



Halal Certification for Micro and Small Businesses in Bandar Lampung, Indonesia: An Evaluation from the *Maslahah* Perspective

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Abstract

This study examines the implementation of halal certification for Micro and Small Enterprises based on Article 79 of Government Regulation Number 39 of 2021 on the Administration of Halal Product Assurance (PP No. 39/2021). The implementation of this regulation in Labuhan Dalam Subdistrict, Tanjung Senang District, and Bandar Lampung City has not been carried out effectively because there are still Micro and Small Enterprise products that have not been halal certified. The focus of this study is: What is the *maslahah* review on the implementation of Article 79 of PP No. 39/2021 regarding halal certification for Micro and Small Enterprises in Labuhan Dalam Subdistrict, Tanjung Senang District, Bandar Lampung City? The method used is field research with qualitative descriptive analysis. The primary data sources are interview results and observations with micro and small business actors who are required to have halal certification in Labuhan Dalam Subdistrict, Tanjung Senang District, Bandar Lampung City, and BPJPH employees of the Lampung Provincial Office of the Ministry of Religion in the Halal Task Force. The conclusion of the study is that, from the *maslahah* perspective, Article 79 of PP No. 39/2021 has not been well implemented in Labuhan Dalam. This is because the government, BPJPH, has not fully carried out its duties to execute its tasks and authorities to provide information, education, and socialization related to the obligation to have halal certification to micro and small business actors, as well as the lack of awareness of micro and small business actors regarding the obligation to have a halal certificate. This naturally brings harm to micro- and small-scale businesses and the community.

Keywords: Halal, Micro and Small Enterprises, *Siyasah Tanfidziyah*, *Maslahah*



Introduction

Recently, the issue of halal has become an increasingly popular trend, which cannot be separated from the growing Muslim population around the world. In Indonesia, with a majority of the population being Muslim, the term "halal" has become an inseparable part of life. Islam is very flexible in accommodating the interests of its followers in the complex societal life of the present day.¹ Such as the command to consume halal food and the prohibition to consume haram food. Islam has clearly introduced the concept of halal to Muslims, so as not to allow oneself to consume food products with unclear ingredients or manufacturing methods.²

Protection of the halal status of food products becomes a prerequisite that business actors must fulfil in order for their products to be marketed. Because the distributed food will be absorbed and consumed by a market whose majority of consumers are Muslims. Information about the contents of food products and the halal information of products is something that business actors cannot ignore. There is an urgent need for halal certificates and halal labels on food products.³

The provision in Article 4 of Law Number 33 of 2014 concerning Halal Product Guarantee explains that "Products that enter, circulate, and are traded in the territory of Indonesia must be halal certified."⁴ This article

¹ Jayusman, Iim Fahimah, dan Rahmat Hidayat "Kewarisan Anak Yang Beda Agama Dalam Perspektif Maqasid Syari'ah," *Ijtimaiyya: Jurnal Pengembangan Masyarakat Islam* 13, no. 2 (2020): 162, <http://ejournal.radenintan.ac.id/index.php/ijtimaiyya/article/view/6581>.

² Sri Nuryati, *Halalkah Makanan Anda* (Solo: Aqwa Medika, 2008).

³ Ari Mariyani Angriyani dan Elisatris Gultom, "Peran Negara Dalam Memberikan Perlindungan Pada Konsumen Atas Penggunaan Produk Pangan Tidak Belabel Halal Berdasarkan Undang-Undang Nomor 33 Tahun 2014 Tentang Jaminan Produk Halal," *Jurnal Hukum* 2, no. 1 (2021): 17, <http://ejournalmalahayati.ac.id/index.php/hukumalahayati/article/download/4112/pdf>; Zulfahmi Nora Maulana, "Potensi Pengembangan Industri Halal Indonesia Di Tengah Persaingan Halal Global," *Jurnal Iqtisaduna* 8, no. 2 (2022), <https://doi.org/https://doi.org/10.24252/iqtisaduna.v8i2.32465>.

⁴ "Undang-Undang Nomor 33 Tahun 2014 Tentang Jaminan Produk Halal" (n.d.).

clearly states that products in Indonesia must be halal certified. On February 2, 2021, Government Regulation Number 39 of 2021 Concerning the Implementation of the Halal Product Guarantee Sector (PP No. 39/2021) was enacted. The drafting of this PP is a delegation from Law Number 33 of 2014 and Law Number 11 of 2020 concerning Job Creation. PP No. 39/2021 aims to provide legal certainty and guarantees for the community over the halal status of products that enter, circulate, and are traded in the territory of Indonesia.⁵

Then, in Article 79, paragraphs 1 to 8, of PP No. 39/2021, it explains the halal certification for Micro and Small Business actors. Article 79, paragraph 1, states that "The obligation for halal certification for Micro and Small Business actors is based on the Micro and Small Business actor's statement."⁶ This forms one of the legal bases that the government has established to provide legal certainty and guarantees to the community over the halal status of products. This regulation must be implemented by Micro and Small Business actors as a form of responsibility for the products they sell.

Furthermore, Article 81, paragraph 1, states that "In the event a halal certification application is submitted by Micro and Small Business actors as referred to in Article 79, no fee is charged considering the state's financial capabilities." Then, in accordance with Article 79, to have a halal certificate based on the self-declaration of the micro and small business actors and to facilitate the free halal certification process, the BPJPH Ministry of Religion of the Republic of Indonesia has a free halal certification facilitation service programme (SEHATI). This facility is provided for micro and small business actors who meet the criteria and service rate conditions for self-declare halal certification applications and are charged a fee of IDR 0.00

⁵ "Peraturan Pemerintah Republik Indonesia Nomor 39 Tahun 2021 Tentang Penyelenggaraan Bidang Jaminan Produk Halal," n.d.,

⁶ Pasal 79 Ayat (1) Peraturan Pemerintah Republik Indonesia Nomor 39 Tahun 2021 Tentang Penyelenggaraan Bidang Jaminan Produk Halal.

(zero rupiahs), or no fee is charged considering the state's financial capabilities.⁷

In fact, not all food products have been halal certified, based on the data the author obtained in the Labuhan Dalam Subdistrict, Tanjung Senang District, and Bandar Lampung City. One of the micro- AND small-business actors who sells various chip products says the products sold do not yet have a halal certificate. According to the business actor, Sri Suparmi stated that until now, the chip products she sold did not yet have a halal certificate. Therefore, the brand label of the chip packaging does not yet have a halal logo label, and as long as this chip product has not caused a problem related to the halal status of the product, Thus, PP No. 39 of 2021 has not been well implemented in that region.⁸

Studies on halal certification are certainly not new; some studies that have examined this issue include those by Lise Nandini, who analysed the administration of halal product guarantees in East Nusa Tenggara in 2019. Then Siti Barokah's research analysed the application of halal certification on lapis legit cake food products in Merangin Regency.⁹ ext, a study was written by Sitti Nurfaika, who researched the mechanism of halal

⁷ Moh Khoeron, “Catat Ini Tarif Layanan Permohonan Sertifikasi Halal,” Kementerian Agama Republik Indonesia, 2022,” 2022, <https://www.kemenag.go.id/read/catat-ini-tarif-layanan-permohonan-sertifikasi-halal-wkgxe>; Ahmad Havid Jakiyudin dan Alfarid Fedro, “Sehati : Peluang Dan Tantangan Pemberian Sertifikasi Halal Gratis Bagi Pelaku USAHA MIKRO DAN KECILDi Indonesia,” *Al-Mustashfa: Jurnal Penelitian Hukum Ekonomi Islam* 7, no. 2 (2022), <https://www.syekhnurjati.ac.id/jurnal/index.php/al-mustashfa/article/download/10666/4688>.

⁸ Khairuddin dan Muhammad Zaki, “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: Jurnal Hukum Ekonomi Syari’ah*, Vol. 13, No. 1 (2021): 10, <http://ejournal.radenintan.ac.id/index.php/asas/article/view/9352>.

⁹ Siti Barokah, “Penerapan Sertifikasi Halal Pada USAHA MIKRO DAN KECIL Produk Makanan Kue Lapis Legit Kabupaten Merangin” (Skripsi, Universitas Islam Negeri Sulthan Thaha Saifuddin Jambi, 2020), 76-77.

certification registration that is based on submission steps and whose execution is in line with *maqashid al-sharia*.¹⁰

Unlike previous research, this study focuses on the implementation of halal certification guarantees specifically for micro and small businesses, analysed based on Government Regulation No. 29 of 2021 and a Maslahah perspective. Based on this, the research question formulated is, What is the maslahah perspective on the implementation of Article 79 of Government Regulation No. 39 of 2021 regarding the Administration of Halal Product Guarantees for micro and small business operators in the Labuhan Dalam Subdistrict, Tanjung Senang District, Bandar Lampung City?

Research Method

This study employs a qualitative method with field research, which involves systematic data collection in the field on various data related to existing field issues.¹¹ It uses primary data and conducts descriptive analysis, which analyzes and presents facts systematically to make them easier to understand and conclude.¹² The primary data in this study are data obtained by researchers directly from their sources without intermediaries (directly from their objects), then collected and processed independently.¹³ In this study, the primary data sources are the results of interviews and observations with micro and small business operators who are required to have halal certification in Labuhan Dalam Subdistrict, Tanjung Senang District, Bandar Lampung City, and employees of the Halal Product Assurance Organizing Agency (BPJH) of the Ministry of Religion Provincial

¹⁰ Sitti Nurfaika, "Kewajiban Pendaftaran Sertifikasi Halal Pada Badan Penyelenggara Jaminan Produk Halal (Prespektif Maqasid Al-Syariah)" (Skripsi, Universitas Islam Negeri Alauddin Makassar, 2021), 67-68.

¹¹ Lexy J. Moleong, *Metode Penelitian Kualitatif* (Bandung: PT. Remaja Rosdakarya, 2000).

¹² Suketi dan Galang Taufani, *Metedologi Penelitian Hukum (Filsafat, Teori Dan Praktik)* (Depok: PT.Rajagrafindo Persada, 2018).

¹³ Ibid.

Office Lampung in the Halal Task Force. This research is complemented with secondary data. Data collection methods include interviews, observations, and documentation. The informants in this study are five micro and small business operators, and the respondents are three BPJPH employees. The data is then processed and analyzed using an inductive qualitative analysis to draw conclusions in an effort to solve problems.¹⁴

Maslahah

Maslahah, in language, originates from the Arabic verb (صَلَحَ- يَصْلُحُ) to become (صَالِحًا) or (مَصْلَحَةً), which means something that brings goodness. The word *maslahah* is sometimes also referred to as (الاستصلاح), which means seeking goodness¹⁵ (طَلَبُ الإِصْلَاحِ)

Maslahah means the principle of welfare (goodness) used to establish an Islamic law. It can also mean an act that contains good or beneficial value.¹⁶ al-Ghazali formulated the meaning of *maslahah* as follows:

مَا لَمْ يَشْهَدْ لَهُ مِنَ الشَّرْعِ بِالْبُطْلَانِ وَلَا بِالْإِعْتِبَارِ نَصٌّ مُعَيَّنٌ

“Anything (*maslahah*) for which there is no evidence from the sharia in the form of a specific text that cancels it and nothing pays attention to it”.

According to Abdul Wahab Khallaf, *maslahah* is where the shari'a does not legislate a law to realize *maslahah*, nor is there any evidence that indicates its acknowledgment or cancellation. Based on the definitions above, *maslahah* is to establish laws in matters not mentioned in the Qur'an or Hadith, considering the welfare or interest of human life based on the

¹⁴ Moh Nazir, *Metode Penelitian* (Jakarta: Ghalia Indonesia, 1998).

¹⁵ Abdul Wahab Khallaf, *Masdar Al-Tasyri' Al-Islami Fi Ma La Nassa Fih* (Kuwait: Dar al-Qalam, 1972). h. 85

¹⁶ Muhammad Rusfi, *Ushul Al-Fiqih-1* (Bandar Lampung: Seksi Penerbitan Fakultas Syari'ah IAIN Raden Intan, 2017); Jayusman Nurul Huda, “Perspektif Maslahah Terhadap Pertimbangan Hakim Pada Putusan Perkara Nomor: 376/Pdt.G/2019/PA.Tnk Tentang Penetapan Hak Hadanah Kepada Ibu Kandung,” *Ijtimaiyya: Jurnal Pengembangan Masyarakat Islam* 14, no. 2 (2021), <http://ejournal.radenintan.ac.id/index.php/ijtimaiyya/article/view/10119/5037>.

principle of attracting benefits and avoiding damage..¹⁷ As in the following ushul fiqh rule:

دَرْءُ الْمَفَا سِدِّ مُقَدَّمٌ عَلَى جَلْبِ الْمَصَالِحِ

“Preventing harm takes precedence over attracting benefits.”¹⁸

Maslahah is considered a consideration for the humanistic agenda in law, to preserve five main things; religion, life, intellect, offspring, and wealth. Or it is also referred to as a characteristic that is inherent in the legal structure in the form of efforts to take the positive and leave the negative for humans, whether overt or hidden in human view..¹⁹

The essence of *maslahah* is something good according to reason, with the consideration of being able to realize good (*jalbul masālih* or benefit) or avoid harm (*dar'ul mafāsīd*) for humans. All things that are good according to the ideal reason are in line with the purpose of sharia (*maqāsid syarī'ah*) in establishing laws, even though there are no specific shara' guidelines that reject it, nor are there any shara' guidelines that know it. This is in line with the opinions of Asyraf Wajdi Dusuki and Nurdianawati Irwani Abdullah, who revealed that *maslahah* is a legal device used in Islamic law theory to promote the good of society and prevent social evil or corruption.²⁰ *Maslahah* has two types::

1. *Maslahah al-mu'tabarah* is a *maslahah*, or goodness, that has been recognized by Islam. Matters that have been regulated in the Qur'an and Hadith and whose laws are certain so that humans just have to carry out the regulations.

¹⁷ Hendri Hermawan Adinugraha dan Mashudi, “Al-Mashlahah Al-Mursalalah Dalam Penentuan Hukum Islam,” *Jurnal Ilmiah Ekonomi Islam* 4, no. 1 (2018): 65–66, <https://jurnal.stie-aas.ac.id/index.php/jei/article/view/140>. diakses 12 Mei 2019

¹⁸ Nashr Farid Muhammad Washil dan Abdul Aziz Muhammad Azzam, *Qawaid Fiqhiyyah, Terjemah Wahyu Setiawan*, Cet.ke-2 (Jakarta: Amzah, 2009). h. 2.

¹⁹ Mohammad Rusfi, “Validitas Maslahah Al-Mursalalah Sebagai Sumber Hukum,” *Al-'Adalah* XII, no. 1 (n.d.): 64, <http://ejournal.radenintan.ac.id/index.php/adalah/article/view/175>.

²⁰ Ibid. h.37

2. *Maslahah al-mursalah* is recognizing goodness because of new events that occurred after the death of the Prophet Muhammad. The object of *maslahah al-mursalah* is an event or events that need to be determined by law, but there is not a single text (the Qur'an or Hadith) that can be used as a basis.²¹

Scholars are very careful when using *Maslahah* as an argument. They compile the conditions of *maslahah* that are used as the basis for establishing law, namely:

1. The *maslahah* in question is the actual *maslahah*, not just a presumption. The intention is to be able to realize the formation of laws that can provide benefits and reject damage. If the *maslahah* is based on presumption alone, the formation of the law will not bring *maslahah*.²²
2. The *maslahah* is of a general nature, not individual. The meaning is that, in relation to the formation of laws at an event, it can bring benefits to most people, not just one person or a few people.
3. The *maslahah* must not contradict the existing *shara'* evidence, both in the form of *nas* (the Qur'an and Sunnah) as well as *ijma'* and *qiyas*.
4. The *maslahah* is practiced in a condition that requires it; if the problem is not resolved in this way, then the people will be in a life constraint, with the understanding that it must be pursued to prevent people from difficulties.²³

²¹ Totok Jumantoro dan Samsul Munir Amin, *Kamus Ilmu Ushul Fikih* (Jakarta: Amzah, 2005). h. 205.

²² Chairul Umam, *Ushul Al-Fiqh I* (Bandung: Pustaka Setia, 2000). h. 137.

²³ Amir Syarifuddin, *Ushul Al-Fiqh* (Jakarta: Kencana, 2009); Badarudin Jayusman, Shafra, Rahmat Hidayat, Efrinaldi, "Maslahah Perspective on Husband Nusyuz in Islamic Law and Positive Law In Indonesia," *Jurnal Muqaranah* 6, no. 1 (2022): 69-84. h. 72, <http://jurnal.radenfatah.ac.id/index.php/muqaranah/article/view/11164/4845>, accessed on Nov 15, 2021.

Imam al-Ghazali also provides several conditions for the benefits that can be used as arguments in deducing laws, namely: *Maslahah* itu sejalan dengan jenis tindakan syara'

1. The *maslahah* does not contradict the Nash Syara.
2. The *maslahah* falls under the category of necessary *maslahah*, whether it concerns personal benefits or the benefits of many people, and is universal, i.e., applies equally to everyone.²⁴

The above provisions can be formulated so that *maslahah* can be used as a legal basis and can be applied if it meets the conditions as stated above. The *maslahah* contains benefits in a broad sense, does not deviate from the goals contained in the Qur'an and Hadith, and is in line with the *maqāsid syarīah*, namely preserving religion (*hifz al-dīn*), protecting life (*hifz al-nafs*); protecting reason (*hifz al-aql*); preserving humanity (*hifz al-nasl*); and protecting property (*hifz al-māl*).²⁵

The Implementation of Halal Certification For Micro and Small Businesses According to Article 79 of Government Regulation No. 39/2021 In The Labuhan Sub-District, Bandar Lampung, Indonesia

The Indonesian government has made it a policy for micro and small business actors that they are required to have a halal certificate for their products. This is in accordance with the content of Article 79 of Government Regulation Number 39 of 2021 on Halal Product Assurance. Micro and small business actors in Article 79, paragraph 1, are productive businesses that have net assets or have annual sales in accordance with the provisions of the legislation. Micro and small business actors can be differentiated by their income.

²⁴ Rusfi, *Ushul Al-Fiqih-1*. h. 130-133.

²⁵ Mashudi, "Al-Mashlahah Al-Mursalah Dalam Penentuan Hukum Islam,." h. 71

However, the implementation of this regulation has not been running as smoothly as it should. In this case, the author conducted interviews with micro and small business actors selling food products in Labuhan Dalam Village, Tanjung Senang District, Bandar Lampung City. Among them is Sri Suparmi, a micro- and small-business actor who has a variety of chip products (Keripik Bude Sri). She explained that her chip product does not yet have a halal certificate. She has never undergone the halal certification process for her product. The reason Sri Suparmi did not apply for a halal certificate for her chip product is due to a clear lack of understanding of the process for creating a halal certificate. To her knowledge, the cost of making a halal certificate is high, and based on her experience, she once attended training at the Health Office and found the procedure confusing, so she does not clearly understand the procedure. She hopes that it will not burden or complicate business actors because this is actually very beneficial.²⁶

Then, Royeh, a micro and small business actor who owns a food business, namely tofu products (Pabrik Tahu Untung Suropati), narrated. He explained that the white tofu product produced by his business does not yet have a halal certificate. The reason is that this tofu factory is jointly owned by the family, so the factory management is jointly managed by the family members, and all parties who manage this factory do not know the procedures and rules related to making a halal certificate. He further said that the obligation to be halal certified for micro and small business actors is important to implement.²⁷

The same thing was also explained by Nita, a micro- and small-business actor who owns a food business, namely fish crackers (Pabrik Kerupuk Teh Nita). She explained that her cracker product does not yet have a halal certificate for the reason that she does not yet know the process

²⁶ Sri Suparmi (Pelaku Usaha), "Implementasi Pasal 79 Peraturan Pemerintah Nomor 39 Tahun 2021," *Wawancara dengan penulis*, 24 Oktober 2022.

²⁷ Royeh (Pelaku Usaha), "Implementasi Pasal 79 Peraturan Pemerintah Nomor 39 Tahun 2021," *Wawancara dengan penulis*, 24 Oktober 2022.

to obtain one. Even though she does not have a halal certificate for her product, she believes that the Health Department often visits her factory to check the ingredients used, and the results of the Health Department do not have any problems, so this makes her feel that her product is safe. She said that there has never been anyone who has come to educate her about the procedure to get a halal certificate.²⁸

Different from Farid, a micro and small business actor who owns a food business, namely fried chicken (Dkriuk Fried Chicken). He explained that his food product already has a certificate and a halal label, but he did not take care of the halal certification process. He has received a halal certificate and halal label from the franchise brand owner. According to him, a halal certificate is important to have because it can clarify the halalness of the product sold and can provide benefits because Muslim consumers will definitely trust the product sold because its halalness is clear.²⁹

Likewise with Rosdiana, a micro- and small-business actor who owns a food business, namely bread or cakes (Toko Nadia Roti). She explained that at the beginning of her business, she already had a halal certificate and halal label. But now, there has been a change from the old logo to a new logo for the halal certificate and label. She is currently undergoing a new halal certification process. Her reason for making a halal certificate is to convince consumers that the ingredients used are halal ingredients because if she does not have a halal certificate, it will become a question for consumers.³⁰

Next, the author conducted an interview with a BPJPH employee, namely, Muliawati (Secretary of the Halal Task Force). She conveyed that

²⁸ Nita (Pelaku Usaha), "Implementasi Pasal 79 Peraturan Pemerintah Nomor 39 Tahun 2021," *Wawancara dengan penulis*, 25 Oktober 2022.

²⁹ Farid (Pelaku Usaha), "Implementasi Pasal 79 Peraturan Pemerintah Nomor 39 Tahun 2021," *Wawancara dengan penulis*, 29 November 2022.

³⁰ Rosdiana (Pelaku Usahal), "Implementasi Pasal 79 Peraturan Pemerintah Nomor 39 Tahun 2021," *Wawancara dengan penulis*, 25 Oktober 2022.

the implementation of the obligation to have a halal certificate for micro and small business actors based on self-declaration has been carried out well. Muliawati said to obtain a halal certificate based on this self-declaration, micro and small business actors must meet the criteria that have been set and are in accordance with the halal standards set by the BPJPH. She believes that regarding the many micro and small business actors who have not implemented Article 79 of PP No. 39/2021, micro and small business actors should use this opportunity as best as possible to get a halal certificate for free, and then there is also the SEHATI program, which has the same category as Article 79 and is based on self-declaration and beneficial for micro and small businesses.³¹

Sudarno, a member of the halal task force, stated that the implementation of the obligation to be halal certified has been carried out well. This is evidenced by the achievement of the BPJPH target. He explained that the obstacles during the halal certification process are that not all micro and small business actors receive information and socialization evenly, so those who do not know about the obligation to be halal certified.³²

Furthermore, Liga Jefriyansyah, a member of the halal task force, stated that the implementation of the obligation to be halal certified for micro and small business actors based on self-declaration in 2021 and 2022 has been carried out. Regarding many micro- and small-business actors who do not yet have a halal certificate, they can immediately get it. He said that it is still in the process of phasing in the obligation to be halal certified

³¹ Muliawati (Sekretaris Satgas Halal), "'Pelaksanaan Sertifikasi Halal Berdasarkan Pernyataan Pelaku Usaha (Self Declare),' Wawancara Dengan Penulis"; Najmudin Elif Pardiansyah, Muhammad Abduh, "Sosialisasi Dan Pendampingan Sertifikasi Halal Gratis (Sehati) Dengan Skema Self-Declare Bagi Pelaku Usaha Mikro Di Desa Domas," *Jurnal Pengabdian Dan Pengembangan Masyarakat Indonesia* 1, no. 2 (2022), <https://doi.org/https://doi.org/10.56303/jppmi.v1i2.39>.

³² Sudarno (Anggota Satgas Halal), "Pelaksanaan Sertifikasi Halal Berdasarkan Pernyataan Pelaku Usaha (Self Declare)," *Wawancara dengan penulis*, 13 Desember 2022.

for food and beverage products, slaughter results, and slaughtering services, starting from October 17, 2019, to October 17, 2024. If the phasing process has been completed, then in 2024 the applicable regulations will start to be enforced. Thus, micro and small business actors who do not yet have a halal certificate for their products in 2024 will be subject to sanctions..³³

Furthermore, Liga Jefriyansyah stated that the implementation of the obligation to be halal certified for micro and small business actors based on self-declaration has existed since 2021. In 2021, there were only 75 micro-and small-business actors who carried out halal certification based on self-declaration. Lampung province aims to have 7,045 people who can follow halal certification based on self-declaration by 2022. The implementation has exceeded the target.³⁴

From the explanation, the number of people who have followed the halal certification process is quite large, but the fact remains that there are still many micro and small business actors who have not made a halal certificate for their products, such as in the Labuhan Dalam Village area, Tanjung Senang District, and Bandar Lampung City. Based on the results of interviews conducted by the author, it can be seen from the five micro and small business actors who produce and sell food products in the Labuhan Dalam Village area that not all of them carry out the obligation to be halal certified for each of their products. So that Article 79 of PP No. 39/2021 has not been fully implemented.

³³ Liga Jefriyansyah (Anggota Satgas Halal), "Pelaksanaan Sertifikasi Halal Berdasarkan Pernyataan Pelaku Usaha (Self Declare)," *Wawancara dengan penulis*, 13 Desember 2022.

³⁴ Ibid.

Analysis of the Implementation of Halal Certification for Micro and Small Business Actors in Labuhan Dalam Sub-district from the Perspective of Maslahah

The government requires all products in Indonesia to have a halal certificate. This policy is intended to maintain or bring about positive benefits and abandon negatives, namely to protect the soul from the consumption of non-halal products that are prohibited by religion and can endanger life. However, on the ground, there are still micro and small business actors who do not comply with the regulations made by the government, such as in the Labuhan Dalam Sub-district area, where there are still micro and small business actors who do not have a halal certificate for their products.

After the writer conducted interviews, the data obtained indicates that there are several problems that are the reasons why these micro and small business actors do not implement Article 79 of PP No. 39/2021, because:

1. Unaware of the obligation to have halal certification.
2. Do not understand the halal certification process.
3. The assumption is that the cost of obtaining a halal certificate is expensive.

Based on these problems, in the author's view, there are two sides, namely the government and micro and small business actors, which become obstacles to the insufficient implementation of Article 79 of Government Regulation Number 39 of 2021 in the Labuhan Dalam Sub-district, Tanjung Senang District, Bandar Lampung City, namely:

1. Lack of information, education, and socialization from the government

The government indeed cares about the Indonesian people regarding Halal Product Guarantees in Indonesia, which is evidenced by the fact that the government has enacted Government Regulation Number 39 of 2021. But in its implementation, the government has not fully provided information, education, and socialization. As a result, micro- and small-business actors do not know about the obligation to have a halal certificate. Thus, micro- and small-business actors have reasons not to certify their products as halal. Even though the government's policy is very supportive of micro and small businesses, which of course is very beneficial and brings benefits to them and the general public,

2. Lack of Awareness among Micro and Small Business Actors

Because micro and small business actors are unaware of the obligation to have a halal certification in Article 79 of Government Regulation Number 39 of 2021, this leads to a lack of awareness for micro and small business actors to have a halal certificate for their products. So micro- and small-business actors think that it is enough to make their products safe and do not have to have a halal certificate for their products. Although these micro and small business actors do not have a halal certificate, this is strong evidence that they are accountable for the halal guarantee of their products.

In the implementation of Article 79 of PP No. 39/2021, each micro and small business actor is required to fulfill the obligation to have a halal certificate so that every product produced and sold already has a halal certificate. In an effort to maximize the implementation of the obligation to have a halal certificate for micro and small business actors, the government must continue to oversee the implementation of Article 79 of PP No.

39/2021. This supervision is carried out by BPJPH, an agency or party from the government that has the task of overseeing the implementation of the organizers of halal product guarantees in Indonesia

Islamic teachings contain commands to consume halal food and prohibitions against consuming haram food. Islam has clearly introduced the concept of halal to Muslim consumers so as not to let themselves consume food products that are unclear about the ingredients contained in them or how they are made. Article 1 paragraph 3 of PP No. 39/2021. explains that "Halal products are products that are in accordance with Islamic sharia". The halal status of products in accordance with Islamic sharia, namely:

1. Does not contain pigs or ingredients derived from pigs.
2. Does not contain prohibited ingredients such as materials derived from human organs, blood, feces, and others.
3. All materials are derived from halal animals slaughtered according to Islamic sharia procedures.
4. All storage, sales, processing, management, and transportation places must not be used for pigs. If it has been used for pigs or other non-halal items, it must first be cleaned according to Islamic sharia procedures.
5. All foods and drinks that do not contain alcohol.³⁵

The creation of PP No. 39/2021, from the perspective of fiqh siyasah, is a policy or regulation made for the welfare and benefit of Muslims.³⁶

³⁵ "1 Ayat 3 PP Nomor 39 Tahun 2021 Tentang Penyelenggaraan Bidang Jaminan Produk Halal" (n.d.).

³⁶ Hammam Al Maidah, "Tinjauan Maqasidus Syariah Tentang Sertifikasi Halal Dengan Skema Self Declare (Studi Di Pelaku Usaha Kerupuk Udang Aconk, Dsn. Junganyar Pesisir, Kec. Socah, Kab. Bangkalan)," in *Jurnal Prosiding Seminar Nasional Pengabdian Kepada Masyarakat: Berkarya Dan Mengabdikan Untuk Meningkatkan Kemandirian Masyarakat Pasca Pandemi* Vol. 2 NO. 1, 2022, <https://doi.org/https://doi.org/10.33086/snmp.v2i1.1014>.

Discussions related to laws and regulations fall under *Siyasah Tanfidziyyah*, which discusses the arrangement and management of human life in a state in order to achieve welfare for humans themselves. In *Siyasah Tanfidziyyah*, the task of implementing the law is owned by the executive power (*al-sulthah al-tanfidziyah*); the highest implementation of this power is the government (head of state), assisted by its assistants (cabinet or council of ministers) formed in accordance with needs and different situational guidance between one Islamic country and another. As a matter of political policy, the policies taken by this executive power must be in line with the spirit of *Nash* and *Maslahah*.

In this research, *Siyasah Tanfidziyyah Syari'yyah* will look at the implementation of Article 79 of PP No. 39/2021. Regarding the Implementation of the Halal Product Guarantee Sector and the view of *Maslahah* related to the implementation of this government regulation, it should be known first that the government has enacted PP No. 39/2021. This regulation aims to provide legal certainty and guarantees for the community over the halalness of products that enter, circulate, and are traded in the territory of Indonesia, and the government regulations have been appropriate and bring benefits to micro and small businesses and the community, which is trying to provide a halal product guarantee to achieve welfare for the community in Indonesia. Then, based on the facts found by the author and the view of *maslahah* on the implementation of Article 79 of PP No. 39/2021, there are micro and small business actors in the Labuhan Dalam Sub-district, Tanjung Senang District, and Bandar Lampung City who have not implemented the obligation to have a halal certification for micro and small businesses as stipulated in Article 79 of PP No. 39/2021.

Based on this, the implementation of Article 79 of PP No. 39/2021 in Labuhan Dalam Village from the aspect of *siyasah Tanfidziah* has not been well implemented due to several inhibiting factors that make micro- and small-business actors in Labuhan Dalam Village not yet have a halal

certificate. These inhibiting factors include a lack of information, education, and socialization provided by the government to micro and small business actors related to the management of halal products and a lack of awareness among micro and small business actors related to the implementation of the regulation. Of course, this can bring harm to the people in Labuhan Dalam Village.

The inhibiting factors mentioned above occur because the government party, BPJPH, has not fully carried out its obligations, which are to carry out its duties and authority. The task of BPJPH is to guarantee the halalness of products circulating and marketed in Labuhan Dalam Village or as an institution that supervises the implementation of halal product guarantees in Indonesia. One of the authorities of the BPJPH is to carry out socialization and education, which have not been fully implemented comprehensively. This is because, based on the data obtained, the BPJPH has not comprehensively provided information, education, and socialization related to halal product guarantees to micro and small business actors in Labuhan Dalam Village. This causes some micro and small business actors to not know about the obligation to certify halal on their products, which makes these micro and small business actors not yet implement the obligation of halal certification. This can have negative effects on micro and small businesses and the community.

Conclusion

Based on the research conducted by the author, it can be concluded that, from the perspective of *maslahah*, Article 79 of Government Regulation Number 39 of 2021 has not been well implemented in Labuhan Dalam Village. This is because the government agency, BPJPH, has not fully fulfilled its obligations to carry out its duties and authorities to provide information, education, and socialization related to the obligation to certify

halal to micro and small business actors, as well as a lack of awareness among micro and small business actors related to the obligation to have a halal certificate. This, of course, has negative consequences for micro and small businesses and the community.

References

- Amin, Totok Jumantoro dan Samsul Munir. *Kamus Ilmu Ushul Fikih*. Jakarta: Amzah, 2005.
- AS, Susiadi. *Buku Daras, Ushul Al-Fiqh I*. Bandar Lampung: Fakultas Syari'ah IAIN Raden Intan Lampung, 2010.
- Aslikhah, & Moh. Mukhsinin Syu'aibi. "Fenomenologi Self Declare Sertifikasi Halal Bagi Pelaku usaha mikro dan kecil produk Makanan Dan Minuman Untuk Peningkatan Awareness Sertifikasi Halal Di Kabupaten Pasuruan." *Jurnal Mu'allim* 5, no. 1 (2023): 68-83. <https://doi.org/https://doi.org/10.35891/muallim.v5i1.3424>.
- Azzam, Nashr Farid Muhammad Washil dan Abdul Aziz Muhammad. *Qawaid Fiqhiyyah, Terjemah Wahyu Setiawan*. Cet.ke-2. Jakarta: Amzah, 2009.
- Barokah, Siti. "Penerapan Sertifikasi Halal Pada usaha mikro dan kecil Produk Makanan Kue Lapis Legit Kabupaten Merangin." Universitas Islam Negeri Sulthan Thaha Saifuddin Jambi, 2020.
- Elif Pardiansyah, Muhammad Abduh, Najmudin. "Sosialisasi Dan Pendampingan Sertifikasi Halal Gratis (Sehati) Dengan Skema Self-Declare Bagi Pelaku Usaha Mikro Di Desa Domas." *Jurnal Pengabdian Dan Pengembangan Masyarakat Indonesia* 1, no. 2 (2022). <https://doi.org/https://doi.org/10.56303/jppmi.v1i2.39>.
- Fedro, Ahmad Havid Jakiyudin dan Alfarid. "Sehati: Peluang Dan Tantangan Pemberian Sertifikasi Halal Gratis Bagi Pelaku usaha mikro dan kecil Di Indonesia." *Al-Mustashfa: Jurnal Penelitian Hukum Ekonomi Islam* 7, no. 2 (2022). <https://www.syekhnurjati.ac.id/jurnal/index.php/al-mustashfa/article/download/10666/4688>.
- Fitri Rafianti, Robi Krisna, Erwin Radityo. "Dinamika Pendampingan Manajemen Halal Bagi Usaha mikro dan kecil Melalui Program Self Declare." *Jurnal Sains Sosio Humaniora* 6, no. 1 (2022). <https://doi.org/https://doi.org/10.22437/jssh.v6i1.19732>.
- Gultom, Ari Mariyani Angriyani dan Elisatris. "Peran Negara Dalam Memberikan Perlindungan Pada Konsumen Atas Penggunaan Produk Pangan Tidak Belabel Halal Berdasarkan Undang-Undang Nomor 33 Tahun 2014 Tentang Jaminan Produk Halal." *Jurnal*

- Hukum* 2, no. 1 (2021): 17.
<http://ejournalmalahayati.ac.id/index.php/hukumalahayati/article/download/4112/pdf>.
- Hasan Ikhwan, Setiyo Gunawan, Nur Aini Rakhmawati, Shade Rahmawati. "Sosialisasi Dan Pendampingan Sertifikasi Halal Untuk Usaha Mikro Pemotongan Ayam Di Desa Jetak, Kelurahan Rembun, Kecamatan Nogosari, Kabupaten Boyolali, Jawa Tengah." *Jurnal Segawati* 6, no. 4 (2022).
<https://doi.org/https://doi.org/10.12962/j26139960.v6i4.109>.
- Istianah Istianah, Gemala Dewi. "Analisis Maslahah Pada Konsep Halal Self-Declare Sebelum Dan Pascaenachment Undang-Undang Cipta Kerja." *Jurnal Al-Adl* 14, no. 1 (2022).
<https://doi.org/http://dx.doi.org/10.31602/al-adl.v14i1.5870>.
- Jayusman, Iim Fahimah, dan Rahmat Hidayat. "Kewarisan Anak Yang Beda Agama Dalam Perspektif Maqasid Syari'ah." *Ijtimaiyya: Jurnal Pengembangan Masyarakat Islam* 13, no. 2 (2020): 162.
<http://ejournal.radenintan.ac.id/index.php/ijtimaiyya/article/view/6581>.
- Jayusman, Shafra, Rahmat Hidayat, Efrinaldi, Badarudin. "Maslahah Perspective on Husband Nusyuz in Islamic Law and Positive Law In Indonesia." *Jurnal Muqaranah* 6, no. 1 (2022): 69-84. h. 72.
<http://jurnal.radenfatah.ac.id/index.php/muqaranah/article/view/11164/4845>, accessed on Nov 15, 2021.
- Khallaf, Abdul Wahab. *Masdar Al-Tasyri' Al-Islami Fi Ma La Nassa Fih*. Kuwait: Dar al-Qalam, 1972.
- Khallaf, Abdullah Wahab. *Ilmu Usul Al-Fiqh, Terj. Noer Iskandar Al-Bansani, Kaidah-Kaidah Hukum Islam*,. Cet-8. 123: PT. Raja Grafindo Persada, 2002.
- Khoeron, Moh. "'Catat Ini Tarif Layanan Permohonan Sertifikasi Halal,' Kementerian Agama Republik Indonesia, 2022," 2022.
<https://www.kemenag.go.id/read/catat-ini-tarif-layanan-permohonan-sertifikasi-halal-wkgxe>.
- Maidah, Hammam Al. "Tinjauan Maqasidus Syariah Tentang Sertifikasi Halal Dengan Skema Self Declare (Studi Di Pelaku Usaha Kerupuk Udang Aconk, Dsn. Junganyar Pesisir, Kec. Socah, Kab. Bangkalan)." In *Jurnal Prosiding Seminar Nasional Pengabdian Kepada Masyarakat : Berkarya Dan Mengabdikan Untuk Meningkatkan Kemandirian Masyarakat Pasca Pandemi* Vol. 2 NO. 1, 2022.
<https://doi.org/https://doi.org/10.33086/snpm.v2i1.1014>.
- Mashudi, Hendri Hermawan Adinugraha dan. "Al-Mashlahah Al-Mursalah Dalam Penentuan Hukum Islam," *Jurnal Ilmiah Ekonomi Islam* 4, no. 1 (2018): 65-66. <https://jurnal.stie-aas.ac.id/index.php/jei/article/view/140>.
- Moleong, Lexy J. *Metode Penelitian Kualitatif*. Bandung: PT. Remaja

- Rosydakarya, 2000.
- Nandini, Lise. "Penerapan Peraturan Pemerintah Nomor 39 Tahun 2021 Tentang Penyelenggaraan Bidang Jaminan Produk Halal Di Wilayah Nusa Tenggara Timur." Universitas Islam Negeri Syarif Hidayatullah Jakarta, 2021.
- Nazir, Moh. *Metode Penelitian*. Jakarta: Ghalia Indonesia, 1998.
- Ningrum, Ririn Tri Puspita. "Problematika Kewajiban Sertifikasi Halal Bagi Pelaku Usaha mikro dan kecil(UMK) Di Kabupaten Madiun." *Jurnal Istithmar: Jurnal Studi Ekonomi Syariah* 6, no. 1 (2022). <https://doi.org/https://doi.org/10.30762/istithmar.v6i1.30>.
- Nora Maulana, Zulfahmi. "Potensi Pengembangan Industri Halal Indonesia Di Tengah Persaingan Halal Global." *Jurnal Iqtisaduna* 8, no. 2 (2022). <https://doi.org/https://doi.org/10.24252/iqtisaduna.v8i2.32465>.
- Nur Kasanah, Muhammad Husain As Sajjad. "Potensi, Regulasi, Dan Problematika Sertifikasi Halal Gratis." *Jurnal ECONOMICS, LAW, AND HUMANITIES* 1, no. 2 (2022). <https://doi.org/https://doi.org/10.21154/jelhum.v1i2.1196>.
- Nurfaika, Sitti. "Kewajiban Pendaftaran Sertifikasi Halal Pada Badan Penyelenggara Jaminan Produk Halal (Prespektif Maqasid Al-Syariah)." Universitas Islam Negeri Alauddin Makassar, 2021.
- Nurul Huda, Jayusman. "Perspektif Maslahah Terhadap Pertimbangan Hakim Pada Putusan Perkara Nomor: 376/Pdt.G/2019/PA.Tnk Tentang Penetapan Hak Hadanah Kepada Ibu Kandung." *Ijtimaiyya: Jurnal Pengembangan Masyarakat Islam* 14, no. 2 (2021). <http://ejournal.radenintan.ac.id/index.php/ijtimaiyya/article/view/10119/5037>.
- Nuryati, Sri. *Halalkah Makanan Anda*. Solo: Aqwa Medika, 2008.
- Peraturan Pemerintah Nomor 39 Tahun 2021 Tentang Penyelenggaraan Bidang Jaminan Produk Halal (n.d.).
- "Pemberdayaan Usaha mikro dan kecil(UMMK) Melalui Program Pendampingan Proses Produk Halal (PPH) Di Desa Sedau Kecamatan Narmada Kabupaten Lombok Barat." *Jurnal Participative Journal* 2, no. 1 (2022). <https://doi.org/https://doi.org/10.55099/participative.v2i1.45>.
- Rusfi, Mohammad. "Validitas Maslahah Al-Mursalah Sebagai Sumber Hukum." *Al-'Adalah* XII, no. 1 (n.d.): 64. <http://ejournal.radenintan.ac.id/index.php/adalah/article/view/175>.
- Rusfi, Muhammad. *Ushul Al-Fiqih-1*. Bandar Lampung: Seksi Penerbitan Fakultas Syari'ah IAIN Raden Intan, 2017.
- Syarifuddin, Amir. *Ushul Al-Fiqh*. Jakarta: Kencana, 2009.
- Taufani, Suketi dan Galang. *Metedologi Penelitian Hukum (Filsafat, Teori Dan Praktik)*. Depok: PT.Rajagrafindo Persada, 2018.

Umam, Chaerul. *Ushul Al-Fiqih I*. Bandung: Pustaka Setia, 2000.

Undang-Undang Nomor 33 Tahun 2014 tentang Jaminan Produk Halal (n.d.).

Undang-Undang Republik Indonesia Nomor 20 Tahun 2008 Tentang Usaha Mikro Kecil dan Menengah (n.d.).

Zaki, Khairuddin dan Muhammad. "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: Jurnal Hukum Ekonomi Syari'ah* 13, no. 1 (2021): 10. <http://ejournal.radenintan.ac.id/index.php/asas/article/view/9352>.

"Farid (Pelaku Usaha Kecil), Implementasi Pasal 79 Peraturan Pemerintah Nomor 39 Tahun 2021, Wawancara Dengan Penulis, 29 November 2022," n.d.

Halal), Muliawati (Sekretaris Satgas. "'Pelaksanaan Sertifikasi Halal Berdasarkan Pernyataan Pelaku Usaha (Self Declare),' Wawancara Dengan Penulis." n.d.

"Liga Jefriyansyah (Anggota Satgas Halal), 'Pelaksanaan Sertifikasi Halal Berdasarkan Pernyataan Pelaku Usaha (Self Declare),' Wawancara Dengan Penulis , 13 Desember 2022.," n.d.

"Nita (Pelaku Usaha Kecil), Implementasi Pasal 79 Peraturan Pemerintah Nomor 39 Tahun 2021, Wawancara Dengan Penulis, 25 Oktober 2022," n.d.

"Rosdiana (Pelaku Usaha Kecil), Implementasi Pasal 79 Peraturan Pemerintah Nomor 39 Tahun 2021, Wawancara Dengan Penulis, 25 Oktober 2022," n.d.

"Royeh (Pelaku Usaha Mikro) Implementasi Pasal 79 Peraturan Pemerintah Nomor 39 Tahun 2021, Wawancara Dengan Penulis, 24 Oktober 2022," n.d.

"Sri Suparmi (Pelaku Usaha Mikro), Implementasi Pasal 79 Peraturan Pemerintah Nomor 39 Tahun 2021, Wawancara Dengan Penulis, 24 Oktober 2022," n.d.

"Sudarno (Anggota Satgas Halal), 'Pelaksanaan Sertifikasi Halal Berdasarkan Pernyataan Pelaku Usaha (Self Declare),' Wawancara Dengan Penulis , 13 Desember 2022.," n.d.

Usaha), Sri Suparmi (Pelaku. "Implementasi Pasal 79 Peraturan Pemerintah Nomor 39 Tahun 2021, Wawancara Dengan Penulis.," n.d.