

KEEPING HALAL SUBSTANCE IN THE MIDDLE OF COMPETITION OF HALAL INVESTIGATION INSTITUTIONS AND *SELF DECLARE* PATHWAY IN INDONESIA

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Abstract

Halal and haram is a matter of principle in Islamic teachings, because it is not just ta'aqquli but also ta'abbudi. On the other hand, the emergence of many Halal Inspection Agencies (LPH) allows competition to arise between them by providing the best service for business actors. In addition, the Government is also highly promoting halal certification through the self-declare route. If you are not careful, then this can threaten the halal substance. This paper is included in the category of conceptual or library research (Library Research) whose research focus will be directed at various literatures that discuss halal substances and policies regarding halal inspection. Furthermore, the data was analyzed using Content Analysis in framework identify characteristics Specific message or data that has been collected. Result of study This show that in order to maintain halal substance, Halal Inspection Agency and Halal Assistance should not only be profit oriented but also oriented towards protecting Muslim consumers. Second, the Ministry of Religion of the Republic of Indonesia must play an active role in regulating and providing guidance to the Halal Inspection Agency and Halal Companion. Third, Halal Auditor and Halal Companion as representatives of the clergy must uphold honesty and be free of conflicts of interest. Fourth, among members of the MUI fatwa commission that determines product halalness, there must be someone who understands food technology or the like.

Keywords: Halal Substance; Halal Certification; Self Declare; Halal Inspection Agency

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I. Introduction

Prior to the enactment of the Halal Product Guarantee Law Number 33 of 2014 on October 17, 2019, the halal inspection agency that also issued halal certificates was only carried out by LPPOM MUI (Indonesian Institute for the Assessment of Food, Drugs and Cosmetics) which is part of the Indonesian Ulema Council and it has

been operating since 1989. In simple terms, at that time the halal certificate issued by LPPOM MUI was based on a request from business actors and then an audit of documentation, materials, place and production process was carried out. Based on the audit or inspection, the MUI Fatwa Commission will determine whether or not a food product is halal. Furthermore, based

on the decision of the MUI fatwa commission, LPPOM MUI issued a halal certificate ([Anwar, 2018](#)). After the promulgation of the JPH Law, the main stake holder in implementing halal product guarantees is the Ministry of Religion of the Republic of Indonesia ([Hayyun, 2019](#)) in this case the Halal Product Assurance Organizing Agency (BPJPH), including those issuing halal certificates. [Charity \(2017\)](#) said that the presence of BPJPH shows that the state is also present in guaranteeing the halalness of products in Indonesia.

Since the enactment of the Halal Product Guarantee Law, the Ministry of Religion of the Republic of Indonesia, in this case the Halal Product Assurance Organizing Agency (BPJPH) has issued several regulations related to halal certification, including the establishment of the Halal Inspection Agency (LPH) ([Sumarliah, 2023: 223](#)). As conveyed by the information media of the Ministry of Religion of the Republic of Indonesia, that at least now there are 30 Halal Inspection Institutions (LPH) that are ready to operate to carry out halal inspections of business actors (Ministry of Religion RI, 2022). The halal inspection agencies come from various tertiary institutions, Islamic Religious Institutions, as well as from the

Standardization Center under the Ministry of Industry. In accordance with the regulation of the Minister of Religion [Number 26 of 2019](#), the halal inspection agency is tasked with carrying out activity inspection and/ or testing to halal Product. In this regulation, article 36 also emphasizes that LPH can be established by the Government and/or the community.

Self-declared halal certification program on the one hand have tremendous positive impacts, including being able to accelerate and expand the reach of implementing halal product guarantees. In addition, the existence of many LPH and *self-declare pathways* is expected to support the implementation of halal certification in Indonesia to be more optimal. However, the emergence of many LPHs will lead to competition among LPHs in providing halal inspection services to business actors. ([Malaka, 2014](#)) explains that business competition will have a positive impact in the form of improving customer service. In the halal certification process, LPH consumers are business actors applying for halal certification. This is what according to the author, if you are not careful it will lead to unhealthy competition between LPH by improving services in halal inspection but you do not realize that you can sacrifice halal substance under the pretext of service.

Method

This paper is included in the category of library research which focus will be directed at various literatures that discuss halal certification. In order to obtain data that is relevant to the problems in this study, the data collected includes primary data and secondary data. Primary data is data that is directly and immediately obtained from data sources by the author for this purpose. While secondary data is data that has been taken and collected from outside parties ([Iboudier, 2022](#)). The primary data sources in this paper are the Qur'an, Hadith, and the practice of halal certification in Indonesia. While the secondary data sources in this study are studies or writings about halal certification in general, both research and conceptual results. After the data needed in this study has been collected, the next step is to analyze the data. Because this research is a qualitative research, according to [Nasution \(2000: 29\)](#), the data analysis is open-ended and inductive. With an inductive mindset, the data obtained in this study will be analyzed descriptively qualitatively. In analyzing this data, the author applies content analysis, which is a scientific analysis of the content of data (messages) of a communication or phenomenon ([Muhadjir, 2010: 76](#)). Content analysis is a technique for making inferences objectively and systematically by identifying the

specific characteristics of the message or data to be studied.

II. Discussions

Halal orders are *Ta'abbudi* and *Ta'aqquli*

In general, there are two scopes in Islamic law, namely the human relationship with Allah SWT (*habl min Allah*) which is called worship (*ta'abbudi area*) and the relationship between fellow human beings (*habl min al-nas*) which is called muamalah (*ta'aqquli area*). Ibn Taimiyah in [Nasrullah \(2014\)](#) explains that worship is related to the benefit of religion, while muamalah is related to worldly human needs. In the perspective of ushul fiqh, [Djalaludin \(2020\)](#) explains that *ta'abbudi* is a legal provision in the texts of the Qur'an and Hadith that must be accepted by humans as they are and cannot be reasoned with rationally. Meanwhile, *ta'aqquli* is a legal provision in the texts of the Koran and Hadith that can still be reasoned with by reason. This explanation shows that the realm of *ta'abbudi* is non-negotiable and without the need for reasoning because the provisions of the *ta'abbudi* absolute. While the realm of *ta'aqquli* is an attempt to reason about the intent of the verse or explicit hadith in order to understand the implied meaning.

From the perspective of the theory of *ta'abbudi* and *ta'aqquli*, not all of the verses

of the Qur'an or Hadith containing orders to consume halal or notifications about something that is forbidden by Allah, not all of them can be logically reasoned. So that orders to consume halal can be included in the *ta'abbudi category*, even though in certain cases it can be logically reasoned. Example in the letter al-Baqarah ayat 168 and also in al-Maidah ayat 03, Allah says:

يَا أَيُّهَا النَّاسُ كُلُوا مِمَّا فِي الْأَرْضِ حَلَالًا طَيِّبًا وَلَا تَتَّبِعُوا خُطُوَاتِ الشَّيْطَانِ إِنَّهُ لَكُمْ عَدُوٌّ مُبِينٌ

“ Hi everyone people eat what is halal again good from what is found on earth and do not you follow steps the devil ; because indeed the devil that is the real enemy for you ” (al-Baqarah (168)).

حُرِّمَتْ عَلَيْكُمْ الْمَيْتَةُ وَالِدَمُّ وَالْخَيْزِيرُ وَمَا أِهْلَ لِغَيْرِ اللَّهِ بِهِ وَالْمُنْخَنِقَةُ وَالْمَوْقُوذَةُ وَالْمُتَرَدِّيَةُ وَالنَّطِيحَةُ وَمَا أَكَلَ السَّبْعُ إِلَّا مَا ذَكَّيْتُمْ وَمَا ذُبِحَ عَلَى النُّصَبِ وَأَنْ تَسْتَقْسِمُوا بِالْأَزْلَامِ ذَلِكُمْ فِسْقٌ...

"It is forbidden for you (to eat) carrion, blood, pork, (animal meat) that was slaughtered in the name of other than Allah, that was strangled, that was beaten, that fell, that was horned, and that was gored by a wild animal, except for the one that you slaughtered, and (it is forbidden) for you) that is slaughtered for idols. And (also banned) voting luck by arrow is wickedness... (al-Maidah (168))."

The orders to consume what is lawful and the notification about what is forbidden in the two verses above are included in the category of *ta'abbudi*,

namely orders from Allah that must be followed without involving logic in accepting them. Commands about *ta'abbudi* can be seen from the Koran which mentions the word "taqwa" 100 times ([Ohlander, 2005](#)). This indicates that Allah really commands his servants to be pious. [Arsadani \(2015\)](#) explains that *ta'abbudi* is based on the belief that God has ordered it so, it needs to be done in order to worship God and obey and obey orders.

The order to consume what is lawful is *ta'abbudi* in nature because humans as *amukallaf* only carry out God's commands in accordance with the provisions of the text, they are not allowed to add, subtract or change them. The verse ordering halal consumption is in the form of a *qath'i* text (clear and firm), and according to the *fuqaha*, the provisions of the *qath'i* text are included in the category of *ta'abbudi* issues that must be adhered to by Muslims. for and carry out without having to ask why and how ([Nasrullah, 2014](#)). Although actually philosophically and in certain cases regarding halal-haram can be understood with the *ta'aquuli approach*.

Halal Certification After the Implementation of the JPH Law

Halal certification after the implementation of the Halal Product Guarantee Law

Number 33 of 2014, the halal certification process has undergone drastic changes (Katuk, 2020). Previously, halal certification was voluntary and the process only involved LPPOM MUI (Institute for the Assessment of Food, Drugs and Cosmetics of the Indonesian Ulema Council) and the MUI Fatwa Commission. In simple terms, halal certificates issued by LPPOM MUI are based on requests from producers, then documentation audits, material audits, production site audits and process audits are carried out, including audits of the implementation of the halal assurance system. Based on an audit or inspection, the MUI fatwa commission will declare whether a food product is halal or not (Anwar, 2018).

After the implementation of the JPH Law, the halal certification process in Indonesia was divided into two paths, namely the regular route and the *self-declare route* (Musataklimah, 2021). The regular route involves three parties which are often referred to as the 3 main actors in halal certification, each of which has a different role. The three actors are BPJPH (Halal Product Assurance Organizing Agency) which has more of an administrator role, including those related to registration of halal certification and issuance of halal certificates.

The second actor is LPH (Halal Inspection Agency) which has more of a role as an inspector or product tester. This LPH will carry out inspections, both document inspections and inspections in the field. Meanwhile, the third actor is the fatwa commission of the Indonesian Ulema Council (MUI) whose role is to determine whether a product has been inspected by LPH is halal or not. Based on the halal stipulation from the MUI fatwa commission, BPJPH will issue a halal certificate for the proposed product. More clearly and simply, the collaboration of the 3 actors can be described as follows:

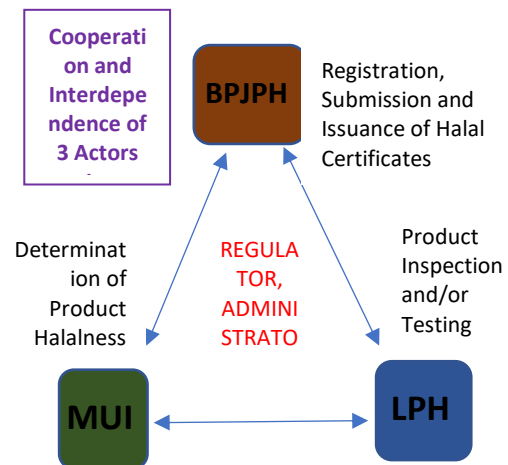


Figure 1

The second line in the halal certification process is the *Self Declare line* which is a statement by a business actor that his product has halal status. However, this *self-declaration* does not mean that the business actor immediately issues a halal statement just like that, but there are

conditions that must be met, including not including a risky or critical product, which means that the materials used or the processes carried out are not included in the category risky or critical and done in a simple way. In addition, in the *self-declare process*, you must be accompanied by a Halal Product Process Assistant (PPPH) who has been trained and registered with BPJPH. Then *the self-declare* and the results of the assistance will be brought together at the MUI Fatwa Commission meeting to determine whether they are halal or not ([Sudarsono, 2023](#)) and if halal is determined, BPJPH will issue a halal certificate. So that the *self-declare* path also involves three main actors. In simple terms and in more detail, it can be described as follows:

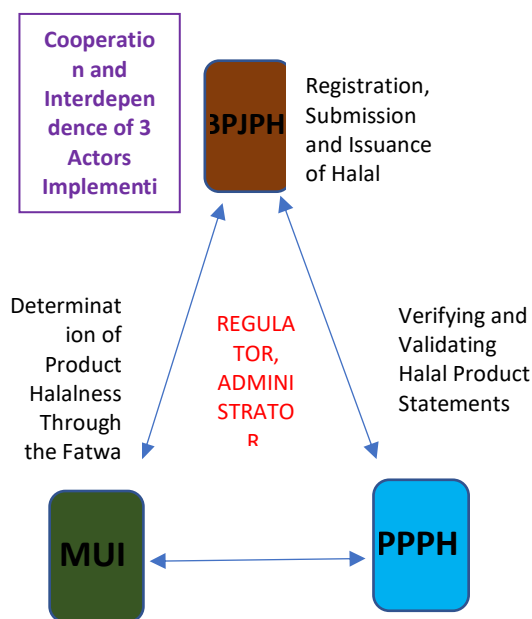


Figure 2

Maintain Halal Substance

The implementation of the JPH Law and its derivative regulations has opened as wide a space as possible for the government and the public to form a Halal Inspection Agency (LPH) and provide opportunities for business actors to apply for halal certification through the *self-declare route*. Until this article was written, BPJPH has issued certificates for 30 LPHs. On the one hand, this has an extraordinary positive impact on the halal certification process, especially in accelerating and expanding the reach of the halal certification process ([Salindal, 2019](#)). However, it is also necessary to pay attention to the negative impacts that could arise, especially related to halal substances which could be threatened due to competition between LPHs in providing services to business actors and more impressions of accelerating the halal industry with halal certification through the *self-declare route*. In order to maintain halal substance, there are several things that must be considered, including:

1. Orientation of Halal Inspection

Agency (LPH) and Halal Companion

The presence of the Halal Inspection Agency (LPH) is intended For give more accessibility near For look after halal certification for perpetrator businesses spread throughout the country ([Ministry of](#)

[Religion of the Republic of Indonesia, 2022](#)). The more increasing amount of LPH capable increase capability in reach every perpetrator business so can pocketing halal certificate. According to Constitution about guarantee Halal product that LPH is agency in charge do activity inspection and/ or testing to halal Product. In case this LPH has role For help and assist perpetrator business in every procedure halal certification. Condition the in line with study of ([Wadji and Hadita, 2021](#)) stated that the optimal quantity of halal auditors has an effect positive to enhancement guarantee halal products in Indonesia. Pendapat lain tentang kuantitas produk halal juga disampaikan oleh [Sahat \(2022\)](#) who stated that in fact many micro businesses were helped by the existence of a halal certification policy even though they still depended on government policies. Because minimum quality of the halal auditor will give implication to not enough optimal implementation guarantee halal products, because in Indonesia, protection halal product (food) is precondition main must fulfilled by the offender business for the product can traded Because distributed food will consume by the majority of consumers Muslim ([Arsil, 2018](#)).

Inspection Agency (LPH) and halal assistants own responsibility and contribution in enhancement especially

halal literacy to perpetrator business for protect and guarantee halal something product ([Nurdin, 2021](#)). With upgrades the number of LPHs and the presence of halal companions make lots choice for public. So that can speed up acceleration achievements halal certification and can presence of LPH and halal companion is not institutions or individuals who mutually compete position and have *profit oriented* ([Zailani, 2015](#)). However, as element important in implementation service halal certification and implementation guarantee halal product. LPH and halal companions have a moral obligation to protect Muslim consumers from products that are forbidden in Islamic teachings ([Tieman, 2012](#)). Muslim consumers also need to be protected from haram products, because one of the goals of consumer protection is to make people who are mentally and physically healthy as actors of development, which also means to maintain the continuity of national development ([Anwar, 2017](#)).

2. Halal Inspection and Assistance Standards

The Halal Inspection and Assistance Standard in Indonesia refers to the General Guidelines for the Implementation of Indonesian Halal Product Assurance (PUJPHI) issued by the Halal Product Assurance Organizing Agency (BPJPH). This guideline provides guidance to

producers and companies in conducting halal business in accordance with the principles and provisions of the Islamic religion. In order to provide certainty about the halal food that is packaged and traded in Indonesia, it is necessary to have clear and standard standards or rules in halal inspection and assistance. The implementation of these rules must also be closely monitored, so that inspection and assistance are not carried out haphazardly with the excuse of providing satisfactory service to business actors. These standards need to be set forth in official state documents as part of the derivatives of the JPH Law (Halal Product Guarantee Law).

The implementation of halal inspection and assistance standards in Indonesia still requires a lot of improvement in terms of supervision and law enforcement against halal violations. Therefore, an active role is needed from the government, halal institutions, and the community in ensuring that halal products produced in Indonesia meet established standards ([Hapsari, 2020](#)). Therefore, in order to strengthen standards and regulations regarding halal, the government issued Government Regulation Number 39 of 2021 concerning Implementation of the Field of Halal Product Assurance. Then followed by several Decrees of the Minister of Religion

of the Republic of Indonesia to accommodate laws and regulations governing halal certification and halal labels ([Kementerian Agama RI, 2019](#)). Furthermore, BPJPH synergizes with a number of institutions such as the Ministry, LPH, and MUI in realizing the JPH Law.

BPJPH cooperates with the Halal Inspection Agency (LPH) to carry out an audit process for products. Whereas in determining fatwas, BPJPH cooperates with MUI by issuing Halal Product Determination Decrees through halal fatwa sessions ([Syafriada, 2016](#)). BPJPH's authority in maintaining Halal Product Assurance, namely formulating and establishing JPH policies; determine JPH norms, standards, procedures and criteria; issue and revoke halal certificates and halal labels on products; carry out registration of halal certificates on products abroad; conduct socialization, education, and publication of Halal Products; conduct accreditation of LPH; register Halal Auditor; supervise JPH; carry out legal training of auditors; and doing the same work with domestic and foreign agencies in the field of implementing JPH ([Makiyah, 2023](#)).

The realization of the JPH Law itself has implications for the authority of the Indonesian Ulema Council to be further

expanded. The Indonesian Ulema Council still has the authority in terms of issuing halal fatwas by hearing halal fatwas on products that are inspected by the Halal Inspection Agency (LPH). In addition, MUI is also with BPJPH which has the authority to certify Halal auditors and an LPH accreditation will be established. Prior to the enactment of the JPH Law, the only agency authorized to check product halalness (from a scientific point of view) was LPPOM MUI, but now other halal inspection agencies can have this authority. In addition, based on candy No. 32 of 2019 the public can also establish a Halal Inspection Agency if they meet the specified requirements ([Kementerian Agama RI, 2019](#)). Therefore, the steps to provide guidance to halal stakeholders should be carried out by BPJPH with the final output being to obtain a halal auditor training certificate and/or a halal auditor competency certificate. Prospective halal auditors must attend halal auditor training and/or halal auditor competency certification. Halal auditor training is carried out by BPJPH, tertiary institutions and/or other accredited training institutions in accordance with statutory provisions

3. The Role of Halal Auditor and Halal Companion

The role of halal auditors and halal assistants is very vital in distributing halal

certification. Halal auditors have an important role in ensuring that products and services consumed by the Muslim community comply with established halal standards. According to [Yahya \(2019\)](#), halal auditors have several important roles, including (1) Ensuring that the production process is carried out in accordance with halal principles, (2) Supervising and controlling the quality of halal products consistently, (3) Assessing risks and identifying opportunities to improve product halalness (4) Provide suggestions and recommendations to producers and related parties to improve production processes and ensure product halalness. In carrying out its role, a halal auditor must have adequate competence, both in terms of knowledge of halal principles and skills in conducting audits. In addition, halal auditors must also have integrity, objectivity and independence in carrying out their duties ([Jusri, 2020](#)).

Halal auditors and halal assistants act as representatives of scholars and witnesses to see and find facts about halal production activities in companies. Because scholars need witnesses regarding the lack of knowledge and mastery of technology. Therefore, this issue of the MUI's inner intellectuality must raise witnesses who may see and study it with knowledge and expertise. Witnesses must be determined by providing certification and training by

clerics so that witnesses also have the ability to assess whether what is done by the halal auditor is good. With this synergy, it will encourage more assurance of halal products, especially in Indonesia ([Lutfiyah, 2016](#)).

The existence of guarantees on product halalness is part of the responsibility of producers towards Muslim consumers in Indonesia. This is a form of effort to give confidence to consumers that the products consumed are halal, so companies need their own MUI halal certificates. The existence of the role of the halal auditor to provide assurance of product halal guarantees, in carrying out their duties, the halal auditor must be trustworthy and in accordance with the established laws. Because the halal examiner does not work carefully or accepts bribes from the perpetrator's business, and influences the results of the inspection, the halal examiner can be subject to sanctions for violating Article 56 of Law JPH No. 33 of 2014 ([Musdja, 2015](#)). Therefore, halal auditors or halal assistants must be completely free from interests that can affect halal inspection and assistance. They are required to have integrity and strong commitment in carrying out their duties ([Rudiyanto, 2021](#)).

The implementation of halal inspection will require two halal auditors, namely internal halal auditors and external

halal auditors. they have responsibilities in different scopes. Internal halal auditors are auditors who work within the scope of the company to fulfill the terms and conditions of the Halal Product Assurance System. The company is obliged to appoint an internal halal auditor to oversee the production process which is carried out in accordance with the applicable laws and regulations. While external halal auditors are those who carry out the stages of checking product halalness and this task has been regulated in law. So that the halal inspection process is basically very good, it's just a matter of how to speed up the process in the field.

4. The role of the MUI Fatwa Commission

The MUI Fatwa Commission issues fatwas through collective *ijtihad*, including by means of each problem submitted to the Fatwa Commission being studied carefully by members of the commission or a special team at least a week before trial. one task The Fatwa Commission of the Indonesian Ulema Council (MUI) is issued fatwas regarding food medicine and cosmetics ([Ya'qub, 2010](#)). own fatwa own high position in Islam. Fatwa is seen be one capable alternative solve problematic in increasingly Islamic law growing. Fatwas are an important requirement for the ummah because religious issues are increasing in

number and complexity, while the main sources in Islamic teachings, namely the Qur'an and hadith, do not provide clear answers in addressing current issues ([Nasih, 2013](#)). However, the Fatwa issued by the MUI must also be based on the Qur'an and hadith as well as No contrary with benefit ummah.

The problem is not found in the Qur'an and Hadith then the fatwa that will be decided cannot be opposite with Ijma, Qiyas, and other arguments of law. Before recruitment of fatwa decision, moreover first fatwa commission should review opinions and arguments related to laws as well as arguments from different parties also opinion. In making a fatwa decision, views of ulama members in the area of the problem which is studied are also considered ([Mundzir, 2021](#)).

Because of the importance of fatwas in determining product halalness, members of the fatwa commission must truly master knowledge related to product halalness, not just sharia science, but food technology science or the like. In this context, the role of a competent halal auditor in industrial materials science is needed to provide correct and accurate information and input so that the MUI Fatwa Commission is not mistaken in stating a product's halal fatwa. In the modern era now technology industry already the more forward one products made by industry No as easy as before.

Manufacturing process products in a manner industry involve lots of materials including material additives and ingredients also processing aids. The main ingredients materials additions and ingredients help the potentially originate from material unclean material. Already the halal auditor should upgrade knowledge especially in materials industry (industry food beverages, medicines and cosmetics) are required for give correct and accurate information and input so that the MUI Fatwa Commission does not mistake in fatwa halal something product.

In this case, the Government also should make an effort for give standard required competencies pocketed by the halal auditor, stated in SKKNI Number 266 of 2019 concerning Position Halal Auditor Work. Basically an auditor should be competent in do prepare do pre inspection carry out inspection and reporting results inspection Halal product materials and processes. Apart from having integrity general competence that must be fulfilled is knowledge about related Islamic law with halal product regulation Legislation about Guarantee Halal products and special is knowledge materials and process technology in industry.

III. Conclusion

From the discussion above, it can be concluded that in order to maintain halal

substance, the Halal Inspection Agency and Halal Companion should not only be profit-oriented but also oriented towards protecting Muslim consumers. Second, the Ministry of Religion of the Republic of Indonesia must play an active role in regulating and providing guidance to the Halal Inspection Agency and Halal Companion. Third, Halal Auditor and Halal Companion as representatives of the clergy must uphold honesty and be free of conflicts of interest. Fourth, among members of the MUI fatwa commission that determines product halalness, there must be someone who understands food technology or the like.

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