halal standards for the products sold and also implementing protection for consumers. So to provide legal certainty, Law number 33 of 2014 concerning Halal Product Assurance was promulgated. The guarantee of 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 business actors to produce and sell halal products. The study is focused on the discussion of how the form of protection of Muslim consumers against the inclusion of halal labels that are not registered with BPJPH for MSMEs in the culinary sector in Kota Baru Village, Bandar Lampung City, with a comparative analysis research method with Sampling Techniques. In this study with the sampling technique used, namely, Non-probability sampling with purposive sampling techniques. The results of the study show that there are still many MSME actors who have included their halal labels and have been running their business activities but have not been registered with BPJPH because the cost aspect that must be incurred by MSME actors in the process of applying for halal certification is also an obstacle for them. As well as the lack of knowledge from business actors about the importance of registering halal certification on their processed products.*

Keywords: Muslim Consumer Protection; Halal Products; MSMEs;

Abstrak: Kemajuan sektor ekonomi saat ini mengakibatkan tingginya tingkat kebutuhan masyarakat, sehingga mendorong pelaku usaha untuk semakin kreatif dalam menciptakan usaha. Salah satunya dapat dilihat dengan mulai banyaknya pedagang olahan makanan yang ada di Kota Bandar Lampung khususnya di Kelurahan Kota Baru. Namun dalam menjalankan bisnisnya, mayoritas pedagang makanan belum menyadari pentingnya pemenuhan standar kehalalan produk yang dijual dan juga menerapkan perlindungan bagi konsumen. Maka untuk memberikan kepastian hukum diundangkannya Undang-Undang nomor 33 Tahun 2014 tentang Jaminan Produk Halal. Adapun jaminan penyelenggaraan produk halal bertujuan memberikan kenyamanan, keamanan, keselamatan, dan kepastian ketersediaan produk halal bagi masyarakat dalam mengonsumsi dan menggunakan produk, serta meningkatkan nilai tambah bagi pelaku usaha untuk memproduksi dan menjual produk halal. Adapun penelitian ini difokuskan pada pembahasan tentang bagaimana bentuk perlindungan konsumen muslim terhadap pencantuman label halal yang tidak terdaftar pada BPJPH terhadap UMKM sektor kuliner di Kelurahan Kota Baru Kota Bandar Lampung, dengan metode penelitian analisis komparatif dengan Teknik

Pengambilan Sampel Pada penelitian ini dengan teknik sampling yang di gunakan yaitu, Non probability sampling dengan teknik purposive sampling. Hasil penelitian menunjukkan bahwa masih banyak saja pelaku UMKM yang sudah mencantumkan label halal nya dan sudah berjalan kegiatan usahannya tetapi belum terdaftar pada BPJPH dengan alasan aspek biaya yang harus dikeluarkan oleh para pelaku UMKM dalam proses pengajuan sertifikasi halal juga menjadi hambatan tersendiri bagi mereka. Serta kurangnya pengetahuan dari para pelaku usaha akan pentingnya mendaftarkan sertifikasi halal pada produk olahannya.

Kata Kunci: Perlindungan Konsumen muslim; Produk Halal; UMKM

▪ Introduction

Every citizen of the Republic of Indonesia is guaranteed constitutional rights by the 1945 Constitution of the Republic of Indonesia such as the right to religion and worship, the right to obtain a decent life, including the right to obtain food, drink and medicine that is halal and good (halalan thoyyiba). These rules are obtained from texts and are also found in various laws and regulations.¹ As Allah says in the letter Al-Baqarah verse 168

يَا أَيُّهَا النَّاسُ كُلُوا مِمَّا فِي الْأَرْضِ حَلَالًا طَيِّبًا وَلَا تَتَّبِعُوا خُطُوَاتِ الشَّيْطَانِ إِنَّهُ لَكُمْ عَدُوٌّ مُبِينٌ

O people, eat (food) that is halal and good on earth, and do not follow in the footsteps of Satan. Indeed, Satan is a real enemy.

Article 29 paragraph (2) of the 1945 Constitution of the Republic of Indonesia states that "the state guarantees that every citizen adheres to their religion according to their beliefs". In ensuring that all followers of religion submit, obey and follow their religion, the state is obliged to provide protection and guarantee the halalness of products circulating, used and consumed by consumers or the wider

community. Not all foods circulating in the community are halal certified. Therefore, it is necessary to supervise the halal nature of products by the government to ensure legal certainty, so since 2014 Law No. 33 of 2014 halal product guarantees have been announced and apply to all food products starting in 2019.²

In line with Article 4 letter c of Law No. 8 of 1999 concerning Consumer Protection, consumers have the right to obtain correct, clear, and reliable information regarding the condition and guarantee of goods or services. In addition to consumers, business actors are also responsible for providing correct, clear, and reliable information and explaining the condition and guarantee of goods or services. Therefore, in order to ensure that every person who believes in worshiping and using the teachings of their religion and beliefs, the state is responsible for providing protection and guarantees of the halalness of products used and used by Muslim consumers. One of them is stated in the halal certificate regulation. Every business actor who labels halal labels on their packaging and business premises must

¹ Khairuddin (1) and Muhammad Zaki (2), "Progres Sertifikasi Halal Di Indonesia Studi Pada Badan Penyelenggara Jaminan Produk Halal (BPJPH) Kementerian Agama Dan Lembaga Pengkajian ,

Obat-Obatan Dan Kosmetika (LPPOM) MUI Pusat," *Asas* 13, no. 1 (2014): 102.

² Bambang Sugeng, "Perlindungan Konsumen Muslim Atas Produk Halal," *jurnal Perspektif Hukum* 2, no. 2 (2020): 307.

first obtain a halal certificate. Determination of a halal certificate is very much needed because in Islamic principles, halal and haram are the most urgent things in Islamic law. This requires the public to have a clear understanding of the quality of halal food itself so that Muslims remain safe in consuming products.

Article 4 of Law No. 33 of 2014 concerning halal product certification explicitly requires halal certification for all food and beverages, which reads: "Products imported, distributed and sold in Indonesia must have halal certification. This means that in Indonesia, business entities that produce and sell food products must be halal certified and include the halal logo on the packaging, and it is absolutely necessary for the government to provide a strong legal foundation to control and supervise halal food in Indonesia. As we all know, micro, small and medium enterprises are a group of business actors who carry out simple production stages or family-owned businesses. In Law No. 33 of 2014 concerning Halal Product Certification, the application of halal certification standards must apply to all food and beverages, including those produced by Micro, Small and Medium Enterprises (MSMEs).

The phenomenon that occurs is that there are still MSME actors who include halal labels but are not registered with

BPJPH, in addition, research conducted by Nadiyah explains that there are micro, small and medium enterprises that intentionally falsify halal label certificates.³ Another study conducted by Saeful Amin explains that consumer protection for Food Products That Are Not Halal Certified is regulated in Law Number 33 of 2014 Concerning Halal Product Guarantees.⁴ Furthermore, research conducted by Atikah Ramadhani from the Syarif Hidayatullah State Islamic University of Jakarta with a scientific study of the Implementation of halal certification obligations for MSME food and beverage products in Beji District, Depok.⁵

Based on this phenomenon, it is interesting to study further in the form of an article with a focus on the problem of protecting Muslim consumers against the inclusion of halal labels that are not registered with BPJPH from the perspective of Islamic law and positive law?

The research method in this study is field research. The method used in this study is descriptive qualitative, where the objective to be achieved is to describe the results of research findings related to the protection of Muslim consumers against the inclusion of unregistered halal labels in BPJPH from the perspective of Islamic law and positive law. Data collection methods are interviews and literature reviews. Where researchers conduct interviews with consumers

³ Nadiyah, "Perlindungan Konsumen Terhadap Pemalsuan Sertifikasi Dan Pencantuman Label Halal Secara Ilegal" (Skripsi, Fakultas Syariah dan Hukum Universitas Islam Negeri Syarif Hidayatullah Jakarta, 2020).

⁴ Saeful Amin, "Perlindungan Hukum Bagi Konsumen Terhadap Produk Pangan Yang Tidak Bersertifikat Halal Menurut Undang Undang Nomor 33 Tahun 2014 Tentang Jaminan

Produk Halal" (Skripsi, Universitas Islam Sultan Agung, Semarang, 2022).

⁵ Atika Ramadhani, "Implementasi Kewajiban Sertifikasi Halal Pada Produk Makanan Dan Minuman UMKM Di Kecamatan Beji Depok Studi Implementasi Undang Undang Nomor 33 Tahun 2014 Tentang Jaminan Produk Halal" (Skripsi, Universitas Islam Negeri Syarif Hidayatullah, Jakarta, 2022).

and MSME actors. In addition, data collection is obtained through books, national and international journals to support research findings. Data analysis is carried out descriptively analytically, namely describing data obtained from the field and then analyzed using the approach of legislation and Islamic law.⁶

Discussion

1. Consumer Protection According to Islamic Law

a. Meaning of Consumer Protection According to Islamic Law

Consumer protection is one of the efforts in implementing Islamic Economics to protect consumers and to provide a sense of responsibility to business actors in every production activity so that economic justice is achieved in every activity of fulfilling needs (goods and services) with the aim of Islamic law itself, namely preserving religion, soul, mind, descendants and property to achieve public welfare, provide benefits and avoid harm to oneself and society (maqasid syari'ah

b. Principles of Consumer Protection According to Islamic Law

To protect the interests of the parties in trade or business transactions, Islamic law establishes several principles that are used as guidelines in conducting transactions, namely:⁷

1) The main principle or foundation of all business activities in Islamic law is placed on the highest principle,

namely tauhid (belief in the oneness of Allah SWT).

- 2) From this principle, the principle of istikhlaf was born, which states that what humans have is essentially a trust from Allah SWT, humans are only the holders of the mandate given to them.
- 3) From the principle of tauhid also emerged the principle of al-ihsan (benevolence), meaning carrying out good deeds that can provide benefits to others without any specific obligations that require them to carry out these actions.
- 4) According to the principle of al-amanah, every business actor is a trustee for the future of the world and all its contents (kholifah fi al-ardhi), therefore whatever he does will be accounted for before humans and before the creator (Allah SWT).
- 5) Ashshiddiq is honest behavior, the most important thing in business is honesty.
- 6) *Al-adl* is justice, balance, and equality that describes the horizontal dimension and is related to the harmony of everything in this universe.
- 7) Al khiyar is the right to choose in business transactions, Islamic law establishes this principle to prevent disputes between business actors and consumers.
- 8) The principle of Ta'awun is helping each other, ta'awun has a very important

⁶ Matthew B. Miles, Michael Huberman, and Johnny Saldana, *Qualitative Data Analysis: A Methods Sourcebook*, 4th revise (Thousand Oaks: Sage Publications, 2020).

⁷ Nurhalis, "Perlindungan Konsumen Dalam Perspektif Hukum Islam Dan Undang-Undang Nomor 8 Tahun 1999 Consumer Protection in the Perspective of Islamic Law," *Jurnal IUS* Vol III, no. 8 (2015), 529.

meaning in this life because there is no human being who does not need help from others, so helping each other between humans is a necessity, especially in efforts to increase goodness and piety to Allah SWT. For that, in relation to transactions between consumers and producers, this principle must be imbued by both parties.

- 9) Principle of Security and Safety, in Islamic law there are five things that must be maintained and preserved (*al-dharuriyyat alkbamsah*), namely: maintaining religion (*hifdh al-din*), maintaining the soul (*hifdh al-nafs*), maintaining reason (*hifdh al-aql*), maintaining descendants (*hifdh nasl*), and maintaining property (*hifdh al-maal*).
- 10) Principle of *at-taradhi* (willingness). One of the requirements for the validity of a sale and purchase in Islam is *aqad* or transaction. *Aqad* or transaction will never occur except with *shighat* (*ijab-qabul*), which is everything that shows the willingness or agreement of both parties (seller and buyer).

c. Consumer Rights and Obligations in Islamic Law

According to Islamic law, there are six consumer rights that require serious attention from business actors, namely;⁸

- 1) The right to obtain correct, honest, fair information, and to avoid forgery
- 2) The right to obtain product safety and a healthy environment
- 3) The right to obtain advocacy and dispute resolution.

- 4) The right to obtain protection from abuse of circumstances.
- 5) The right to obtain compensation for negative consequences of a product.
- 6) The right to choose and obtain a fair exchange rate.

In Islamic law, consumer obligations are not specifically explained, however, as a form of balance and justice, they can be explained as follows:⁹

- 1) Have good intentions in conducting transactions of goods and/or services;
- 2) Seek information in various aspects of a good and/or service to be purchased or used;
- 3) Paying according to the agreed price or value and based on a sense of mutual willingness to let go (*taradhin*), which is realized with the existence of *ijab* and *qabul* (*sighah*);
- 4) Following the dispute resolution procedures related to consumer protection.
- 5) Responsibilities of Business Actors in Islamic Law

In Islam, the responsibilities of business actors have two dimensions, namely vertical dimensions and horizontal dimensions. These two dimensions can be identified as follows:¹⁰

- 1) The existence of a monotheistic dimension as a characteristic of vertical responsibility to Allah SWT.
- 2) The existence of a mandate dimension as a caliph on earth for business actors.
- 3) Resources are abundantly available because of the gifts of Allah SWT that are bestowed on this earth, which must

⁸ Ibid., 530.

⁹ Ibid., 532.

¹⁰ Ibid., 539.

- be used to achieve shared prosperity among fellow human beings
- 4) Must help each other and work together and foster mutual love among all humans (stakeholders).
 - 5) Business is a means of worship for business actors.

2. Consumer Protection According to Positive Law

- a. Definition of consumer protection
Consumer protection is the entire regulation and law that regulates the rights and obligations of consumers and producers that arise in their efforts to meet their needs and regulate efforts to ensure the realization of legal protection for consumer interests..¹¹
- b. Legal Basis for Consumer Protection
In Indonesia, the source of law for consumer protection is Law Number 8 of 1999 concerning Consumer Protection, hereinafter abbreviated as UUPK..¹²
- c. Principles of Consumer Protection
Consumer protection is based on benefits, justice, balance, security and safety of consumers, and legal certainty. In Law Number 8 of 1999 concerning Consumer Protection in Article 2 there are 5 principles, namely:
 - 1) Principle of benefit
The principle of benefit is intended to mandate that all efforts in the

implementation of consumer protection must provide the greatest possible benefits for the interests of consumers and business actors as a whole.

- 2) Principle of Justice
The principle of justice is intended so that the participation of all people can be realized optimally and provide opportunities for consumers and business actors to obtain their rights and carry out their obligations fairly.
- 3) Principle of Balance
The principle of balance is intended to provide a balance between the interests of consumers, business actors and the government in a material or spiritual sense.
- 4) Principle of Security and Safety
The principle of consumer security and safety is intended to provide a guarantee of security and safety to consumers in the use, consumption and utilization of goods and/or services consumed or used.
- 5) Principle of Legal Certainty
The principle of legal certainty is intended so that both business actors and consumers obey the law and obtain justice in the implementation of consumer protection, and the state guarantees legal certainty..¹³
- d. Purpose of Consumer Protection
In Article 3 of the Consumer Protection Law, consumer protection aims to:¹⁴

¹¹Janus Sidabalok, *Hukum Perlindungan Konsumen Di Indonesia*, Pertama (Bandung: PT Citra Aditya Bakti, 2006), 39.

¹² Nurhalis, "Perlindungan Konsumen Dalam Perspektif Hukum Islam Dan Undang-Undang Nomor 8 Tahun 1999 Consumer Protection in the Perspective of Islamic Law," 528.

¹³ Diah Pumamasari and Rofiah, *Undang-Undang Jaminan Produk Halal UU RI No. 33 Tahun 2014*, 1st ed. (Jakarta: Sinar Grafika Offset, 2015), 185–186.

¹⁴ Presiden Republik Indonesia, "UU No. 8 Tahun 1999 Perlindungan Konsumen," 1999,

- 1) Increase consumer awareness, ability and independence to protect themselves;
 - 2) Raise the dignity and status of consumers by preventing them from negative excesses in the use of goods and/or services;
 - 3) Increase consumer empowerment in choosing, determining and demanding their rights as consumers;
 - 4) Create a consumer protection system that contains elements of legal certainty and openness of information as well as access to obtain information
- e. Consumer Rights and Obligations according to UUPK¹⁵
- A consumer is any person who uses goods and services available in society, either for their own interests, family, other people or other living things and not for trading. Consumers can be individuals or groups of people or other living things who need goods and services for consumption by the person concerned, or in other words the goods and services are not for trading.
- Consumer rights are regulated in Law No. 8 of 1999 concerning Consumer Protection Article 4, namely:
- 1) The right to comfort, security, and safety in consuming goods and/or services;
 - 2) The right to choose goods and/or services and to obtain goods and/or services in accordance with the exchange rate and conditions and guarantees promised;
 - 3) The right to correct, clear, and honest information regarding the condition and guarantee of goods and/or services;
 - 4) The right to have opinions and complaints heard regarding the goods and/or services used;
 - 5) The right to receive advocacy, protection, and efforts to resolve consumer protection disputes properly;
 - 6) The right to receive consumer guidance and education;
 - 7) The right to be treated or served properly and honestly and without discrimination;
 - 8) The right to receive compensation, damages and/or replacement, if the goods and/or services received do not comply with the agreement or are not as they should be;
 - 9) Rights regulated in other statutory provisions.
- 3. Consumer obligations are regulated in Law No. 8 of 1999 concerning Consumer Protection, Article 5, namely:**
- a. Read or follow the information instructions and procedures for the use or utilization of goods and/or services, for safety and security;
 - b. Have good intentions in making transactions to purchase goods and/or services;
 - c. Pay according to the agreed exchange rate;
 - d. Follow efforts to resolve consumer protection disputes properly.

[https://peraturan.bpk.go.id/Home/Download/33784/UU Nomor 8 Tahun 1999.pdf](https://peraturan.bpk.go.id/Home/Download/33784/UU%20Nomor%208%20Tahun%201999.pdf)

¹⁵ Ibid.

4. Rights and Obligations of Business Actors According to UUPK¹⁶

A producer or business actor is any individual or business entity, whether in the form of a legal entity or not, established and domiciled or carrying out activities within the jurisdiction of the Republic of Indonesia, either alone or together through an agreement to carry out business activities in various economic fields.

The rights of business actors are regulated in Law No. 8 of 1999 concerning Consumer Protection, Article 6, namely:

- a. The right to receive payment in accordance with the agreement regarding the condition and exchange value of the goods and/or services traded;
- b. The right to receive legal protection from consumer actions that are in bad faith;
- c. The right to carry out proper self-defense in the legal settlement of consumer disputes;
- d. The right to rehabilitation of good name if it is legally proven that the consumer's loss was not caused by the goods and/or services traded;
- e. Rights regulated in other statutory provisions.

The obligations of business actors are regulated in Law No. 8 of 1999 concerning Consumer Protection Article 7, namely:

- a. Have good intentions in carrying out their business activities;
- b. Provide correct, clear and honest information regarding the condition and guarantee of goods and/or services

and provide an explanation of use, repair and maintenance;

- c. Treat or serve consumers correctly and honestly and without discrimination;
- d. Guarantee the quality of goods and/or services produced and/or traded based on the provisions of applicable goods and/or service quality standards;
- e. Provide consumers with the opportunity to test, and/or try certain goods and/or services and provide guarantees and/or warranties for goods made and/or traded;
- f. Provide compensation, restitution and/or replacement for losses due to use, traded services;
- g. Provide compensation, restitution and/or replacement if the goods and/or services received or utilized do not comply with the agreement.

5. Halal Label Inclusion Provisions

- a. Based on Law Number 18 of 2012 concerning food in Article 101 paragraph (1) states that anyone who states on the label that the Food traded is halal according to the requirements is responsible for its truth.
- b. Based on Law Number 33 of 2014 concerning Halal Product Assurance and PP Number 31 of 2019 concerning Implementing Regulations of Law Number 33 of 2014 concerning Halal Product Assurance
- c. Inclusion of halal information based on BPOM Regulation Number 31 of 2018 concerning Processed Food

¹⁶ Ibid.

Labels is regulated in Article 32 as follows: Halal information must be included after the product has obtained a halal certificate and in the event that there is already an agreement of mutual recognition between Indonesia and the country of origin, halal information from the country of origin can be included as long as it has obtained a halal certificate from the country of origin.¹⁷

6. Example of a case of a culinary sector UMKM in Kota Baru Subdistrict, Bandar Lampung City which includes a halal label that is not registered with BPJPH.

a. Seblak Nda Eca

Seblak is an Indonesian food with a savory and spicy taste, made from wet crackers cooked with vegetables and protein sources such as eggs, chicken, seafood or processed beef, cooked with certain spices. Seblak Nda Eca is one of the MSMEs located in the Kota Baru Village, Bandar Lampung City, which was started in early 2023 by a business actor named Zahara. The marketing target of this product is students of Vocational High Schools, the majority of whom are Muslim. Seblak Nda Eca is one of the MSMEs that includes a Halal Label that has not been registered with BPJPH, Mrs. Zahara not only sells seblak but also various fried foods and drinks and the results of the author's interview with the

business actor, the reason for the inclusion is because according to her, the business she is running is still on a small scale and has just been pioneered so that she still gets profits that are not too big so business actors do not want to directly register their processed products with BPJPH. The author also provides education for business actors to immediately register their processed products with BPJPH to obtain halal certification and then after that they can legally and legitimately include halal labels on their processed products..¹⁸

b. Es lili Alky

Es Lili is an ice drink like a candle that has a variety of flavors ranging from strawberry, melon, guava, chocolate to green beans which are served and enjoyed frozen. Es Lili Alky is one of the MSMEs located in Kota Baru Village, Bandar Lampung City, which started this business in August 2023 with a marketing system of consigning its processed products to several food stalls or kiosks. Until now, there have been 12 storage places and posting via social media. But Mrs. Melly Yanti does not only sell Es lili but there are various other foods such as Grilled rice and Gabin tape. Mrs. Melly Yanti is a business actor of this Es Lili, where the initial reason for opening a business was because ice lollies can be enjoyed by all consumers with various religious backgrounds and ages ranging from

¹⁷Istana UMKM, "Label Halal," 2023.

¹⁸Zahara, "Perkembangan dan pencantuman label halal pada usaha seblak", *Wawancara*, Oktober 23, 2023. (Pelaku Usaha)

children, teenagers to adults. Therefore, the business opportunity for ice lollies is open, the production process is fast and the raw materials for making ice lollies are relatively cheap and easy to obtain. According to the results of the author's interview with business actors, the inclusion of halal labels on their processed products aims to inform consumers that the product is halal, but the inclusion of halal labels that is carried out is not in accordance with the provisions because business actors have not previously registered their processed products with BPJPH. Business actors provide information that the reason for not registering halal certification is due to the cost of making halal certificates. The author provides education to business actors that making halal certification with BPJPH can be done for free..¹⁹

c. Cilok 2 Putra

Cilok (short for Aci dicolok) is a typical West Javanese food originating from Indonesia made from chewy starch (aci in Sundanese) with the addition of complementary spices such as peanut sauce, soy sauce, and sauce. Cilok is made from starch flour or can also be called tapioca flour. The flour is then mixed with water until it becomes dough. Once done, the dough is then made into balls like meatballs, then boiled or steamed.

Cilok 2 Putra is one of the MSMEs located in the Kota Baru Village, Bandar Lampung City. Which is sold using a push cart and has 5 carts spread across several points in the Kota Baru Village, Bandar Lampung City. Cilok 2 Putra is one of the MSMEs that includes a Halal Label that has not been registered with BPJPH, according to the results of an interview with Mr. Baron who is a Cilok seller, the reason for the inclusion is because it is based on processed products using halal ingredients and what makes the product is Muslim..²⁰

d. Muslim Consumers

The author conducted an interview with consumers who often consume MSME products and their response was that according to Mrs. Zubaedah, the halal certification process is very important because it has gone through a long process until the product is truly declared halal..²¹

The author conducted interviews with Muslim consumers regarding the many practices of listing unregistered halal labels. According to Muslim consumers, this makes them worried when they want to consume small MSME products on the market because it turns out that there are still many that have listed them but have not been officially tested only based on information from business

¹⁹ Mely, "Perkembangan dan pencantuman label halal pada usaha Es Lilin", *Wawancara*, Oktober 20, 2023. (Pelaku Usaha)

²⁰ Baron, "Perkembangan dan pencantuman label halal pada usaha Cilok", *Wawancara*, Oktober 7, 2023. (Pelaku Usaha)

²¹ Zubaedah, "Pencantuman label halal pada Produk UMKM", *Wawancara*, Oktober 10, 2023. (Konsumen Muslim)

actors that the MSME products are halal and do not contain haram and dangerous ingredients.²² According to Muslim consumers, one of the precautions with the widespread circulation of halal products that are already labeled halal but not registered is to carefully look at the form of the label and whether the certificate number is listed or not.

7. Protection of Muslim Consumers Against the Inclusion of Halal Labels Not Registered with BPJPH Reviewed in Islamic Law

Islam as a religion that is always bound by the provisions of sharia law, thus its adherents have the right to obtain legal protection in the implementation of Islamic law in everyday life, including one of them in the aspect of food. Halal food is basically healthy food and that brings goodness to a Muslim. Regulations regarding the command to only eat halal food in the provisions of Islamic Law can be found in several sources of Islamic Law such as in the Q.S Al-Baqarah verse 68

يَا أَيُّهَا النَّاسُ كُلُوا مِمَّا فِي الْأَرْضِ حَلَالًا طَيِّبًا وَلَا تَتَّبِعُوا خُطُوَاتِ الشَّيْطَانِ إِنَّهُ لَكُمْ عَدُوٌّ مُبِينٌ

O mankind, eat from what is lawful and good on earth, and do not follow the footsteps of Satan.

Indeed, Satan is a clear enemy to you. Based on this explanation, it can be seen that basically many Islamic teachings emphasize the obligation for Muslims to protect their food from various unlawful influences, both directly

and indirectly. For this reason, Muslims must always be aware of the many halal labels that are circulating on the market, not all of which are true and have been tested to state that a product is halal. In general, in Islam, basically all foods and drinks that come from plants, vegetables, fruits and animals are halal except those that are poisonous and harmful to human health.

Therefore, protection of Muslim consumers based on Islamic law is the state's obligation. Islam strongly emphasizes the importance of safety and security in consuming goods and/or services to realize *mashlahah* (benefit) for humanity. In Islam, the comfort factor in this case is the guarantee of food, or the food is clearly halal (permissible) and *thayyib* (good). As for the verse about the role of government, it is in Surah Shad Verse 26

يَا دَاوُدُ إِنَّا جَعَلْنَاكَ خَلِيفَةً فِي الْأَرْضِ فَاحْكُم بَيْنَ النَّاسِ بِالْحَقِّ وَلَا تَتَّبِعِ الْهَوَى فَيُضِلَّكَ عَنْ سَبِيلِ اللَّهِ إِنَّ الَّذِينَ يَضِلُّونَ عَنْ سَبِيلِ اللَّهِ لَهُمْ عَذَابٌ شَدِيدٌ بِمَا نَسُوا يَوْمَ الْحِسَابِ

O David, We have made you a caliph (ruler) on earth, so judge between people with justice and do not follow your desires, for they will lead you astray from the path of Allah. Indeed, those who go astray from the path of Allah will receive a severe punishment, because they forgot the Day of Reckoning."

From the verse above, we can conclude that a leader has an important role in government affairs. Especially related to legal protection for Muslim consumers

²² Bella, "Pencantuman label halal pada Produk UMKM", *Wawancara*, Oktober 10, 2023. (Konsumen Muslim)

for food labeled halal. So as not to harm the people. For example, related to the problem of food products labeled halal. The role of the government is very much needed to provide protection to all consumers, especially *Muslim consumers*.

8. Protection of Muslim Consumers Against the Inclusion of Halal Labels Not Registered with BPJPH Reviewed in Positive Law

The following will explain several laws and regulations that will provide legal protection for Muslim consumers in Indonesia according to positive law:

- a. Law No. 8 of 1999 concerning Consumer Protection UUPK stipulates the purpose of consumer protection, among others, to raise the dignity of consumer life and maintain consumer safety from things that have negative impact from trading activities carried out by business actors against consumers. Therefore, efforts to avoid this, UUPK provides a prohibition as stated in Article 8 Business actors are prohibited from trading damaged, defective or used goods, and contaminated goods without providing complete and correct information on the goods in question.
- b. Law No. 18 of 2012 concerning Food in conjunction with Law No. 7 of 1996 Concerning halal labels, it is not only in the UUPK that discusses this matter, in the Food Law it has also been mentioned, namely article 97.
- c. Halal Product Guarantee, hereinafter abbreviated as JPH, is legal certainty regarding the halalness of a Product as evidenced by a Halal Certificate. While

the Halal Label is a sign of the halalness of a Product.

- d. PP No. 69 of 1999 concerning Food Labels and Advertisements

• Conclusion

Therefore, protection of Muslim consumers based on Islamic law is an obligation of the State represented by the leader or caliph in the form of implementing the Consumer Protection Law imposed on business actors who violate the rights of Muslim consumers. Islam strongly emphasizes the importance of safety and security in consuming goods and/or services to realize *mashlahah* (benefit) for humanity. In Islam, the comfort factor in this case is the guarantee of food, or the food is clearly halal (permissible) and *thayyib* (good). Several laws and regulations have been regulated and explained that will provide legal protection for Muslim consumers in Indonesia according to positive law:

1. Law No. 8 of 1999 concerning Consumer Protection UUPK
2. Law No. 18 of 2012 concerning Food in conjunction with Law No. 7 of 1996 concerning halal labels, namely articles 95 and 97.
3. Halal Product Guarantee, hereinafter abbreviated as JPH, is legal certainty regarding the halalness of a Product as evidenced by a Halal Certificate.
4. PP No. 69 of 1999 concerning Food Labels and Advertising in articles 3, 10 and 11.

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