



Polemic of Halal Industry Trends in Indonesia: Between Legalization and Profanation in The Perspective of *Maslahah Mursalah*

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Abstract

This paper is based on library research or literature studies. The theme taken in this study is the Halal Industry in Indonesia. This research focuses on digging in depth regarding the ongoing polemic regarding the halal industry after the legalization of halal product guarantees contained Peraturan Pemerintah No. 39 Tahun 2021 Tentang Penyelenggaraan Bidang Jaminan Produk Halal. Even though it has been ratified, the reality in society still often arises debate regarding the urgency of enacting these regulations. The emphasized study includes whether the urgency of guaranteeing halal products is due to community initiatives, government interests, or simply wanting to match trends in other countries. There are two important questions in this research. First, what is the urgency of having halal products in Indonesia? Second, what is the polemic map of the application of the Halal Product Guarantee Law in Indonesia? With a juridical state approach to explain the reasons that require the existence of a halal product industry and the pros and cons of implementing halal product guarantees in Indonesia. The results in this study are that the ratification of regulations related to halal product guarantees has had an impact on the diversity of people in Indonesia. The existence of pros and cons after mandatory halal certification is the reason that the implementation of the halal industry in Indonesia still favors one group, has not provided aspects of benefit to all Indonesian citizens.

Keywords: Polemic; Halal Industry; *Maslahah Mursalah*

Abstrak

Tulisan ini berbasis pada kajian *Library Research* atau Studi Pustaka. Tema yang diambil dalam penelitian ini adalah Industri Halal di Indonesia. Penelitian ini berfokus untuk menggali secara mendalam terkait polemic yang sedang terjadi terkait Industri Halal setelah disahkannya Jaminan Produk Halal yang tertuang dalam Peraturan Pemerintah No. 39 Tahun 2021 Tentang Penyelenggaraan Bidang Jaminan Produk Halal. Meskipun sudah disahkan, realita di masyarakat masih sering timbul perdebatan terkait urgensi ditetapkan regulasi tersebut. Kajian yang ditekankan meliputi apakah urgensi jaminan produk halal itu karena faktor ekonomi, politis atau sosiologis. Ada dua pertanyaan penting dalam penelitian ini pertama, bagaimanakah urgensi dari adanya produk halal (sertifikasi halal) di Indonesia? Kedua, bagaimana peta polemic dari adanya penerapan Undang-Undang Jaminan Produk Halal di Indonesia? Dengan *juridical state approach* untuk menjelaskan alasan yang mengharuskan adanya industri produk halal dan pro kontra atas penerapan jaminan produk halal di Indonesia. Hasil dalam penelitian

ini adalah pengesahan regulasi terkait jaminan produk halal telah memberikan pengaruh pada pola keberagaman masyarakat di Indonesia. Adanya pro kontra setelah adanya sertifikasi halal secara mandatory menjadi sebab bahwa penerapan industri halal di Indonesia masih memihak pada salah satu golongan, belum memberikan aspek kemaslahatan kepada semua warga negara Indonesia.

Kata Kunci: Polemik; Industri Halal; *Maslahah Mursalah*

Introduction

The halal industry is currently becoming a popular issue in the Islamic economic world. Offering halal aspects of products is able to attract people's interest in purchasing products that have been verified as halal. This development is in accordance with technological advances which have brought changes to people's life styles in the era of globalization. Social changes in society also have implications for shifts in the economic system in the industrial world. The industrial sector is a pattern of society that occurs as a result of advances in science and technology. The industrial sector that is currently in the public spotlight is the halal industry (Anwar Fathoni et al., 2020) In its development, halal tourism involves various industries, ranging from transportation, recreation, and restaurants to accommodation (Alam et al., 2023).

Halal lifestyle in the halal industry is identical to the economic system implemented by Muslims. The Islamic economic system has spread to various countries, even to countries with Muslim minority populations muslim (Waharini & Purwantini, 2018). The halal industry is able to provide consumers with confidence in the safety of these products. This belief comes from a servant's obedience not to consume food and drinks that are prohibited in the *nash* (absolute law) of the Holy Quran (Amin & Lahaji, 2021). Current developments in the era of globalization are able to have a strong influence on the pace of the halal industry and are able to provide high economic value to the incentives obtained from the halal industry (Kusumastuti, 2020).

Mohd Nawawi et al., in (Triansyah, 2023) stated the importance of halal food is not limited to the Muslim community. With the growing Muslim population around the world, the demand for halal products is increasing, making it an important aspect of the global food industry. Many countries require halal food certification for food products that are exported to Muslim-majority countries, making it a vital aspect of international trade

Seeing that Indonesia is a country that has cultural diversity from various aspects of culture, language, ethnicity and religion makes it one of the characteristics of plurality in a country (Arulampalam Kunaraj, P.Chelvanathan, Ahmad AA Bakar, 2023). The existence of this diversity means that Indonesian society should instill tolerance and respect the

differences between one person and another. With this diversity, it is certain that various prohibitions and orders as citizens also differ between one person and another (Francisca et al., 2022). These differences make Indonesia have a highly attractive side, where there are several differences, but they can still be united.

Halal concept commonly concerns the Muslim consumers. However, with the raising concern on health, a halal food business today has huge potential in capturing non-Muslim as target market. The halal concept on food today is beyond the understanding of religious values alone. It represents hygiene, cleanliness and the quality of the food consumed (Mathew et al., 2014).

The halal industry is needed because the world has changed, so to find out whether a product is halal, it must go through a very long process according to the expertise of each field (Rahayuningsih & Ghozali, 2021). For example, food products produced by manufacturers have passed various clinical trials which can be tracked by Food Engineering students. This has proven that the halal industry in the era of globalization has more complexity (Astuti, 2020). Therefore, there is a need for regulations regarding halal products that regulate this matter.

Even though regulations regarding halal products have been passed, in reality there are still many problems that occur in society. Meanwhile, every legal argument about halal in Indonesia should go through academic analysis based on the science (Aksamawanti & Mutho'am, 2020). With this, it is necessary to investigate the fact that the government has established government regulations (PP) No. 39 Year 2021 about Penyelenggaraan Bidang Jaminan Produk Halal (Implementation of the Halal Product Guarantee Sector). From the ratification of this regulation, a criticism emerged stating whether or not there was a special urgency to accommodate consumer protection or whether it was just a regulation that had the nuances of the majority religion in Indonesia.

Studies on halal industry trends have been carried out by many previous researchers. First, research with the theme of the urgency of halal products has been studied, including: (Warto & Samsuri, 2020), (Lim charity, 2017), (Priantina & Sopian, 2023), (Saputri, 2020), and (Rahayuningsih & Ghozali, 2021) which states that the existence of government regulations that regulate the obligation for business actors to register their products with Halal Product Guarantee Organizing Agency (BPJPH) means that halal products have an interest in the benefit of the people. Second, research that examines the problems of halal products includes: (Muhamad, 2020), (Istianah & Dewi, 2022), (Hukum et al., 2020), and (Nugraha et al., 2022). The research explains that the obligation to certify still has many obstacles that occur in society.

From the literature review described above, there are significant differences in the research conducted by the author. This research tends to examine the social aspects of society that occurred after the passing of the Government Regulation (PP) No. 39 Year 2021 about Penyelenggaraan Bidang Jaminan Produk Halal (Implementation of the Halal Product Guarantee Sector)/BPJPH. Apart from that, it also traces the history of the passing of this regulation with the perspective of *masalah mursalah* (legal evidence for new matters). Therefore, further research needs to be carried out to properly understand the purpose of passing regulations regarding halal product guarantees.

This article aims to, first, find significant reasons for the importance of halal products in Indonesia. This will result in a result that will give an idea of whether halal products should be regulated in legislation or just follow current trends. Second, describing the pros and cons of the application of halal products which begins to explore the problems that occur in society related to the application of the halal industry. So it can be traced that the existence of halal certification can actually break down diversity in Indonesia. Halal products that should be regulated by local clerics really need to be made into law.

Research Method

The research uses a qualitative approach where the data collected comes from literature searches and also short interviews with BPJPH, micro, small and medium enterprises (UMKM) traders, and also the general public. Furthermore, all data sources are focused on describing and studying the halal industry polemic that is currently occurring in Indonesia. The primary data sources in this research are texts with themes related to the halal industry, while other supporting data are secondary sources.

This type of research is library research by taking data sources targeting journal articles, legislation, government regulations and other supporting data. This research includes juridical-normative research. The purpose of normative juridical research is to analyze how law applies in society (Efendi, 2020). Meanwhile, the theory used to analyze the problems in this research is the *masalah mursalah* theory. So that valid research results can be found in accordance with the data that has been obtained.

Results and Discussion

The Urgency of the Halal Industry in Indonesia

The existence of a pluralistic society also influences the decisions made by the government. Halal at this level means holy, clean and permissible. At the community level, halal can be realized by itself if people already have

halal awareness. Halal awareness is meant as a form of action that occurs within a person without any intervention from other people (Ahmad Izzuddin, 2018). Before discussing the urgency of the halal industry, the meaning of the halal concept should be understood.

The concept of halal is an idea or ideas related to concrete events at the level of life that are in accordance with Islamic law. In the realization process to create a halal industry, the role of the community is very necessary to welcome the spread of the halal economy in Indonesia. Halal industry is a process by which someone processes products and materials into something that is halal in accordance with the principles contained in Islamic law (Nugraha et al., 2022). With the existence of a halal industry, people are able to participate directly in producing materials and consuming halal product trading systems.

From the aspect of belief and devotion to worship, regarding this halal product, those who are concerned on are Muslims and non-Muslims. One of the purposes of having halal products is to maintain body health. Regarding this matter, in 1976, the Ministry of Health issued regulations contained in the Decree on Regulations of the Minister of Health of the Republic of Indonesia Number 280/Men.Kes/Per/XI/76 about *Ketentuan Peredaran dan Penandaan Pada Makanan yang Mengandung Bahan Berasal dari Babi* (Provisions for Distribution and Labeling of Food Containing Ingredients Derived from Pork) (Permenkes, 1976). From this decision it is stated that entrepreneurs who use ingredients containing pork must provide a mark containing pork on each of their products.

The presence of the sign "contains pork" on food and beverage products can make it easy for Muslim communities to differentiate between halal and non-halal products. After nine years, the sign "contains pork" is no longer relevant at that time. Finally, the government has an initiative to replace the "contains pork" label with a "halal" label. This is stated in the Joint Decree of the Minister of Health and the Minister of Religion No. 42/Men.Kes/SKB/VIII/1985 and No. 68 year 1985 about *Pencantuman Tulisan Halal pada Label Makanan* (Inclusion of Halal Writing on Food Labels) (SKB Menteri Kesehatan dan Menteri Agama, 1996). This decision means that producers who want their products to be labeled halal must go through a process of reporting the composition of ingredients and product processing methods to the Department of Health. In its supervision, it remains under the Food Registration Assessment Team of the Directorate General of Drug and Food Control, Ministry of Health, by the Ministry of Health and the Ministry of Religion (Faridah Hayyun Durrotul, 2019).

In 1987, Indonesia was shocked by the results of research from a Lecturer at Brawijaya University, East Java, namely Dr. Ir. Tri Susanto. His research focuses on the ingredients contained in several food products such as milk, noodles and other snacks. The results of the research show that

there are several food products that contain gelatin, shortening, lecithin and fat which are possibly coming from pork. After that, the results of the research were published in the *Canopy Bulletin* published by the Student Association of the Faculty of Animal Husbandry, Brawijaya University. Finally, this news spread widely in society and caused panic in the Muslim community (LPPOM MUI, 2023).

The panicked Muslim community has an impact on the economy in Indonesia. The economy in Indonesia is threatened with bankruptcy if this problem is not resolved immediately. Efforts to reduce panic in society were carried out by a team from the Department of Religion and the Indonesian Muslim Scholars Council (MUI). One of them is the effort made by the Pasuruan Dancow Factory, by creating a number of advertisements stating that their products are halal and safe. Meanwhile, the efforts made by the MUI to reduce public panic were by establishing the MUI Food, Drug and Cosmetics Study Institute (LPPOM MUI). The establishment of this institution was based on the MUI Decree number Kep./18/MUI/I/1989 which aims to carry out an inspection process for products in circulation and carry out halal certification (Lilik Erliani & Cucu Sobiroh, 2022).

The urgency for halal products in society is becoming increasingly clear, especially Muslim communities require a halal label on every product to convince them before consuming the product. The existence of halal certification on products is not solely for the sake of commodification to seek profits in the economic world. However, the public's need for products that have halal certification is also increasing. Indirectly, people need guarantees that the goods they consume are halal and good.

The public's response to the urgency of halal products is able to have a positive impact on several programs and regulations that have been established. Several positive responses given by the community make it easier for the government to make decisions because several of the decisions that will be made really help the community in unraveling the problems that are currently occurring. The government together with the Indonesian Muslim Scholars Council (MUI) and the Indonesian Muslim Scholars Association (ICMI) also wants to improve the banking system which still causes several problems.

In improving several regulations that aim to protect the public from dangerous food products. Finally, in 2012, the government enacted a law No. 18 year 2012 about Foods. In paragraph 1 of article 1 it is clearly written that food is anything that comes from biological sources, agricultural products, plantations, forestry, fisheries, animal husbandry, waters and water, whether processed or unprocessed, intended as food or drink for human consumption, including Food additives, food raw materials, and other materials used in the process of preparing, processing, and/or making food or drinks.

Meanwhile, in the eighth section, it is explained regarding the Halal Product Guarantee for those who are required to be found in Article 96 paragraph (1) which explains that the provision of food labels aims to provide correct and clear information to the public about each food product that is packaged before purchasing and/or consuming it. This regulation emphasizes the importance of protecting consumers regarding food consumption that is widespread in Indonesia. It doesn't stop there, the government continues to evaluate the policies that have been established until it reaches decisions that are in line with current developments.

In order to support the progress of the halal industry in Indonesia, in 2014 the government re-enacted legislation, namely Law no. 33 of 2014 concerning Halal Product Guarantees (UU JPH). It stipulates the obligation for business actors to register their products to be given halal labeling at the Halal Product Guarantee Organizing Agency (BPJPH). The ingredients that have been deposited at BPJPH will undergo a material testing process carried out by experts such as food experts, chemists, industrial engineers, medicine experts, biologists, experts in the field of animal husbandry, and experts in the field of agriculture (Istianah & Dewi, 2022). When the results of the material processing test from BPJPH are appropriate, then the decision regarding whether the product is halal or haram is determined by the MUI, which after deciding is halal. Then business actors will get halal certification from BPJPH, so they can include the halal logo from BPJPH on every product packaging.

The development of halal products is increasingly being pressured by the government by establishing the Law No. 11 year 2020 about Cipta Kerja (Job Creation). By determining Undang-Undang Cipta Kerja, This is able to simplify the synchronization and trimming of regulations related to business establishment permits for business actors. Of course, Micro, Small and Medium Enterprises (UMKM/MSME) businessmen get convenience in processing permits that have been determined by the government. The expansion related to the halal industry is getting bigger because all Small and Medium Enterprises (SMEs) are participating in improving their business products in order to obtain halal certification from BPJPH.

It is felt that the government still needs to establish a Government Regulation regarding the Implementation of the Halal Product Guarantee Sector. With this, Government Regulation Number 31 of 2021 concerning Guarantees for the Implementation of Halal Product Guarantees has been stipulated. It has stipulated several elements that exist in the development of the halal industry. All forms of protection for consumers have been established by the government and business actors have been given ease in developing their products to be given a halal label from BPJPH. The variety of ingredients used to make a product makes people worry about whether the product they consume is safe for the body.

Several policies relating to halal products have been established by the Indonesian government. Even though the regulations that have been established have many evaluations that must be taken into account again. The existence of a policy certainly has a cause that requires the government to follow up on problems that are currently occurring. Likewise regarding consumer protection, food and halal product guarantees. The stipulation of several of the regulations above is certain to have an interest in providing benefits to society.

The existence of manufacturers who mix their ingredients with pork fat is a cause for concern for the public. This also happened in 2018, namely the Viostin DS product produced by PT. Pharos Indonesia, this drug functions to relieve pain in rheumatism and disorders of the joints and bones. As for the Enzyplex drug by PT. Medifarma Laboratories which has the function of treating flatulence and digestive disorders. These two drugs have been indicated to contain DNA from pigs so they are proven to be haram. The problem that arises is that the manufacturer does not include the warning "contains pork" on every medicine packaging which means that consumers do not know that the ingredients in the medicine contain pork (Mayasari, 2019).

The impact of producers who do not provide "contains pork" instructions on their product packaging can be detrimental to consumers. From here, consumers are greatly disadvantaged from the physical and spiritual side. From this, consumers are harmed because pork ingredients have a big influence on the condition of the human body, even though the impact is not felt directly. Meanwhile, from an internal perspective, Muslims are at a great disadvantage because consuming pork and its derivatives violates the Shari'a and can lead to sin. With this problem, the community needs legal protection to safeguard and protect them from dishonest business actors. Based on historical fact, John F. Kennedy, the late president of the United States was the first to highlight the idea of consumer protection for the public through the Declaration of Consumer Rights. This Declaration was presented to the U.S. Congress on March 15, 1961 (Halim et al., 2014).

Also looking at the current era, the flow of globalization makes it easier for business actors to sell their products and consumers to buy the products offered easily. This convenience creates various problems that occur, so that fraud and deception are increasingly emerging. Therefore, the government is putting more pressure on realizing a halal economy in Indonesia, encouraged by the enactment of PP No. 31 of 2019 concerning Implementing Regulations of Law Number 33 of 2014 concerning Halal Product Guarantees. With the enactment of this regulation, business actors are required to register their products with BPJPH so that they are tested

and obtain halal certification from BPJPH whose halal status has been determined by the MUI.

The urgency for halal products in society is clearly visible, considering that the majority of Indonesia's population is Muslim. The spread of halal products is able to provide protection to the public so that they avoid products that contain ingredients that are harmful to the body. Meanwhile, the aim of consumer protection or the existence of halal products is to achieve benefits from economic and business transactions. Benefits are the ultimate goal of economic transactions, in the sense that the benefits obtained are not only material benefits, but can coincide with the achievement of blessings from Allah SWT. After these two basic principles are implemented, business actors and producers will gain peace.

Offering a halal concept that can maintain health in the body and is also something that is mandatory is certainly approved by Muslims. However, how do other non-Muslims respond to this? After exploring it in depth, actually non-Muslims have also accepted and even implemented halal products as the products they consume. Because non-Muslims think that the halal industry offers cleanliness, quality and safety when produced strictly under a halal guarantee (Nurdin et al., 2019). It was also explained that halal products that have a halal certificate are very profitable for consumers. By consuming halal products, consumers will also receive legal protection for consumers. Aspects of mutual approval and benefit have been implemented in the implementation of halal products (Syafitri et al., 2022). From this it is clear that the existence of halal products does not harm any party. However, problems occur because halal certificates are mandatory for producers.

Pros and Cons of Implementing Halal Product Guarantees

Despite the significant contribution of the halal food industry to the global economy, it faces various challenges, such as issues with halal certification systems, halal authentication in food and non-food products, halal laws, and halal slaughtering. Addressing these challenges requires a collaborative effort from countries, stronger global research intentions, and mutual understanding. Recent years have seen an increase in research into halal to assist the industry, but solutions to the challenges remain elusive. (Zaki et al., 2023)

In practice, the social implementation or application of halal products in Indonesia does not cause major problems. The problems that arise in the field are related to several parties who do not understand the systems and concepts of the halal industry. The halal concept which is currently trending is not only of interest to Muslims. Behind that, there is a separate target behind implementing halal, namely benefit. Meanwhile, benefit has a

universal nature that has a positive impact on Muslims and non-Muslims (Rohim & Priyatno, 2021). Therefore, the pros and cons of implementing halal product guarantees are divided into two focuses as follows:

1. Mandatory Halal Certification

The government has provided a positive response to the development of the halal industry in Indonesia. This positive response was realized by the establishment of several regulations. The formation of regulations related to halal certification is able to have a positive influence on domestic consumers because they are able to face the Asean Economic Community (AEC). The regulation is Law no. 14 of 2014 concerning Halal Product Guarantees. This law stipulates that all production spread in Indonesia must have halal certification, of course the government has provided guarantees to consumers regarding the safety of the products they consume.

It doesn't just stop there, the government on October 17 2019 also stipulated Government Regulation no. 31 of 2019 concerning implementing regulations of Law no. 14 of 2014 concerning Halal Product Guarantee which emphasizes the previous regulation that halal certification, which was previously only voluntary, has become mandatory (Muhamad, 2020). This change in policy status has caused a lot of polemics because halal products, which previously had a sacred and religious nature, are now made into binding decisions and under state regulations.

The enactment of the JPH Law makes matters of halal products the full authority of the government. The existence of the JPH Law also changes the entire structure of the halal certification flow under the Ministry of Religion (Priantina & Sopian, 2023). The government also created a Halal Product Guarantee Implementation Agency (BPJPH) which is tasked with establishing policies in accepting and verifying product applications by business actors that will be certified halal by the government (Moh. Khoeron, 2022). Initially, the authority to issue halal certification was the Indonesian Muslim Scholars Council (MUI). However, when halal certification is under government authority, the party that has the authority to issue halal certification is BPJPH. The flow of halal certification is as follows:

Figure 1
The Procedure for Halal Certification



Source: www.uai.ac.id

With the new halal policy, it will also affect the flow of halal certification as well. As seen from the picture above, a business actor must apply for halal certification at BPJPH. After that, BPJPH checks the documents that have been submitted by business actors. Then BPJPH appointed LPH to carry out testing and inspection of product halalness by halal auditors. After all halal inspection stages have been passed and there is data regarding the ingredients in the product to be certified halal, the MUI determines the halal law for the product.

From this plot, it is clear that the MUI's role has been weakened and taken over completely by the government. This has caused huge opposition from various parties, because the existence of the JPH Law has revoked the MUI's authority in matters of halal certification. Where the government has taken over the entire halal certification program which was initiated from the start by the MUI. On the other hand, the government also considers that the halal industry cannot target the global Islamic economy because there are no strong regulations governing it (Waharini & Purwantini, 2018).

The existence of the JPH Law is indeed able to provide legal protection to consumers and has a concept (Fathani & Purnomo, 2020) the consequences that must be accepted if the community violates it. Indirectly, the JPH Law seems to emphasize non-Muslim communities to also comply with this law. With the mandatory nature of halal certification, all business actors are required to register their products with BPJPH. The government's hope is that the entire community can be safeguarded and protected in the process of purchasing products that have halal certification. If it is truly capable of providing benefits and not causing harm to any party, then benefits have been created.

This is inversely proportional to non-Muslim business actors, with applicable halal certification provisions. Non-Muslim business actors will have difficulty finding consumers, even though the food products they sell do not contain any haram elements that have been determined by the government. However, the passing of the JPH Law was indeed intended to eradicate business actors who do not have halal certification for their products. In this way, the state has taken over divine problems that should have been resolved by ulama such as the MUI but were taken over by the state. So, with the existence of halal certification, which was initially focused on making the industry halal at world level, it also created divisions within Indonesia itself (Interview with BPJPH, 2022).

2. Polemic Map of Sharia Disunity and Conflict

The stipulation of regulations regarding halal products provides certainty to consumers that there is legal protection from the Indonesian state which will protect consumers and business actors alike. Based on regulations made by the government, the halal concept of halal products will follow the halal economic trend. In this way, halal products are able to develop with the times without changing the halal concept which is stipulated in Islamic economic law. However, this is inversely proportional to the current social reality of society. The passing of the JPH Law apparently also caused a lot of conflict among Indonesian citizens.

Every law enacted by the government is always subject to criticism from various groups in society. Like the JPH Law, which is still an object of research that is still being studied a lot. Some parties feel disadvantaged, especially non-Muslims, after the halal certification by BPJPH because the state interferes too much in issues of community beliefs and individuals. This cannot be denied considering that Indonesia is a country that is rich in diversity of customs, culture, language, religion and ethnicity.

It was found that the existence of halal certification had opened up divisions between fellow citizens in the Ende Flores area. With regulations that require business actors to register their products with BPJPH, it has created a stigma among the Ende community that products that do not have halal labels are haram for consumption. In fact, seeing that the traditions and culture are still strong, people often hold traditional events and entertain them by eating together. Even though the event is held together for the Ende community, Muslims and non-Muslims are tolerant of each other and provide food that is halal according to Islam if the organizer is a non-Muslim citizen (Yosep, 2023).

The influence of halal certification apparently adds to the conflict that occurs in Indonesian society. This case is still an example of a case that is currently occurring, especially if it spreads to all corners of Indonesia, there will be many cons that arise as a result of the passing of the JPH Law. The government is doing everything possible to make Indonesia the halal centre of the world. However, the social aspects of society are often simply ignored. In fact, by giving authority for halal certification to the MUI alone, the voluntary nature of halal certification can still unite the diversity of society in Indonesia.

When the issue of halal and haram is left to regional ulama alone, the customs and cultural diversity in Indonesia will become increasingly visible. This gives a unique impression, because the public stigma regarding halal products is clear. One example of the awareness of the Muslim community in Lombok when looking for halal food is simply by looking at the clothes worn by the seller. If the waiter at the restaurant uses Muslim fashion, then the food being sold is guaranteed to be halal for consumption. Providing halal and haram aspects does not only stop at halal certification, but the essence of the product is truly in accordance with Islamic law.

This pattern also occurs when the stall sells haram food, so usually the seller will provide a message or a picture on the wall with a painting of a pig. So, it can be read by the public that the stall is not halal for Muslims (Interview, 2020). From this, an agreement can be drawn that halal and haram matters do not require interference from the government. This is because Indonesia is a country that has diverse elements of society and is also not an Islamic country. If religious matters are regulated by the government, then what happens is the legalization of halal products in society. That way, a sense of tolerance needs to be raised again.

a. Halal Industry Polemic towards Non-Muslim Communities

After the enactment of Law no. 33 of 2014 concerning Halal Product Guarantees in society still causes many problems related to the policies written in this regulation. It is written in Article 4 of the JPH Law which stipulates that products entering, circulating and being traded in Indonesian territory must have a halal certificate. This is also reaffirmed in article 67 paragraph (1) which states that the obligation to be halal certified for products circulating and traded in the territory of Indonesia as intended in article 4 comes into effect 5 (five) years from the promulgation of this Law. With the enactment of this law, all business actors are required to register their products with BPJPH to be followed up in the process of obtaining halal certification.

In 2019, the government re-established PP Number 31 of 2019 concerning Implementing Regulations of Law No. 33 of 2014

concerning Halal Product Guarantees. After the enactment of this regulation, business actors are required to register their products with BPJPH. From this, a problem arises where non-Muslim business actors who sell products that do not comply with Islamic law can no longer operate. The business they have built is threatened with loss if there is a government policy that all products circulating in Indonesia must have halal certification. Meanwhile, in this case, the products they sell and buy certainly cannot have halal certification because they do not meet the halal elements contained in Islamic law.

In 2019, the government re-established PP Number 31 of 2019 concerning Implementing Regulations of Law No. 33 of 2014 concerning Halal Product Guarantees. After the enactment of this regulation, business actors are required to register their products with BPJPH. From this, a problem arises where non-Muslim business actors who sell products that do not comply with Islamic law can no longer operate. The business they have built is threatened with loss if there is a government policy that all products circulating in Indonesia must have halal certification. Meanwhile, in this case, the products they sell and buy certainly cannot have halal certification because they do not meet the halal elements contained in Islamic law. This is of course contradictory considering the condition of Indonesia, which is a country that is rich in population diversity in terms of ethnicity, culture, religion and language. From this it can be interpreted that with the enactment of the JPH Law, non-Muslim communities do not seem to have the right to channel their efforts into the field of business development. Indirectly, a form of Islamic shariatization has occurred in Indonesia. The ethnic diversity of Indonesia's population is a wealth that should be given appropriate and fair rights. As for research conducted by Loria Sara Paais, it is stated that areas inhabited by various ethnicities in terms of culture, customs, religion and language have a tendency to experience rapid development (Paais, 2021).. This is because with the ethnic diversity of the population, the ideas launched are more widespread and based on considerations from various parties.

Therefore, Indonesia, which has a diversity of differences, means that there must be a sense of mutual tolerance between one people and another. Getting used to always having a tolerant attitude towards differences makes us have a calm attitude and always care about other people. The existence of friction in beliefs caused by different views provides an opportunity to open up space for discussion between people as a means of mutual respect for existing differences (Kamaluddin et al., 2021). Respecting each other by upholding tolerance can give us a more meaningful life.

However, this is very contrary to the spirit of interfaith communities to have a high attitude of tolerance because the state has taken over problems that previously could be resolved by regional communities. The enactment of the JPH Law certainly shows the government's attitude of siding with only one religion. The existence of a halal certification obligation for every product means that some business actors who sell products that are not in accordance with Islamic law cannot continue. Problems related to halal product policies provide criticism that the enactment of the JPH Law is still not in the perfection phase.

The stipulation of binding laws and regulations for all Indonesian citizens (WNI) means that non-Muslims also comply with regulations that should not include any prohibitions on the religion they believe in. Personal issues that should not be the government's business have also become regulations that have the effect of requiring other people to obey and do not provide room for exceptions for other people in their actions. Even though Indonesia itself is not an Islamic country, the provisions contained in Islamic law do not have to be a state-based matter. Provisions regarding the rules and laws that exist in a religion do not make it an obligation for other people to believe in them or even obey them.

The existence of a diverse society must of course be accompanied by the establishment of several policies that are not detrimental to other people. Despite scientific research, with the existence of a halal industry, the products being traded have been clinically proven to be safe for the health of the human body. Also, with the enactment of the JPH Law, people can get guarantees and legal protection regarding the products they will consume. On the other hand, the state wants to provide guarantees to the Indonesian people to consume halal and good food according to the Shari'a. However, the problems that arise are due to the influence of Islamic law which is used as a provision in the positive law of the Indonesian state.

b. Polemic of the Halal Industry towards Muslim Communities

The polemic regarding the policies set by the government regarding the Halal Product Guarantee Law is not only targeting non-Muslims. However, problems related to halal products actually also occur among Muslims too. The lack of widespread understanding regarding halal certification among MSMEs means that the program initiated by the government has not yet fully reached the public. The lack of socialization about the importance of halal certification means that business actors are not enthusiastic about understanding the purpose of having halal certification and halal labels listed on their product packaging.

Moreover in the business world, the most important aspect is profit and selling products that do not harm consumers. The profit aspect which is the goal of business is the essence that needs to be fought for. In the sense of not ignoring the afterlife, business people believe that by their actions they will gain large profits and it will be easy for them to achieve success. Even though the presence of halal certification is able to provide protection to business actors and consumers, it is felt that socialization regarding halal products has not been optimal.

The existence of a policy stating that business actors are required to register their products with BPJPH which is sourced from the government makes business actors feel that the flow of trade they carry out is increasingly complicated. Various kinds of provisions that must be carried out by business actors, coupled with a lack of understanding regarding halal certification, make business actors very confused. By looking back at Article 4 of the Halal Product Guarantee Law, it states that all products circulating in the community must have a halal labelling permit on each packaging.

The problem is very complicated if the enactment of legislation is not accompanied by the readiness of the parties who serve as role models for the development of the halal industry. In this way, the government is only limited to issuing several regulations that can support progress in Indonesia by looking at the development of the halal industry in other countries so as to force this policy to be implemented in Indonesia. Also remembering that Indonesia is a country that has a diverse population and of course this needs to be accompanied by thinking about other people who are minorities (Interview, 2022). Basically, every business actor certainly wants their products to be of higher quality and for consumers to feel happy about buying these products. However, the existence of enforced policies and lack of socialization makes people confused about obeying all written policies.

It's not just a lack of understanding among business actors regarding the importance of having a halal certificate. However, socialization related to government policy has not been optimal, causing the wider community to think that all products that have a halal logo can be consumed. If people have thoughts like that, it is a positive impact from the halal labeling. However, outrageous behavior gives people the impression that products that do not have halal certification are not suitable for consumption. However, problems related to the halal industry are not only limited to the labels printed on each product packaging. However, the halal label already has halal standards from the Indonesian government.

Conclusion

The existence of halal products is an essential element and obligation for consumption by Muslims. Consuming halal products is something that is required according to Islamic law. Because products that are halal for consumption are able to provide protection and health for the human body. Meanwhile, several things that are forbidden by Islamic law to be consumed, such as pork, are things that can be harmful to bodily health. Because Islam is a holy religion and protects the human soul, such issues need to always be paid attention to. However, in paying attention to the halal attribute of products, the government does not necessarily have to form regulations governing halal products.

However, after the enactment of the Halal Product Guarantee Law, it turned out that there were still many polemics in society. This is because the public believes that the government is too involved in dealing with the religious problems of Indonesian society. However, what happened was division because Indonesian society is a diverse society. The conflict over halal certification arises because currently there is a social gap between Muslims and non-Muslims in meeting each other. There are too strict limits for giving a bad rating to something that is actually good, such as halal certification.

In addition, there are restrictions for non-Muslim business actors who sell products that do not comply with the provisions of Islamic law, of course after the enactment of the Halal Product Guarantee Law they cannot reopen their business. The existence of a policy that requires business actors to have halal certification means that the products they sell cannot be circulated in Indonesia. In response to this, on the other hand, the Muslim community still does not understand more about the systematics set by the government regarding mandatory halal certification.

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