

THE INTERNATIONAL JOURNAL OF HUMANITIES & SOCIAL STUDIES

Implementation of Legal Protection against Muslim Consumers on Halal Products in Jambi Province, Indonesia

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Abstract:

The purpose of this study is to determine the implementation of legal protection against Muslim consumers for halal products in Jambi province because there are still problems with legal effectiveness against Muslim consumers for halal products.

This research uses descriptive qualitative method with case study approach and data collection with observation, interview, and documentation techniques. The research site of BP POM Jambi Province and related institutions. The research subjects consisted of the head of BP POM, and the head of the section, as well as elements of the leadership of related institutions

The results of the study are the implementation of legal protection for Muslim consumers for halal products in Jambi Province by socializing Law Number 33 of 2014 concerning Halal Product Guarantee (JPH) to related institutions and consumers, supported by Law Number 8 of 1999 concerning consumer protection, Law Number 18 of 2012 concerning food, and Legislation Number 69 of 1999 concerning Food Labels and Advertisements. Although until now the legal protection of Muslim consumers has not been implemented properly. Entrepreneurs as providers of goods and services pay less attention to their obligations and the rights of consumers as well as people who do not really care about their rights as consumers. Whereas in Law Number 33 of 2014 concerning Halal Product Guarantee (JPH) it is stated in detail the rights of the community as consumers and what business actors or producers must obey.

Based on the research findings, it is concluded that the implementation of legal protection for Muslim consumers for halal products in Jambi Province has not been effective because entrepreneurs as providers of goods and services pay less attention to their obligations and the rights of consumers and the public do not really care about their rights as consumers.

Keywords: *Legal protection, consumers, halal products*

1. Introduction

The problem of consumer protection will never end to be discussed in the community, this condition shows that the problem of consumer protection needs to be considered because consumers are not only faced with a situation to choose what they want, but also in a situation when consumers cannot make their own choices because business actors monopolize all kinds of needs in running the business of business actors (Desy Nurkristia Tejawati, 2019), In principle, the legal relationship between the perpetrator and the consumer is a civil law relationship. This means that any disputes regarding violations committed by business actors on the implementation of the Law on Consumer Protection that cause harm to consumers must be settled in a civil manner. In addition to having civil sanctions, in the Consumer Protection Act there are criminal witnesses for business actors. This is emphasized in Article 45 paragraph (3) which states that the settlement of disputes is outside the applicable laws and regulations. The rules regarding sanctions that can be imposed by business actors who violate the provisions can be found in Chapter XIII of the Law on Consumer Protection, which starts from article 60 to article 63. The sanctions that can be imposed consist of administrative sanctions, basic criminal sanctions and additional criminal sanctions (Undang-Undang Perlindungan Konsumen). Guarantees regarding halal products are carried out in accordance with the principles of protection, justice, legal certainty, accountability and transparency, effectiveness and efficiency, and professionalism. The guarantee for 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 halal products, as well as increasing added value for business actors to produce and sell halal products.

Based on the laws and regulations relating to the halalness of food and beverage products, including Law Number 8 of 1999 concerning Consumer Protection, Law of the Republic of Indonesia Number 41 of 2014 concerning Animal Husbandry and Health, Law of the Republic of Indonesia Number 18 of 2012 concerning Food, Government Regulation of the Republic of Indonesia Number 95 of 2012 concerning Veterinary Public Health and Animal Welfare, and Decree of the

Minister of Agriculture No. 745/KPTS/TN.240/12/1992 concerning Requirements and Importation of meat from abroad and KEPMENAG No.518/2001 concerning Inspection and Determination of Food and permission from BPOM, Decree of the Minister of Religion No. 519/2001 and Law No. 33/2011 2014 concerning Halal Product Guarantee.

One of the aspects of people's lives regulated by the dogma of Islamic law is the enactment of Law Number 33 of 2014 concerning Guaranteed Halal Products (UU JPH). Law Number 33 of 2014 as a legal basis provides legal protection for Muslim consumers against the uncertainty of the use of various halal food and beverage products both in the form of goods and services in accordance with Islamic legal obligations.

Every Muslim is required to eat halal food. However, nowadays the food industry and culinary tourism are booming, where sometimes the raw materials, auxiliary materials, additives, and processing are not clear. Consuming haram products, both in the form of food (food and drink), medicine, and food, is something that every Muslim should avoid. This is because consuming illegitimate products will not only harm the person concerned physically, but will also bring ukhrawi consequences.

In fact, some restaurants and food products that only display a halal logo without being equipped with a halal certificate have also become places for Muslim communities to eat in various regions in Indonesia. Halal Watch research reports in modern markets and supermarkets in several big cities show the use of halal labels on packaged food products that are not actually certified. Products that have doubts about their halalness can be spread in many areas in Indonesia

2. Results and Discussions

2.1. Implementation of Legal Protection for Muslim Consumers for Halal Products in Jambi Province

Materials for making food can be obtained from various sources, both from natural animals and plants. This is done to improve the 'quality' of the food, both in terms of taste, texture, and color. In addition to the main ingredients, materials that are often used are additives. This material comes from chemical processes of natural materials and chemical processes of synthetic materials. However, some gelatin is a product derived from animals, including pork. Because in addition to having a distinctive elasticity, gelatin from pork is also considered cheaper than other ingredients. Lately, gelatin from anyone has started to be made a lot, but even though it comes from cows, its halalness still has to be monitored.

The interview with BPOM said that: 'The authority for halal certificates is under the ministry of religion, for BPOM it is for distribution permits for food, medicine, traditional medicine, supplements and food. All products that are circulated to the public must have a distribution permit, especially processed food, both simple and high risk. For MSME food, the distribution permit is at the district or city Health Office.

The Drug and Food control system implemented by BPOM is a comprehensive process, including pre-market and post-market supervision. The system consists of:

- Standardization which is the function of preparing standards, regulations, and policies related to Drug and Food supervision. Standardization is carried out centrally, intended to avoid differences in standards that may occur due to each province making its own standards.
- Pre-market evaluation, which is an evaluation of the product before obtaining a distribution license number and finally being able to produce and distribute it to consumers. The assessment is carried out centrally, so that products that have a distribution permit are valid nationally.
- Post-market control to see the consistency of product quality, safety and product information carried out by sampling the circulating Drug and Food products, as well as inspection of the means of production and distribution of Drugs and Foods, monitoring of pharmacovigilance and supervision of labels/marketing and advertisements. Post-market supervision is carried out nationally and is integrated, consistent, and standardized. Post-market supervision is carried out nationally and is integrated, consistent, and standardized. This supervision involves Balai Besar/ POM Centers in 33 provinces and areas that are difficult to reach/borders carried out by the Food and Drug Monitoring Post (Pos POM).
- Laboratory testing. Products that are sampled based on risk are then tested through a laboratory to determine whether the Drugs and Foods have met the requirements for safety, efficacy/benefit and quality. The results of this laboratory test are the scientific basis used to determine the product does not meet the requirements used to be withdrawn from circulation.
- Law enforcement in the field of Drug and Food control. Law enforcement is based on evidence from tests, examinations, and initial investigations. The law enforcement process up to projusticia can end with administrative sanctions such as being prohibited from being circulated, withdrawn from circulation, revoking distribution permits, confiscated for destruction. If the violation is in the criminal realm, then the violation of Drugs and Food can be processed by criminal law
- Drug and Food Control is a program related to many sectors, both government and non-government. For this reason, it is necessary to establish a good cooperation, communication, information and education. Supervision by business actors should be carried out from upstream to downstream, starting from inspection of raw materials, production processes, distribution until the product is consumed by the community. Business actors have a role in providing guarantees for Drug and Food products that meet the requirements (safe, efficacy/beneficial and quality) through a production process that is in accordance with the provisions.

Without leaving the main task of supervision, BPOM seeks to provide support to business actors to obtain convenience in their business, namely by providing incentives, clearing houses, and regulatory assistance. To encourage

more systematic partnerships and cooperation, this can be done through the stages of identifying the level of interest of each institution/institution, both government and private sector and community groups towards the main tasks and functions of BPOM, identifying the resources owned by each of these institutions in supporting the task. which is the mandate of BPOM, and determines joint indicators of the success of the cooperation program. Effective communication with partners in the regions is a must, both by the Center and BB/POM as a follow-up to the results of supervision. For this reason, for the next 5 (five) years, BB/POM needs to hold coordination meetings with related agencies, at least twice a year. This is prioritized for coordination meetings in drug control in JKN. BPOM Policy and Strategy Direction

2.2. Supporting and Inhibiting Factors in the Implementation of Legal Protection for Muslim Consumers for Halal Products in Jambi Province

Supporting factors. Supporting the implementation of legal protection for Muslim consumers for halal products in Jambi Province is the government's commitment to issuing regulations regarding halal guarantees. In the preamble to the JPH Law, this law was formed with the following considerations: 1. that the 1945 Constitution of the Republic of Indonesia mandates the state to guarantee the independence of every citizen to embrace their respective religion and to worship according to their religion and beliefs. that; 2. that in order to guarantee every adherent of religion to worship and carry out their religious teachings, the state is obliged to provide protection and guarantees regarding the halalness of products consumed and used by the community; 3. that the products circulating in the community are not all guaranteed to be halal; 4. that the current regulation regarding the halalness of a product does not guarantee legal certainty.

Philosophically, the formation of this law is a mandate of the 1945 Constitution. The provisions for consideration in points (1) and (2) are the provisions of Article 29 of the 1945 Constitution. Its formation as a form of worship guarantee for every Indonesian citizen, especially Muslims. 2. Any changes or establishment of implementing regulations of this JPH Law must not conflict with sharia principles. Sociologically, it is stated that the JPH Law was formed because the products circulating in the community are not all guaranteed to be halal

The meaning of 'not all' in the preamble can be interpreted that: 1. The issue of Halal Product Guarantee before the JPH Law has been running but has not been optimal because there are still products circulating that are not legally guaranteed to be halal 2. The JPH Law recognizes that there is a live JPH implementation, accepted and is still ongoing in society so that its existence must be legally strengthened. 3. The JPH Law recognizes that there are violations of norms committed by the community from the implementation of this JPH. 4. Weak public awareness of JPH so that massive and continuous socialization of the importance of the JPH Law is needed. 5. The JPH Law encourages business growth in the community in accordance with sharia principles.

These things are also stated in the Academic Manuscript of the JPH Bill which states that if the issue of the importance of consuming halal products in accordance with sharia is conveyed continuously to the public, there will be an increase in public awareness to choose halal products. Then there can be an increase in demand for halal products. This is where there will be encouragement for business actors to compete in a healthy manner in producing (supplying) halal goods and conducting halal certification and labeling, in order to reach the Muslim consumer market. This can also encourage the emergence of a domestic halal industry.⁶² It is also stated that the benefits of halal certification are not only for the protection of Muslim consumers but also for business competition and increasing market share. The law on Halal Product Assurance will encourage the competitiveness of national products considering that the largest market share for business actors is the Muslim community, even for exports to Muslim countries in the world. legal certainty

2.3. The Government's Strategy in Improving the Implementation of Legal Protection for Muslim Consumers for Halal Products in Jambi Province

The Indonesian state has an ideology, namely Pancasila, this was born out of a long struggle between the minds and hearts of the nation's founders in the past, therefore Pancasila is seen as two sides, namely as a philosophy and also as the basis of the Indonesian state. In this case it can be seen from the process of ratification of a Law - Invitation Number 8 of 1999 on Consumer Protection, where today consumers are in a position that is very - very underestimated by business actors, therefore consumers must be protected from all negative activities of business actors. This is also conveyed and mandated by the constitution of the State of Indonesia, namely the 1945 Constitution, precisely in Article 23, Article 27 paragraph (2), and Article 34, therefore the economic system is guided by ethics and religious morals in which it prioritizes a life; the people and the prosperity of the people first of all.

In the explanation contained in the elements of Law Number 8 of 1999 concerning Consumer Protection (UUPK) precisely in Article 2 contains several principles, namely the principles of justice, expediency, a balance of consumer safety and security and also getting legal certainty in it, but nowadays The five principles are divided into 3 (three) principles, namely, of course, a law, the usefulness of the law, and the balance of the law.

According to BP POM Jambi Province explained that: At present business actors engaged in the food and beverage sector in Indonesia are high competitors in Indonesia, this can be carefully seen from a research institution which states that Indonesia is currently reaching a number of more than 5 billion US dollars with an average growth rate of 12% per year. In this case, it can be seen that Indonesia currently has a population of 250 million people, this is an element of efforts to make land or business objects for business actors, especially in the food sector. It can also be seen that business actors engaged in the food sector have experienced an increase and development of their sales. As a form of support from the government, the government also issued a tax exemption for the import of machinery, where the Indonesian government hopes that this can advance and develop business actors in the food sector in Indonesia.

In this day and age, especially women, it is a food product, where the food currently circulating is a need that is attached to families who make this food a very basic need in their lives due to support their appearance and daily activities. Today's food products are also diverse, ranging from packaging that is made as attractive as possible so that consumers are interested in one of these products, how to promote it creatively. According to the LP POM MUI explained that: Muslim consumers often get several food products that have labels from the Food and Drug Supervisory Agency (BPOM) but do not include labels from the Indonesian Ulema Council (MUI), this is very detrimental to Muslim consumers if these products have been purchased and used, because halal certification is very important to know if the content in the food product is religiously safe

Everyone in carrying out human relations at the same time cannot escape the influence with His God as found meaningfully in the philosophical norm of the state, Pancasila. Every citizen of the Republic of Indonesia is guaranteed constitutional rights by the 1945 Constitution, such as human rights, the right to religion and worship, the right to legal protection and equal rights and status in the law, as well as the right to obtain a decent life including the right to consume food and use other products that can guarantee the quality of life and human life. Along with the development of the times, science and technology are increasingly developing, including ways of processing food ingredients that are increasingly varied. In the market, you can find a variety of processed products from various basic ingredients, both those produced by local food factories and imported from foreign companies. Even now, there are many complex processed foods that are made from various ingredients, not all of which are clearly halal

3. Conclusions

Implementation of legal protection for Muslim consumers for halal products in Jambi Province by socializing Law Number 33 of 2014 concerning Halal Product Guarantee (JPH) to related institutions and consumers, supported by Law Number 8 of 1999 concerning consumer protection, Law Number 18 of 2012 concerning food, and Legislation Number 69 of 1999 concerning Food Labels and Advertisements. Although until now the legal protection of Muslim consumers has not been implemented properly. Entrepreneurs as providers of goods and services pay less attention to their obligations and the rights of consumers as well as people who do not really care about their rights as consumers. Whereas in Law Number 33 of 2014 concerning Halal Product Guarantee (JPH) it is stated in detail the rights of the community as consumers and what business actors or producers must obey.

Factors supporting and inhibiting legal protection for Muslim consumers for halal products in Jambi Province is the government's high commitment to the implementation of Law Number 33 of 2014 concerning Halal Product Guarantee (JPH). While the inhibiting factor is that there are risky food products circulating that are vulnerable to halalness and the low level of public awareness about the importance of Law Number 33 of 2014 Guaranteed Halal and Healthy Products.

The government's strategy in increasing the implementation of legal protection for Muslim consumers for halal products in Jambi Province with collaboration between agencies such as the Ministry of Trade, BP Dinkes, LP POM MUI, YLKI and other institutions in maximizing Law Number 33 of 2014 concerning Guaranteed Halal Products (JPH)

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