

Muslim Consumer Protection Through Halal Product Guarantee Fatwas by The Indonesian Ulema Council

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Abstract

This qualitative research with a normative juridical approach aims to analyze efforts to protect Muslim consumers through the Halal Product Guarantee fatwa by the Indonesian Ulema Council. Data obtained from Law No.33 of 2014 concerning Halal Product Guarantees, Law No.8 of 1999 concerning Consumer Protection, Law No. 20 of 2021 concerning Halal Certification for Micro and Small Business Actors, Law Number 6 of 2023 concerning Job Creation, and Decree of the Ijtima' Ulama of the Indonesian Fatwa Commission VIII No. 15/Ijtima' Ulama/VIII/2024 concerning Issues Related to Guarantees Halal products, and supported by references that support research objectives. The research results highlight several issues in guaranteeing halal products in Indonesia. These include the prevalence of food products that lack halal certification, the misuse of a single halal permit for multiple products, the labeling of non-certified products as halal, insufficient competence among Halal Product Process Assistants, dualism in institutions responsible for halal decisions, and the implementation of lifelong halal certificates. The impact on Muslim consumers includes compromised halal product integrity, health and safety risks, loss of trust, and economic injustice. In response, the Indonesian Ulema Council (MUI) has recommended that lawmakers revise the substance of Law No. 6 of 2023, particularly concerning establishing the Fatwa and Halal Self-Declaration Committee. MUI also urges the government to impose a validity period on halal certificates. Revisions to regulations and stricter supervision are essential to safeguard Muslim consumers and ensure the credibility of halal product guarantees in Indonesia.

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Keywords: Consumer Protection, Fatwa, Halal Product Guarantee, Halal Self Declare, Indonesian Ulema Council.

INTRODUCTION

Protecting Muslim consumers related to the assurance of halal products faces various significant challenges. Consumers are entitled to comfort, security, safety, freedom of choice, and true and truthful information about the goods and/or services consumed according to the exchange rate and the promised guarantee (Law Number 8 of 1999). There are still many consumer rights, especially Muslim consumers, regarding halal product guarantees. One of the main problems is the large number of food products that are not halal-certified, which makes Muslim consumers hesitant and less confident in the food industry. In addition, the use of one halal permit for all products by several manufacturers is very detrimental to consumers because each product should have a specific halal permit. The practice of halal labeling on products that have not been certified also causes anxiety because consumers have the right to get true and accurate information about the halal status of the products they consume (Khanifa et al., 2020).

Halal Product Process Assistants' (PPH) competence is also in the spotlight because a lack of training and knowledge can result in errors in the certification process, as in the case of Nabidz wine (Al Ghifari & Priyatno, 2024). The determination of self-declaration halal by each member of the Fatwa Committee individually can cause inconsistency in the assessment of halal products. In addition, implementing halal certificates forever without periodic renewal reduces the effectiveness of consumer protection due to changes in production processes and raw materials. To improve the protection of Muslim consumers, there needs to be increased regulation and supervision of law enforcement against misleading labeling (Subagyo et al., 2020).

The government and relevant authorities must implement strict regulations and continuous supervision to ensure that all products on the market have valid halal certificates (Mawaddah & Farma, 2022). Each manufacturer should be required to obtain a specific halal certification for each product, not just one permit for all their products (Hasan, 2014). Intensive supervision is needed to ensure that halal labeling is only used on products that have been certified. Transparency and accountability are also important. Manufacturers must provide clear and accurate information about the halal status of their products and face strict sanctions if they violate the rules. In addition, Halal Product Process (PPH) facilitators must receive comprehensive and continuous training to prevent errors in the verification and certification process (Kasanah & Sajjad, 2022).

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Consistency in the determination of halal must also be maintained by ensuring that decisions are made collectively by the Fatwa Committee based on uniform and transparent standards. Regular renewal of halal certificates is essential because production processes and raw materials can change over time, ensuring that products remain compliant with halal standards (Decree of Ijtima' Ulama of the Fatwa Commission throughout Indonesia Number 15/Ijtima' Ulama/VIII/2024 concerning Issues Related to Halal Product Guarantee). Consumer education and awareness also need to be improved to understand the importance of halal certification better and consume truly halal products as stated in the packaging (Law Number 8 of 1999). Implementing this theory can create a more effective and reliable halal product assurance system, providing better protection for Muslim consumers in living their lives following their religious teachings.

The Indonesian Ulama Council (MUI), as an influential religious authority, is committed to protecting and guaranteeing the halalness of products consumed by Muslims in Indonesia. This is reflected in the fatwa produced in the Decree of the Ijtima' Ulama of the Fatwa Commission throughout Indonesia Number 15/Ijtima' Ulama/VIII/2024, which discusses Issues Related to the Halal Product Guarantee. This event occurred at the Bahrul Ulum Sungailiat Islamic Boarding School, Bangka Regency, Bangka Belitung Province, from May 28 to 31, 2024 (mui.or.id, 2024). This fatwa was prepared in response to various problems in ensuring the halalness of products. With this initiative, MUI seeks to enforce stricter and consistent halal standards, ensuring that Muslim consumers can consume products with their beliefs following their religious teachings. The article aims to explore the solutions offered by MUI in facing various problems and challenges in halal product assurance.

The Indonesian Ulama Council (MUI) 's significant role in maintaining Muslim consumers' trust and certainty in halal products in Indonesia is very important. This fatwa not only serves as a guide for manufacturers to ensure that their products comply with Sharia principles but also provides assurance to Muslim consumers that they can choose and consume products with a strong belief in their halalness (Chairunnisyah, 2017). This article also strengthens awareness of the need for strong regulations in maintaining integrity and fairness in the halal product market. By highlighting MUI's efforts in enforcing strict standards, as stated in the Decree of Ijtima' Ulama of the Indonesian Fatwa Commission VIII Number 15/Ijtima' Ulama/VIII/2024, this paper not only supports consumer protection from dubious practices but also stimulates discussion on how public policies can strengthen consumer trust. Thus, the role of MUI in maintaining the integrity and certainty of halal products has an impact on the religious aspect.

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LITERATURE REVIEW

The global halal market is increasing. Around the world, many standardization and certification organizations have been established. This article discusses halal requirements, summarizes the standards and certifications applied, and explores the current verification of halal certificates using audits and laboratory analysis. Successive studies can use these insights to ensure halal food products and proper labeling for consumers and buyers (van der Spiegel et al., 2012). Some of the studies that examine halal assurance include:

Halim et al. wrote about the great potential of the halal industry but have not fully explored its various domestic and international problems, especially related to the misuse of the halal logo and other violations related to the halal logo. The purpose of this article is to review the preamble highlighting consumer protection in Malaysia and its implementation. As a result, consumer protection and education are needed, as well as the education of producers to be more vigilant and responsible for manufacturing their products (Halim et al., 2014). Tieman and Ghazali introduced a halal assurance system for transportation, warehouses, and terminals to prove the halal logistics system. The results show that the vulnerability of halal supply chains is influenced by product characteristics (bulk versus units, ambient versus cold chain) and market requirements (Muslim versus non-Muslim countries). Establishing halal control operations and assurance activities in logistics helps mitigate vulnerabilities (Tieman & Ghazali, 2014).

Sari et al. studied internal elements, external factors, and SWOT matrices to identify problems in developing halal startup company plans, especially Food.Halal.id. The findings suggest that corporate expansion on FoodHalal.id startups can be classified into four different strategy categories, emphasizing digital marketing tactics for halal food companies (R. P. Sari et al., 2021). Siaw and Rani examined the regulatory challenges faced by small and medium-sized halal industry startups in Malaysia. The findings stated that in addition to regulation, they experienced challenges in the first three years of their operations, such as finance, marketing, technology, production, operations, and management (Siaw & Rani, 2012). Dilla and Fathurohman conducted a study on implementing the halal traceability system in the supply chain of halal food products, focusing on meat processing at Ternaknesia Farm Innovation. This method shows that applying halal traceability can effectively reduce the risk of contamination of haram chemicals. QR Code Conduct a thorough check of EPICS labels and codes on meat products to ensure halal traceability in the supply chain, thus assuring customers of product compliance with halal standards (Dilla & Fathurohman, 2021).

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Hasri et al. examined the certainty of a holistic understanding of the design of food venues in Malaysia according to the halal concept. The results show several relevant regulations, including the Food Act of 1983, Malaysian Standards, the Malaysian Halal Certification Procedure Manual in 2011 by JAKIM, and the Trade Description Law in 2011 (Hasri et al., 2016). Purwanto et al. analyzed the halal certification process by MUI to ensure that raw materials, production processes, and final products are free from haram or unclean ingredients. It is also important to protect consumers and ensure halal food packaging, free from contamination of haram substances during production, storage, and distribution. The results show that applying the HAS 23000 halal guarantee letter criteria covers the entire supply chain, including packaging, so consumers can feel safe consuming halal products (Purwanto et al., 2023).

Although various studies have explored important aspects of the halal industry, each has its drawbacks. Halim et al. lacked empirical data on misusing halal logos, while Tieman & Ghazali did not detail the practical implementation of halal logistics systems. Sari et al. and Siaw & Rani did not offer concrete solutions to the challenges identified, and Dilla & Fathurohman under-evaluated the cost and effectiveness of the halal traceability system. Hasri et al. did not discuss the obstacles to implementing halal food venue design regulations, and Purwanto et al. did not provide details about the industry's challenges in meeting certification standards and the importance of halal packaging. The novelty of this study lies in an in-depth and comprehensive analysis of Muslim consumer protection efforts through the Halal Product Assurance fatwa by the Indonesian Ulema Council (MUI) with a normative juridical approach.

METHODOLOGY

This qualitative research with a normative juridical approach aims to analyze efforts to protect Muslim consumers through the Halal Product Assurance fatwa conducted by the Indonesian Ulema Council. This study uses a normative and juridical approach in analyzing data. The normative approach is an Islamic study that examines matters related to halal (permissible) and haram (haram), as well as similar topics. Normative refers to all the teachings contained in the text. The normative approach includes methodologies used by fiqhists, Islamic jurists, commentators, and hadithists to investigate the characteristics of formal law and Islamic teachings sourced from each source (Ibrahim, 2012).

Meanwhile, the juridical approach is a problem-solving strategy that relies on existing laws and regulations in Indonesia. (Marzuki, 2010). Data collection uses secondary data, namely data obtained from Law No. 33 of 2014 concerning Halal Product

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Assurance, Law No. 8 of 1999 concerning Consumer Protection, PMA No. 20 of 2021 concerning Halal Certification for Micro and Small Business Actors, Law No. 6 of 2023 concerning Job Creation, and Decree of Ijtima' Ulama of the Fatwa Commission throughout Indonesia VIII No.15/Ijtima' Ulama/VIII/2024 concerning Issues Related to Halal Product Assurance, and supported by references that support the research objectives. The data analysis method is carried out by collecting data through reviewing literature materials or secondary data, including legal materials in documents and applicable laws and regulations related to halal product assurance and consumer protection.

RESULTS AND FINDINGS

Problems of Halal Product Assurance

Halal product assurance presents many complex and urgent challenges that require quick resolution. A very concerning problem is the number of foods that do not have halal certification. Based on data from the Halal Information System (SiHALAL) in October 2022, as many as 749,971 goods were halal-certified between 2019 and 2022 (bpjph.halal.go.id, 2022). Based on existing statistics, the annual average number of certified goods is 250 thousand. According to GAPMMI (Association of Food and Beverage Entrepreneurs), around 1.6 million small business actors are engaged in the food and beverage business. However, only about 10% have halal certificates. The data indirectly shows that many Micro, Small, and Medium Enterprises (MSMEs) in Indonesia have not obtained halal certification (halal.unair.ac.id, 2023). As shown in the graph below:



Using one halal permit for all products from a company is also a problem because not all of these products may meet halal standards. In addition, halal labeling exists on products that have not been certified, which misleads consumers (Khanifa et al., 2020). The competence of Halal Product Process Assistants is often inadequate, hindering an accurate and efficient certification process (Kasanah & Sajjad, 2022) This is because the requirements to be a PPH companion are only Muslims and understand sharia, in contrast to halal auditors who require educational competencies related to food ingredients such as chemistry, biology, physics, and food technology (PMA Number 20 of 2021 concerning Halal Certification for Micro and Small Business Actors, 2021).

The Impact of Halal Product Assurance Problems for Muslim Consumers

The problem of guaranteeing halal products is a very significant issue for Muslim consumers. Uncertainty regarding the halalness of the products they consume daily raises deep concerns. Muslim consumers rely heavily on the clarity and accuracy of halal certification to ensure that the products they use meet religious standards and are safe and of quality (Hasan, 2014; Waharini & Purwantini, 2018). Ambiguity in the halal certification process can lead to health and safety risks. Products that do not meet halal standards may contain haram or unclean ingredients, which not only violate religious beliefs but can also hurt consumer health. This is especially important in the globalization of food supply chains, where raw materials and finished products can come from different countries with different standards and practices (Ambali & Bakar, 2014; Mahama et al., 2020). Uncertainty also results in Muslim consumers losing confidence in products on the market. This distrust can extend to institutions that issue halal certificates (mkri.id, 2024).

MUI Fatwa on Halal Product Assurance as an Effort to Protect Muslim Consumers

The Indonesian Ulema Council (MUI) has given recommendations to lawmakers to amend the substance of Law No. 6 of 2023 concerning Job Creation, especially related to the establishment of a Fatwa Committee, and urges the revocation of the provisions regarding Halal Self Declaration in the law, unless the basic material (raw material) has received a halal certificate. As stated in article 25 (d) (Law Number 33 of 2014), It is stated that business actors are obliged to renew the Halal Certificate if the validity period of the Halal Certificate expires, which in the Job Creation Law is changed to forever changed to be valid since BPJPH issued it and remains valid as long as there is no change in the composition of the Materials and/or PPH (Law Number 6 of 2023).



Therefore, MUI emphasizes the importance of limiting the validity period of the Halal Certificate as a protection measure for Indonesian Muslim consumers. This effort aims to ensure that products consumed by the Muslim community continue to meet halal standards sustainably and consistently, thereby providing certainty and a sense of security for consumers and maintaining the integrity of the halal certification process in Indonesia (Decree of Ijtima' Ulama of the Fatwa Commission throughout Indonesia Number 15/Ijtima' Ulama/VIII/2024 concerning Issues Related to Halal Product Guarantee; mkri.id, 2024).

DISCUSSION

Efforts to Address the Challenges of Halal Product Guarantees

The food industry has long been an important pillar for the economy and welfare of people in various countries. Its contributions include job creation, increasing national income, and meeting the community's nutritional needs. The food industry's success is recognized globally, especially in the halal food sector. This is not only due to the high quality of the product but also due to the existence of a strict and world-recognized halal certification system (McCrea, 2024). However, despite its achievements, the halal food industry in various countries faces some complex challenges. These challenges include various aspects ranging from operations and marketing to certification. In the operational aspect, halal food companies often have to ensure that the production process, from raw materials to the final product, meets the established halal standards. This requires close supervision and sometimes reduces production costs (Fauzah & Rohman, 2024).

The halal guarantee of a product is currently facing legal challenges because two institutions are responsible for determining an item's halal status. This challenge is not just a hypothetical concern but has been realized and now impacts society. The issue that emerged was the issuance of a halal fatwa by the Fatwa Committee on Nabadz brand wine juice products (mkri.id, 2024). Finally, implementing halal certificates that are valid forever without periodic evaluation can cause non-conformity with halal standards that may change over time (Law Number 6 of 2023). These issues require serious attention and coordination between various parties to ensure the halal of products and sustainability.

The Consumer Protection Law (UUPK) has become very relevant. The UUPK underlines the right of consumers to obtain true, clear, and honest information regarding the condition and guarantee of goods and services. Therefore, there needs to be stricter law enforcement and coordination between agencies to ensure that all halal products

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meet halal standards to protect consumers and maintain public trust. Periodic evaluation of halal certificates is also needed so that halal standards remain relevant and reliable over time (Neio Demirci et al., 2016).

Utilization of Laws for Consumer Protection

The halal assurance system is threatened when a certification body is untrustworthy. This can lead to a decrease in the consumption of halal-certified products, which in turn harms producers who comply with halal standards. Not only that, this situation also causes economic injustice. When a product that is not halal gets a label, manufacturers who have properly complied with halal standards feel disadvantaged. Consumers are also disadvantaged because they usually pay more for labeled halal products (Republika.co.id, 2023).

The unfair competition also occurs because dishonest producers can take advantage of halal labels to attract Muslim consumers without having to go through the actual certification process. This harms honest producers and undermines consumer trust in halal labels (Verbeke et al., 2013). In dealing with this problem, joint efforts are needed to improve transparency, accuracy, and reliability in the halal certification process. Steps that can be taken include increased supervision and regulation, the use of technology to track and verify the halalness of products, and education for producers and consumers on the importance of compliance with halal standards. All parties, from the government, certification bodies, manufacturers, and consumers, must work together to ensure that halal products meet the set standards (Syafrida, 2016).

Related to this, the Consumer Protection Law (UUPK) is very relevant in guaranteeing halal products. The UUPK protects consumers against goods and/or services that do not meet health, safety, and comfort standards, including in this case, halal standards. According to the UUPK, consumers can obtain true, clear, and honest information about the condition and guarantee of goods and/or services. For this reason, increased supervision and regulation in the halal certification process must be carried out following the mandate of the UUPK (Law Number 6 of 2023). As a policymaker, the government must ensure that all products labeled halal have undergone a strict and transparent certification process. In addition, certification bodies must have recognized accreditation and follow international standards in the halal assurance process (Zain et al., 2024).



MUI's Efforts to Ensure Muslim Consumer Protection through Fatwas

The Fatwa Commission of the Indonesian Ulema Council (MUI) plays an important role in guaranteeing halal products in Indonesia through a certification system issued based on Islamic sharia fatwa. Through collaboration with LPPOM MUI, the MUI Fatwa Commission conducts in-depth research on every food, beverage, medicine, cosmetics, and other consumer goods that claim to be halal. This rigorous certification process includes a thorough audit of the ingredients used and the production process, ensuring that all aspects of the product meet the established halal standards (D. I. Sari, 2018).

The halal certification provided by the MUI Fatwa Commission is not just a formality label but a meaningful guarantee for Muslim consumers. The fatwa issued not only affirms the halalness of the product, but also provides confidence and inner peace for consumers in choosing and consuming products daily. Thus, the MUI Fatwa Commission not only acts as a regulator in setting halal standards but also as a protector of the interests of Indonesian Muslim consumers in choosing products that follow their religious values (Yansah, 2020).

MUI's efforts aim to ensure that products consumed by the Muslim community continue to meet halal standards sustainably and consistently, providing consumers with certainty and a sense of security. In the context of consumer protection, this recommendation is very relevant. Consumer protection, as stipulated in the Consumer Protection Law (UUPK), emphasizes the right of consumers to obtain true, clear, and honest information about the condition and guarantee of goods and/or services.

By ensuring that halal products are continuously evaluated and recertified regularly, Muslim consumers can rest assured that their products remain following the established halal standards. This maintains the integrity of the halal certification process in Indonesia and protects consumers from potential hazards or non-conformities in standards that may arise over time. In addition, eliminating Halal Self Declaration unless the basic ingredients have been certified halal will also reduce the risk of products that are not truly halal circulating in the market, thereby further ensuring the safety and trust of consumers in the halal products they consume. Overall, the measures proposed by the MUI are in line with consumer protection principles, ensuring that Muslim consumers in Indonesia get products that are truly halal, safe, and trustworthy (Zulham, 2018).

CONCLUSION

Currently, Muslim consumers in Indonesia have not received consumer protection rights as stipulated in the Consumer Protection Law. These rights include the right to the

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safety of consumption of goods and/or services, the right to choose goods and/or services, and the right to receive goods and/or services following the conditions and guarantees promised. In addition, Muslim consumers are also deprived of their right to accurate, transparent, and honest information regarding the condition and guarantee of goods and/or services, including the absence of halal product information as listed in the available table. As a religious authority, the Indonesian Ulema Council (MUI) has issued a recommendation through the Decree of Ijtima' Ulama of the Indonesian Fatwa Commission VIII Number 15/Ijtima' Ulama/VIII/2024. This recommendation is expected to protect Muslim consumers' rights to halal product guarantees.

This study comprehensively analyzes relevant regulations and concrete recommendations MUI gives to improve the halal assurance system. However, this study has limitations, especially in the lack of empirical data from the field and specific case studies that can provide a more in-depth picture of the implementation and impact of halal policies in various industry sectors. In addition, the study focuses more on normative juridical analysis so that the practical aspects of the certification process and implementation in the field may not be fully affordable. Therefore, further research with a more empirical approach and specific case studies is urgently needed to gain a more comprehensive understanding of halal product assurance in Indonesia.

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