

Changes in Halal Product Guarantee Regulations Perspective of Legal Politics and Consumer Rights Protection

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ABSTRACT

A halal product guarantee is a legal certainty regarding the halal status of a product produced by a business entity, which is evidenced by the issuance of a halal certificate by the government. The focus of the research examines the changes in halal product guarantee regulations within the Omnibus Law using a legal politics and consumer legal protection approach. This research is normative legal research whose object of study is the history of changes to halal product guarantee regulations in the Job Creation Act and its implications for consumer legal protection. Legal and non-legal materials were obtained from document studies and literature studies in the form of academic texts, draft laws, problem inventory lists, laws and regulations related to halal product guarantees and consumer protection, journals, and other documents relevant to the research issue. Changes in halal product guarantee regulations are a strategic step to strengthen the national halal industry and increase the competitiveness of Indonesian halal products in the global market. Changes in regulations prioritizing business actors' statements as the basis for halal certification can overcome the low awareness of business actors regarding halal certification obligations. In addition, changes to halal product guarantee regulations provide legal protection for consumers through guarantees of legal certainty, both preventively and repressively through self-declaration policies by implementing special limitations, conditions, and criteria for halal certification obligations for micro and small businesses, as well as administrative sanctions and criminal penalties for business actors who commit acts or violations that can harm consumers.

Keywords: Consumer Rights Protection, Halal Certification, Legal Politics, Self Declare

ABSTRAK

Jaminan Produk Halal (JPH) adalah kepastian hukum tentang kehalalan suatu produk yang dihasilkan oleh pelaku usaha, yang dibuktikan melalui sertifikat halal yang dikeluarkan oleh pemerintah. Penelitian ini berfokus pada perubahan peraturan JPH dalam Undang-Undang Cipta Kerja dengan pendekatan politik hukum dan perlindungan hukum konsumen. Penelitian ini merupakan penelitian hukum normatif yang meneliti sejarah perubahan regulasi JPH dalam Undang-Undang Cipta Kerja serta dampaknya terhadap perlindungan hukum bagi konsumen. Bahan hukum dan non-hukum yang digunakan diperoleh dari studi dokumen dan studi pustaka seperti naskah akademis, rancangan undang-undang, daftar inventarisasi masalah, peraturan terkait jaminan produk halal dan perlindungan konsumen, artikel ilmiah, dan dokumen relevan lainnya yang terkait dengan isu penelitian. Perubahan regulasi jaminan produk halal merupakan langkah strategis dalam upaya memperkuat industri halal nasional dalam meningkatkan daya saing produk halal di pasar global. Perubahan regulasi yang mengedepankan pernyataan pelaku usaha sebagai dasar sertifikasi halal dapat mengatasi rendahnya kesadaran pelaku usaha terhadap kewajiban sertifikasi halal. Selain itu, perubahan regulasi tentang jaminan produk halal memberikan perlindungan hukum bagi konsumen dengan memastikan kepastian hukum, baik secara preventif maupun represif. Kebijakan *self declare* diterapkan dengan batasan, syarat, dan kriteria khusus terkait sertifikasi halal bagi usaha mikro dan kecil merupakan bentuk perlindungan hukum secara preventif. Sedangkan sanksi administratif dan pidana bagi pelaku usaha yang melakukan pelanggaran yang dapat merugikan konsumen merupakan bentuk perlindungan hukum secara represif.

Kata Kunci: Perlindungan Hak Konsumen, Politik Hukum, *Self Declare*, Sertifikasi Halal.

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INTRODUCTION

Indonesia, the country with the largest Muslim population in the world, has a big responsibility to ensure that products circulating in the market can meet globally recognized halal standards (Susilawati et al., 2023). This is significant not only from a religious standpoint but also ensures safety and comfort for consumers when using products that comply with Islamic law. Since the enactment of Act Number 33 of 2014 regarding Halal Product Assurance, the government has endeavored to enhance legal certainty and the quality of halal products available to the public (Effendi et al., 2021).

Despite the existence of regulations governing halal product guarantees, their implementation still faces numerous challenges. One major issue is the ineffectiveness of law enforcement related to halal certification requirements. According to data from the Ministry of Cooperatives and Small and Medium Enterprises, there were 64.2 million MSME actors in 2018, consisting of 63,350,222 micro businesses, 783,132 small businesses, 60,702 medium businesses, and 5,500 large businesses. Out of these MSME actors, only 668,615 products were halal-certified between 2012-2018 (BPJPH, 2022). This is attributed to several factors, including the high cost of certification and the limited awareness and capability of business operators to obtain halal certification (Sukoso et al., 2020).

To overcome the above problems, the government is proposing changes to regulations related to halal product guarantees through the Law on Job Creation. The Law on Job Creation was finally passed and signed by President Jokowi on November 2, 2020, and officially became Act Number 11 of 2020. Subsequently, the law was amended to become Act Number 6 of 2023 concerning Job Creation. The formation of the Job Creation Act was the result of a negotiation process between the Government and various factions in the DPR. Debates related to the Job Creation Bill emerged. This was triggered by various political interests from various political party factions in the DPR (Arifin et al., 2022). This shows that legal products or statutory regulations cannot be separated from various political dynamics and configurations that influence legal changes in each period (Jahar & Thalhah, 2018; Suhendar et al., 2023).

One of the significant changes in the Job Creation Act is Article 4A, so these changes received various responses from various political party factions. For example, the PDI-P faction asked for further explanation regarding the meaning of this norm. Meanwhile, the Gerindra faction proposed three responses regarding this norm, including that every product produced by business actors must pass a halal test, convenience in halal testing must be provided to micro and small business actors, and halal testing and certification costs for micro and small business actors must be borne by the government. The PAN faction, on the other hand, proposed that the government provide subsidies for micro and small businesses to fulfill halal certification to avoid unilateral statements regarding the halalness of the product (Daftar Inventarisasi Masalah UU Cipta Kerja, 2020).

The addition of new norms in Article 4A also sparked criticism from the Daily Chair of the Indonesian Consumers Foundation (YLKI), Tulus Abadi (Heriani, 2021). According to him, self-declaration for halal products produced by micro and small businesses is at risk of violating consumer rights, such as security, comfort, and safety in consuming products, as regulated in the Consumer Protection Act. Prior to the enactment of the Job Creation Act, the procedures and terms for halal certification were uniformly applied to all business actors, regardless of the micro, small, or medium. However, following the enactment of the Job Creation Act, special provisions were introduced for micro and small business actors, who are now only required to submit a halal declaration based on standards established by the Halal Product Assurance Organizing Body. (*Badan Penyelenggara Jaminan Produk Halal*).

On the one hand, including norms in Article 4A simplifies the process for micro and small businesses to fulfill their halal certification requirements through self-declaration. (Istianah & Dewi, 2022; Khalimy et al., 2023). However, this self-declaration can undermine the goal of ensuring halal product guarantees, leading to legal uncertainty in protecting Muslim consumers'

access to halal products, which is their spiritual right (Musataklima, 2021). In reality, the requirement to obtain halal certification through self-declaration appears to prioritize quantity over the actual halal quality of the product (Hasan & Abd Latif, 2024).

Based on the explanation above, the focus of this research is examining changes to halal product guarantee regulations in the Job Creation Act by using a legal politics approach as a scientific discipline and legal politics as a fact or reality. This approach uses three criteria to determine the causes of changes to halal product guarantee regulations, including the background to the changes, change goals, and the implications of legal changes for enforcing halal product guarantee laws. Next, the researcher examines changes in halal product guarantee regulations from the perspective of consumer legal protection.

RESEARCH METHOD

This type of research is normative legal research, where the object of study is the history of changes in halal product guarantee regulations in the Job Creation Act and the implications for consumer legal protection (Amiruddin & Asikin, 2006; Dimiyati et al., 2021; Sugono, 2015). The research approaches used in the research are the historical approach, the statutory approach, and the conceptual approach (Kharisma, 2021; Marzuki, 2014). Legal materials were obtained from document studies in the form of written information such as academic texts on the Job Creation Act, Draft Job Creation Act, Inventory List of Problems with the Draft Job Creation Act, and Legislation related to halal product guarantees and consumer protection. Meanwhile, non-legal materials are obtained from library studies, such as books, journals, magazines, and newspapers/electronic news that are relevant to the research issue.

To ensure that there is a connection and relationship between legal materials or non-legal materials and research issues, selection or classification is carried out according to the needs to answer the problems being researched (Muhaimin, 2020). The processing and analysis technique for legal materials is carried out through several systematic steps, including: first, taking an inventory of legal and non-legal materials that are relevant to the research issue; two, classifying legal and non-legal materials; third, legal and non-legal materials that have been classified are then interpreted (Budianto, 2020; Fajar & Achmad, 2010; Opabola et al., 2022). Normative legal research analysis is prescriptive, the aim is to provide a prescription or assessment regarding right or wrong, as well as what should or should be according to law.

RESULTS AND DISCUSSION

Legal Policy of The Changes in Halal Product Guarantee Regulations

The study on the changes in halal product guarantee regulations for Micro and Small Business actors in Act Number 11 Year 2020 on Job Creation used two approaches: first is the legal policy approach as a scientific discipline, and second is the national legal policy approach as a fact or reality. Both of these disciplines are categorized as auxiliary sciences to study or analyze each criterion from the legal policy theory stated by Mahfud MD (Nugroho & Syahrudin, 2021). It is a legal policy or legal line of policy concerning laws that are going to be implemented both with the Creation of a new law or by changing the old law, to fulfill the country's goal (Konradus, 2016). Moreover, Moh. Mahfud MD explains three criteria to find out and analyze legal policy from every policy issued or appointed by the county, which are: 1) the background (political, economic, and socio-cultural) from which the laws are issued; 2) the enforcement of the law to actualize the country's goals; and 3) The law enforcement in reality (MD, 2017).

First, the government's political policy to actualize Indonesia as the center of halal produced in the world is supported by the nation's position as the fourth most populated county with the majority of Muslim citizens with 87% of the total 267 million of the population, makes Indonesia a very promising market for the world's halal product trading (KNEKS, 2020). To implement this

political policy, the Indonesian government established the National Sharia Finance Committee (Indonesian: Komite Nasional Ekonomi dan Keuangan Syariah - KNEKS) through Presidential Regulation Number 28 of 2020. KNEKS is an independent, non-structural agency directly led by the president as the head of the committee and the vice president as the vice head of the committee. Article 2 of Presidential Regulation Number 28 of 2020 specifies that the focus of Sharia economic and financial development includes the development of the halal product industry.

To advance the halal industry in Indonesia, the following strategic measures are proposed: 1) strengthening the halal product sector by establishing dedicated halal industry zones; 2) developing integrated data of halal product industry trading; 3) implementing an export halal product certification program, thus gives additional value towards the product, expand market share and competitiveness that will give impact on the raising export value for Indonesian halal product; 4) strengthening halal traceability system through the availability of halal product guarantee system; and 5) implementing an import substitution program and push the industrial growth of substantive material (non-halal material substitutions) which aims to reduce the import value of a halal product from other countries.

Indonesia's standing in the global Sharia Economic landscape is illustrated by the Global Islamic Economy Indicator (GIEI) Score, which offers a detailed analysis of countries capable of leveraging opportunities within the global Islamic economy. The GIEI assesses various sectors, including Halal Food, Media & Recreation, Islamic Finance, Travel, Fashion, and Pharmaceuticals & Cosmetics. From 2014 to 2018, Indonesia consistently ranked around 10th place in the GIEI rankings, dropping to 11th place in 2017. This stagnation is due to performance in the six halal industry sectors contributing to the composite score: Modest Fashion, Halal Media & Recreation, Halal Food, Islamic Finance, Halal Pharmaceuticals & Cosmetics, and Halal Travel (KNKS, 2018). The halal food sector, along with the Muslim-friendly media and recreation sectors in Indonesia, has consistently failed to rank in the top 10 of the Global Islamic Economy Indicator (GIEI) since the report's inception from 2014 to 2018. Meanwhile, the Islamic finance sector has managed to remain in the top 10 during this period, but its progress over the last five years has been relatively stagnant, hovering around the 9th and 10th positions (KNKS, 2018).

The rise in ranking is particularly noticeable in the halal recreation sector, which achieved 4th place in both 2017 and 2018. This is a significant improvement compared to three years earlier when Indonesia had not yet entered the top 10. Similarly, the fashion sector made a remarkable leap to 2nd place in 2018, contrasting with its absence from the top 10 in 2014. However, this positive trend is not seen in the halal pharmaceuticals and cosmetics sector, which dropped out of the top 10 in 2018 after consistently holding the 7th and 8th positions over the previous four years (KNKS, 2018).

In the 2019 GIEI, Indonesia was positioned at 5th, rising from the 10th rank. Indonesian development in the Islamic Finance category lands at the 5th, Modest Fashion at 3rd, and Muslim Friendly Travel at the 4th, which are the pushing factors for the rise of Indonesia's global ranking (OJK, 2020). In the 2020 GIEI, Indonesia lands in the 4th position which rises from its prior position at the 5th. Indonesia, during this period, has ranked within the top ten in all categories, with a rise in the ranking of Halal Food, Pharmaceuticals & Cosmetics, and Media & Recreation (OJK, 2020). Indonesia climbed 47 positions and ranks in the 5th for Media & Recreation and also climbed 19 positions and ranks in the 6th for Pharma & Cosmetics, which is caused by the rising in awareness of the public towards those two sectors. Meanwhile, the Halal Food category climbed 8 positions into the 4th rank, which is caused by the increase in exports to the Organization of Islamic Cooperation countries (OJK, 2020). The development of the Islamic economy landed in the 4th position in 2020 as a positive impact after the legalization of Act Number 33 the Year 2014 on Halal Product Guarantee in October 2019, which requires all halal products to obtain halal certification.

In the 2021 Global Islamic Economy Indicator (GIEI), Indonesia ranks 4th, maintaining the same position as the previous year. Indonesia is among the top 10 in the categories of Halal Food, Modest Fashion, Islamic Finance, and Pharma & Cosmetics. However, it has dropped out of the top

10 in the Halal Travel and Media & Recreation categories. Specifically, Indonesia ranks 2nd in Halal Food, 3rd in Modest Fashion, 6th in Islamic Finance, and 9th in Pharma & Cosmetics on the global Islamic Economy scale. Indonesia's rise to 2nd place in Halal Food is attributed to increased halal food exports to Organization of Islamic Cooperation (OIC) countries (OJK, 2021).

Aside from the political and Islamic economy aspects mentioned above, there is also a social condition that drives the changes in halal product guarantee regulations. Starting from 2010 until 2035, Indonesia is coming into a period where the number of productive citizens (15-64 years old) is bigger than the non-productive age citizens (0-14 years old and above 65 years old) (Kurniawati & Sugiyanto, 2021). In 2030, the number of productive citizens between the ages of 15 and 64 is estimated to reach 200 million. This amount represents 68% of the total population in Indonesia, whereas non-productive citizens aged 65 and older make up only around 9% of the population (RI, 2020). The release of the Job Creation Act is seen as an attempt by the government to balance the number of productive-age citizens with the availability of job opportunities in the future. Moreover, it is also an attempt to increase investment and facility and protect the micro and small business actors.

Based on data from the Ministry of Cooperative and Small and Medium Enterprises, MSMEs experienced a growth rate of 13.98% between 2012 and 2017. By 2017, there were 62,922,617 MSME units, far exceeding the 5,460 large enterprises. Micro businesses comprised the majority with 62 million units (98.7%), while small and medium businesses made up 815 thousand units (1.3%). The contribution of MSMEs to the Gross Domestic Product (GDP) at current prices has shown a steady increase annually. In 2017, MSMEs contributed Rp. 7,704,635.9 billion to the GDP, representing 60% of the total business contribution. Microbusinesses were the largest contributors at 36.82%, followed by medium businesses at 13.57% and small businesses at 9.61% (KNKS, 2018). In 2018, Indonesia had 64.2 million MSMEs, making up 99.99% of all businesses in the country. These MSMEs employed 117 million workers, representing 97% of the total business sector workforce. MSMEs contributed 61.1% to the nation's GDP, while the 5,550 large businesses, comprising just 0.01% of all business entities, accounted for the remaining 38.9%. The majority of MSMEs are micro-enterprises, which make up 98.68% of all MSMEs, employ 98% of the workforce, yet only contribute 37.8% to the GDP (Herdiyanto & Ardiyanto, 2015).

Second, the amendments to the halal product guarantee regulations for Micro and Small Business actors in the Job Creation Act are an effort to achieve the nation's goals. These objectives are specified in the preamble of Indonesia's 1945 Constitution, particularly in paragraph 4, with the intention of advancing overall prosperity. The prosperity of Indonesian citizens can be assessed by three main criteria: the fulfillment of their needs for clothing, food, and shelter, collectively referred to as material well-being. This is articulated in Article 28H, paragraph (1) of the 1945 Constitution: "Every individual is entitled to live in both physical and spiritual well-being."

In addition to material prosperity, fulfilling non-material prosperity, such as a sense of security, comfort, safety, and the availability of halal products for the public, is equally important. This is enshrined in Article 28E, paragraph (1) of the 1945 Constitution of Indonesia, which states: "Everyone has the right to freely choose and practice their preferred religion." Furthermore, Article 29 of the 1945 Constitution of Indonesia also states: (1) the State is founded on the belief in the One Supreme God; (2) the State ensures that all individuals have the freedom to practice their religion or belief according to their own faith.

Article 22 of Act Number 39 of 1999 on Human Rights guarantees the rights to religious freedom and worship, specifying: (1) Every person has the right to choose their religion and worship according to their religious teachings and beliefs; (2) The state guarantees the freedom for every individual to choose and practice their religion and worship in line with their beliefs. Furthermore, the protection of religious freedom and worship is reinforced by the International Covenant on Civil and Political Rights (ICCPR), ratified by Act Number 12 of 2005 concerning the

Legalization of the International Covenant on Civil and Political Rights. Article 18 of the ICCPR states that:

“The ratification of the International Covenant on Civil and Political Rights is highly significant. According to Article 18 of the Covenant: (1) Every person has the right to freedom of thought, conscience, and religion. This includes the freedom to choose or change their religion or belief, as well as the freedom to manifest their religion or belief, either individually or collectively, publicly or privately, through worship, observance, practice, and teaching. (2) No one shall be subjected to any form of coercion that would impair their freedom to choose or adopt a religion or belief. This highlights the critical role of the state in protecting human rights and ensuring that everyone has the right to freely choose and practice their religion or beliefs.”

The nation's protection of its citizens' human rights and fulfillment of their rights include ensuring that the products consumed and used by the public are halal. This requirement is outlined in Act Number 33 of 2014 on Halal Product Guarantee and Act Number 11 of 2020 on Job Creation. According to Article 4 of Act Number 33 of 2014, all products entering, distributed, and traded in Indonesia must be certified as halal. Additionally, the obligation for Micro and Small Business actors to obtain halal certification is based on the halal standards established by BPJPH, as stated in Article 4A of Act Number 11 of 2020.

Third, the implementation of the law on halal product guarantees, as stipulated in Article 4 of Act Number 33 of 2014, has not been effectively enforced. Data from the Ministry of Cooperative and Small and Medium Enterprises in 2018 shows there were 64.2 million SMEs, which included 63,350,222 micro-businesses, 783,132 small businesses, 60,702 medium businesses, and 5,500 large businesses. Among these, only 668,615 products were halal-certified between 2012 and 2018 (BPJPH, 2022). This indicates that only 1.6% of SME products have received halal certification, while the remaining 98.4% of SME products have not yet obtained this certification.

The ineffectiveness of law enforcement concerning the obligation of halal certification, as outlined in Article 4 of Act Number 33 of 2014, can be attributed to several factors. These factors include the high cost of certification, the lack of awareness among business operators about the significance of obtaining halal certification, the reluctance of business operators to pursue halal certification due to the complexities involved in halal tracing, and the limited capabilities of human resources within the business sector (Sukoso et al., 2020). The government proposed regulatory changes to the legislature regarding halal product guarantees, specifically aimed at facilitating the process for SMEs to obtain halal certification. Consequently, Act Number 11 of 2020 introduced a new norm addressing the obligation of halal certification, as stipulated in Article 4 of Act Number 33 of 2014, based on the declaration by Micro and Small Business actors. The government has suggested regulatory amendments to the legislature concerning halal product guarantees, particularly to simplify the process for SMEs to acquire halal certification. As a result, Act Number 11 of 2020 introduced a new regulation addressing the requirement for halal certification, as stated in Article 4 of Act Number 33 of 2014, based on the declarations by Micro and Small Business actors.

Consumer Legal Protection Towards the Product of Micro and Small Business Actors

Consumer legal protection ensures legal certainty to safeguard consumer rights. According to Satjipto Rahardjo, the law aims to integrate and coordinate the various interests that emerge, exist, and evolve within society (Rahardjo, 2012). Furthermore, the law must ensure the security and protection of Human Rights that may be threatened by others. This protection aims to provide individuals with a sense of comfort in exercising all the rights granted by the law (Mjöll Arnardóttir, 2017). Legal protection illustrates the intended aim and function of a law, which should provide justice, certainty, and benefit to the citizens (Rahardjo, 2012).

Legal protection for consumers refers to the legal measures put in place to safeguard consumers and ensure their needs are met while protecting them from potential harm (Pitofsky,

1976). According to the principle of "lex specialis," consumer protection is regulated by Act Number 8 of 1999. This law encompasses protections related to goods and services provided by business actors, as well as the rights of consumers as specified in Article 4 of Act Number 8 of 1999.

The consumer rights stated in Article 4 originate from universally recognized general rights. These general rights were first introduced by John F. Kennedy, the former President of the United States, on March 15, 1962, in "A Special Message for the Protection of Consumer Interest," commonly referred to as the "Consumer Rights Declaration" (Pitofsky, 1976). This declaration established four fundamental consumer rights (Susanto, 2008): 1) the right to be informed; 2) the right to be heard; 3) the right to be secured; and 4) the right to choose.

The law explicitly provides legal protection for consumer rights concerning the halal status of products produced by micro and small businesses, covering both preventive and repressive measures. Preventive legal protection is aimed at ensuring consumer rights regarding the halal nature of products, as stipulated in Article 4 of Act Number 33 of 2014. This article requires that all products entering, distributed, and sold in Indonesia must be halal certified. Additionally, the halal certification requirement for micro and small business actors, based on halal standards, is regulated by the BPJPH, as detailed in Article 4A of Act Number 11 of 2020 and Article 79 of Government Regulation Number 39 of 2021. These legal provisions offer preventive protection for consumer rights related to the halal status of products.

The exemption from the obligation for halal certification for micro and small business actors, based on self-declaration by the business actor, must adhere to the following requirements and criteria as outlined in Article 79 of Government Regulation Number 39 of 2021: Firstly, a micro business must have venture capital of up to one billion rupiah, excluding the land and buildings used for the business. Secondly, a small business must have venture capital exceeding one billion rupiah but not more than five billion rupiah, excluding the land and buildings used for the business. Thirdly, the product must be non-risky or consist solely of verified halal materials. Lastly, the halal integrity of the production process must be ensured and straightforward.

In addition to the previously mentioned criteria, there are particular requirements for acquiring halal certification through self-declaration to ensure the product's halal status. This approach seeks to prevent any infringement of consumer rights as specified in Article 4 of Act Number 8 of 1999. These special requirements, detailed in the Decree of the Head of Halal Product Guarantee Organizer Number 33 of 2022, include:

1. Possession of a Business Identification Number (Indonesian: NIB).
2. Annual revenue not exceeding five hundred million rupiah must be verified by a statement from the business owner.
3. There are separate locations, facilities, and tools for the Halal Product Process from those used for non-halal product processes.
4. Possession or non-possession of a distribution permit, a Sanitary Hygiene Eligibility Certificate for food or beverage products with a shelf life of less than seven days.
5. Ownership of an outlet and/or production facility at no more than one location and/or active production for at least one year prior to applying for halal certification.
6. Production of goods, use of materials that are confirmed to be halal, and prohibition of the use of hazardous materials.
7. Verification of halal status is done with the assistance of the halal product process.
8. Certification that the product type/group does not contain any element of slaughtered animals, except when sourced from producers or slaughterhouses/poultry with halal certification.
9. Use of production tools that employ simple technology.
10. Product preservation must exclude techniques involving radiation, genetic engineering, the use of ozone, or a combination of multiple preservation methods, also known as hurdle technology.
11. Completion of the online application for halal certification through self-declaration via SIHALAL (<https://ptsp.halal.go.id>), which includes: a) application for halal certification registration; b) a contract/pledge affirming the product's halal status and the materials used in the halal product

process; c) documentation of product processing, including purchasing records, receipt and storage of materials, production process flow, packaging, storage of finished products, and distribution; d) willingness to be assisted by Halal Product Process Assistance (PPH); e) documentation for the halal supervisor, including a copy of the ID card, biography, and appointment letter for the halal supervisor; f) a completed manual template of the Halal Product Guarantee System (SPJH); g) recent photos/videos of the production process.

The requirements, criteria, and limitations of halal certification for micro and small businesses through self-declaration, as stipulated in the aforementioned laws and regulations, act as a form of preventive legal protection. This aims to safeguard consumers' rights concerning the halal status of products from micro and small business operators. On the other hand, repressive legal protection against irregularities and violations committed by business operators is divided into two categories: 1) administrative penalties; and 2) imprisonment or fines.

Administrative penalties are imposed on business actors under specific conditions. First, if business actors fail to maintain hygiene and sanitation standards and do not separate the locations, places, and tools used for handling halal products from those used for non-halal materials, they face administrative penalties. These penalties can include a written warning or an administrative fine. Second, business actors who have obtained halal certification but fail to display the halal label, do not maintain the halal integrity of their products, do not separate the locations, tools, and processes for halal and non-halal products, neglect to renew their Halal Certificate upon expiration, or fail to report changes in ingredient compositions to the BPJPH, are subject to administrative penalties. These penalties may include a written warning, an administrative fine, or revocation of the Halal Certificate. Third, business actors who do not provide any notice indicating that a product is non-halal on its packaging are subject to administrative penalties such as a verbal reprimand, written warning, or administrative fine.

In addition to the administrative penalties outlined previously, business actors may also face imprisonment or fines if they fail to maintain the halal status of products that have been certified as halal, as stipulated in Article 56 of Act Number 33 of 2014. Specifically, business actors who do not uphold the halal integrity of such certified products are subject to criminal provisions that include a maximum imprisonment term of five years or a maximum fine of two billion rupiahs.

CONCLUSION

Changes to halal product guarantee regulations for Micro and Small Enterprises represent a strategic move to achieve the state's goal of enhancing general welfare. Through the legal and national political approaches examined in the research, it was found that the changes to these regulations were driven by the political, economic, social, and cultural context of Indonesia, which has the largest Muslim population in the world. The objective of these changes is to strengthen the national halal industry and boost the competitiveness of Indonesian halal products in the global market. Furthermore, previous enforcement of halal certification laws was ineffective due to high costs and low awareness among business operators. Therefore, the regulatory changes prioritizing business operators' declarations as the basis for halal certification are expected to address these challenges, thereby expanding the scope of certified halal products.

In addition, changes to halal product guarantee regulations in the Law on Job Creation provide legal protection for consumers through assurances of legal certainty, both preventively and repressively. Preventive legal protection is implemented through a self-declaration policy that includes specific limitations, conditions, and criteria for halal certification obligations for micro and small business actors. Repressive legal protection takes the form of administrative sanctions, imprisonment, or fines for business actors who commit acts or violations that could harm consumers regarding the halal status of their products. The changes in halal product guarantee regulations impact both consumers and business actors. For consumers, these regulatory changes

offer certainty and security in consuming halal products, ensuring that the products available meet halal standards. For business actors, especially micro and small enterprises, these regulatory changes facilitate the acquisition of halal certificates more effectively and efficiently, thereby enhancing product competitiveness, expanding market share, and fostering the growth of the national halal industry. Further research could focus on the enforcement or effectiveness of halal product guarantee laws following the enactment of the Job Creation Law.

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