

Implementation of Indonesian Law Policy No. 33/2014 on Halal Product Guarantee (JPH) in Makassar City

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Abstract. Development in Indonesia has had a significant impact on society. Additionally, changes in the community's welfare, increased and decreased, have also impacted lifestyle changes and how people view it, especially regarding food and beverage consumption. This research aims to review the implementation of the Law Policy, No. 33/2014, on Halal Product Guarantee. The research method combines a review literature and long observation on implementing the Law policy, No. 33/2014 on Halal Product Guarantee. With the enactment of the Act, it is expected that all products circulating in Indonesia can have a halal certificate. Makassar is a metropolitan city with more than 1.6 million people. They are the majority of Muslims. The city is multi-ethnic or multicultural, with various ethnic groups, including Bugis, Makassar, Toraja, Mandar, Buton, Java, and Chinese. The first evidence shows that halal awareness is still low; entrepreneurs do not care. Second, customers are not very concerned about the absence of halal certification in the culinary businesses they visit. Third, managing certificates issued by the Indonesian Ulama Council (MUI) is expensive. Fourth, the lack of socialization and information has led to a lack of knowledge and awareness of businesses. Data every year that shows halal certification still needs to be increased.

Keywords: *Policy; Implementation; Halal Product Guarantee*

1. Introduction

Food comes from biological sources and water, whether processed or unprocessed, which is intended as food or beverage for human consumption, including food add-ons, food raw materials, and other materials used to prepare, process, and manufacture food and beverages. Consumer protection is an integral part of healthy business activities. In healthy business activities, legal protection between consumers and manufacturers is balanced. The consumer protection issue will never be exhausted and will always be the subject of discussion in the community. As long as many consumers are harmed, the problem will never be resolved. Therefore, consumer protection issues need to be considered. Consumer rights that are ignored by businesses need to be carefully scrutinized.

In the era of globalization, economic development, especially in industry and national trade, has produced various forms of goods and services that can be consumed. This condition, on the one hand, benefits consumers because consumers' needs for the desired goods and services can be met, as well as the broader freedom of consumers to choose various types and quality of goods and services by the ability of consumers. On the other hand, the condition results in the position of consumers with businesses need to be balanced, and consumers are in a weak position. Consumers only become objects that do not have the power to weigh a product or service. When they encounter a problem, consumers are usually silent. Meanwhile, businesses know more about the exact circumstances, conditions, and quality of goods produced.

Makassar City is currently experiencing business development engaged in food; this business is up-and-coming with a significant turnover, so many businesses prefer to pursue this business. Halalness of a product becomes a mandatory necessity for Muslims, be it food, medicine, or other consumer goods. Halal products are in demand by the Muslim community and non-Muslims because halal food is healthy. The many products that have not been halal certified make it difficult for consumers, especially Muslims, to distinguish which products are completely halal and can be consumed.

2. Research Method

2.1. Policy implementation

Policy implementation contains several understandings, as formulated by Van Meter and Van Hom in Wahab (2004:65) stated the implementation of the policy as follows: Those actions by public or private individuals (or groups) that are directed at the achievement of objectives outlined in prior policy decisions [1]. The concept of policy implementation put forward by Meter and Hom is not viewed broadly but somewhat limits the implementation of policies as actions taken by the government and private individuals (groups) to achieve the goals set beforehand in policy decisions. Therefore, implementation occurs after laws, government regulations, government decisions, and so on are determined, and funds are prepared to finance the implementation of policies.

Then Peter Deleon and Linda Deleon stated that "approaches in the implementation of public policy can be grouped into three generations [2]. The First Generation, namely in the 1970s, understood policy implementation as the problems between the policy and its aeration. According to the Mazmanians and Sabatiers, the implementation limits are as follows: understanding what happens after a program is declared to be valid or formulated is the focus of policy implementation concerns, namely events, and activities that arise after the authorized guidelines of state policy, which include both efforts to administer it and to cause real consequences/impacts on society or events [3].

Furthermore, the Mazmanians and Sabatiers in Wahab (2004:68-69), suggesting more detail, state; that the process of implementing public policy is as follows: Implementation is the implementation of fundamental policy decisions, usually in the form of legislation, but can also take the form of critical executive orders or decisions or decisions of judicial bodies [1]. Usually, the decision identifies the problem to be overcome and expressly mentions the objectives/objectives to be achieved and various ways to structure/manage the implementation process. This process takes place after going through a certain number of stages, usually beginning with the stage of legal ratification, then output, policies in the form of implementation of decisions by agencies (agencies) and by target groups, real impacts - whether desired or not from the output, the impact of decisions as perceived by the agencies that make decisions, and ultimately essential improvements (or efforts to make improvements) to the legislation in question.

The above expert opinion can be concluded that the implementation of policies not only concerning the conduct or actions/administrative institutions responsible for the implementation of the program and resulting in adherence in the target group in addition to the implementation of policies related to political, economic, social and technological problems directly or indirectly, may affect the behavior of all parties involved. Therefore, implementing the policy is a further description of the objectives set by the officials or implementing institutions; the implementing institution is the government at all levels, from the top to the lowest level [3].

2.2. Law No. 33/2014 on Halal Product Guarantee (JPH)

The Constitution of the Republic of Indonesia year 1945 mandates the state to guarantee the independence of each population to embrace their religion and to worship according to their religion and beliefs. To ensure that every religious person worships and carries out their religious teachings, the state must provide protection and guarantees about the halalness of products consumed and used by the community. The principles of protection, fairness, legal certainty, accountability, transparency, effectiveness and efficiency, and professionalism should carry out guarantees regarding Halal Products. Therefore, 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 Businesses to produce and sell Halal Products.

This goal becomes important because the advancement of science and technology in food, medicine, and cosmetics is overgrowing. It has a noticeable effect on the shift of processing and utilization of raw materials for food, beverages, cosmetics, medicines, and other products from the initially simple and natural to the processing and utilization of raw materials resulting from

engineering science. Product processing by utilizing the advancement of science and technology allows a mixture of halal and unlawful, intentional and unintentional.

Meanwhile, various laws and regulations related to the regulation of Halal Products have not provided legal certainty and guarantees for the Muslim community. Therefore, the arrangements regarding halal product guarantee (JPH) need to be governed by a single law that comprehensively covers Products that include goods and services related to food, beverages, medicine, cosmetics, chemical products, biological products, and genetically engineered products, and used goods used, used, or utilized by the public.

Article 4 of Law No. 33 of 2014 also stated, “Products entered, circulated, and traded in Indonesian territory must be halal certified”[4]. The article explains that the legal certainty about halal products circulating in Indonesia will be more apparent. Halal Product Guarantee Law ideally intends to integrate the concepts of halal products to be consumed or used by Muslim consumers according to Islamic law, becoming material law and formal law in law as a sub-system of national law.

H.C Kelman argues that the issue of legal compliance, which is a qualitative degree, can be distinguished in three processes, as follows:

- a. Compliance, defined as compliance based on the expectation of a reward and efforts to avoid the punishment that may be imposed. This compliance is not based on a belief in the purpose of the rule of law in question and is based more on the control of the holder of power. As a result, compliance will exist if there is strict oversight of implementing the rules of law.
- b. Identification occurs in compliance with the law exists, not because of its intrinsic, but so that the membership of the group is maintained and there are good relations with those authorized to apply the rule of law. The attraction to obey is the advantage gained from those interaction relationships. Although one does not like law enforcement, the identification process against him continues, and one begins to develop positive feelings toward him. This is because the person in question tries to overcome his feelings of worry about inevitable disappointments by mastering the object of frustration by conducting identification.
- c. Internalization, a person complies with the rules of law because intrinsic compliance has a reward. These rules are based on his values since the original influence occurred or because he changed the values he initially embraced. The result of such a process is conformity based on intrinsic motivation. The power center of this process is the person's trust in the purpose of the rules concerned, regardless of feelings or values towards the group or the holder of power or its supervision [5].

This study used a qualitative research method with the type of case study; the research location was in the MUI office of Makassar City. The data sources of this study consisted of people, places, and papers—data collection procedures using the interview method (interview), observation, and documentation. Data analysis used qualitative data analysis through 1) Data reduction, 2) Displaying data 3) Drawing conclusions and verification while checking the validity of data using membership extension, triangulation, and peer inspection [6].

3. Results and Discussion

Law No. 33/2014 on Halal Product Guarantee is the ability to understand or understand the rules in the Law on Halal Product Guarantee to be known and remembered. Law No. 33 of 2014 on Halal Product Guarantee is present to ensure legal certainty of halal products, in which it is comprehensively regulated, covering products that include goods and services related to food, beverages, drugs, cosmetics, chemical products, biological products, and genetic engineering products as well as used, used, or utilized by the public. Regarding Law No. 33 of 2014 on Halal Product Guarantee, only some understand it in the city of Makassar [4].

Some people in Makassar City understand that a halal certificate marks Halal Product Guarantee is a written fatwa MUI that states the halalness of a product by Islam. This Halal certificate is a requirement to include halal labels on products that meet halal requirements by Islamic law,

namely: 1) does not contain pork and ingredients derived from pork; 2) does not contain prohibited substances such as materials derived from human organs, blood, feces and so on; 3) all materials derived from halal animals that are slaughtered according to Islamic ordinances; 4) all storage places, places of sale, processing, place of management and transportation should not be used for pigs. If used for pigs or other halal goods, must first be cleaned with ordinances regulated according to Islam; 5) All foods and beverages that do not contain alcohol. The presence of halal certification is received with open arms by the people of Makassar City, especially by people who realize that halal certification is important for the products marketed. In its development, halal certification in the form of a piece of paper containing recognition from MUI is continued by including a "halal label" in the packaging of its products [7].

In this case, the people of Makassar City often do not care and adhere to the rules in Law No. 33 of 2014 on Halal Product Guarantee because it does not know the social state of the community, which also does not know the rules. Because the people of Makassar City also play an essential role in the socialization and supervision of products; however, the community stated that it would comply with the Law if there is an order or socialization from the government related to the mandatory halal certification. Most of the public is less informed about the latest rules or information and is less actively seeking the latest information or not following existing sorority forums. Circulating for implementing the Halal Product Guarantee by Law No. 33 of 2014 on Halal Product Guarantee in Makassar [4].

The people of Makassar City are not too concerned about the lack of halal certification in the culinary businesses they visit; culinary businesses must take care and get the halal certification so that there is no doubt for people to come and eat there. One of the obstacles that Makassar City people complain about in managing certificates issued by the Indonesian Ulama Council (MUI) is the cost which is quite expensive because people who have culinary businesses no longer care about it. Lack of socialization and information has led to a lack of knowledge and awareness of the people of Makassar city about the importance of halal certification in the world of culinary business, therefore the Ministry of religious affairs, in this case, MUI, should be more active in providing socialization so that the public know and quickly to take care of the requirements in the manufacture of halal certification.

4. Conclusion

The people of Makassar City related to the implementation of law No. 33 of 2014 on Halal Product Guarantees vary. Some do not understand the Halal Product Guarantee Law, some know but do not understand thoroughly, and some understand both the old and new rules on halal certification. Many of them still understand that halal certification is a Mui-issued certificate. This is due to the need for more information, the inactivity of them collecting information, and the need to understand halal certification and the Halal Product Assurance Act. The observance of the people of Makassar City regarding Law No. 33 of 2014 on Halal Product Guarantee must be more thorough. Some have complied with the rules by registering their products for halal certification even though there is no obligation because they know the importance of it. Some must be made aware and want to register for halal certification despite their obligations. However, many have yet to register because there has been no order from the government.

5. References

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