



UDC 34

RATIO LEGIS OF HALAL SELF-DECLARATION REGULATION TO FULFIL THE PRINCIPLE OF BALANCE FOR MICRO AND SMALL ENTERPRISES AND CONSUMERS

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ABSTRACT

Halal self-declaration or halal certification based on halal statements from business actors, in this case micro and small businesses, has drawn controversy from various circles. Self declare halal is regulated in Article 4A of the Job Creation Law. Until now, halal self-declaration is still a polemic, one example of a case is a wine drink obtaining a halal certificate from the self-declaration route. The issue to be examined in this paper is the ratio legis of halal self-declaration arrangements in the halal product guarantee law and the legal implications of halal self-declaration arrangements for fulfilling the principle of balance for MSEs and consumers. The research method is normative legal research, using secondary data. The results of the discussion show that the ratio legis of halal self-declaration arrangements in the Job Creation Law is to provide convenience for MSEs in doing business, legal protection of MSEs, ease of licensing and also accelerate the halal certificate programme because all products circulating in the community must be halal certified and foster an investment climate. The legal implication is that the principle of balance, rights and obligations of MSEs with consumers as stipulated in Article 2, Article 4 Paragraph 1 and Article 7 Paragraph 1 and Paragraph 4 of the Consumer Protection Law are not fulfilled.

KEY WORDS

Ratio legis, self declaration halal, principle of balance, MSEs, consumers.

Indonesia is a country with a majority Muslim population. As a Muslim consumer is obliged to consume halal products as has been required by Allah SWT in the Qur'an. The government has an obligation to provide protection to consumers, especially Muslim consumers, in providing halal product guarantees. One form of government attention is the creation of a halal product guarantee law as a legal umbrella to provide protection to consumers, especially Muslim consumers. The birth of Law Number 33 of 2014 concerning Halal Product Guarantee (JPH Law) actually reinforces the urgency of halal-haram issues in the production chain from business actors to consumers and consumed by consumers, where there is also the role of intermediaries such as distributors, subdistributors, wholesalers, and retailers before reaching the final consumer. Consumer protection is a consequence and part of technological and industrial progress, so that access to all goods from other countries is easier. These technological and industrial advances have strengthened the distinction between traditional society and modern society.

The implementation of consumer protection related to halal products is regulated through Law Number 8 of 1999 concerning Consumer Protection and Government Regulation Number 69 of 1999 concerning Food Labels and Advertising, one of which regulates the obligation of producers to check the halalness of their products first before putting the 'halal' label on their products (Nur, F. 2021). The interests and beliefs of Muslims which legally cannot be reduced by the state, as guaranteed in Article 28 E Paragraph (1)



and Paragraph (2), Article 28 I, Article 29 of the 1945 Constitution, as well as Law Number 39 of 1999 concerning Human Rights.

In the previous period, submission of halal certification by producers was still voluntary (voluntary) and halal certificates were issued by MUI (Indonesian Ulema Council). However, after the enactment of the JPH Law, submission of halal certification by producers is mandatory and the authority to issue halal certificates is BPJPH (Halal Product Guarantee Organisation Agency). Article 4 of the JPH Law states that products that enter circulation and are traded in the territory of Indonesia must be halal certified, except for business actors who produce products from ingredients that are prohibited and are required to include non-halal information on the product. Furthermore, in 2020 the Job Creation Law was enacted, Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation and finally enacted in Law Number 6 of 2023. Article 4A states that for micro and small businesses applying for a halal certificate through a business actor's statement (self-declaration). This new concept has sparked controversy, some people agree and some disagree.

Previous research related to halal self-declaration, namely first, according to Istianah, states that the halal self-declaration policy for MSEs is in line with the five objectives of *syar'i* and in order to achieve benefit and eliminate/reject harm (Istianah and Dewi, 2022). Siti Nur Azizah has the same view that based on Islamic sharia law halal self-declaration provides trust, comfort and legal certainty for Muslim consumers. In practice, small and micro businesses use easily recognisable ingredients such as rice, sago, cassava so that it is easier to determine the halalness of a product. The Islamic community understands that halal fatwas cannot be issued by just anyone. Fatwa (declare) should be issued by a party or institution that has the competence to do so (Azizah, 2022).

A different opinion from Mustaklima, who states that: First, halal products are constitutional rights of Muslim consumers (spiritual rights), which are given by the 1945 Constitution as part of religious rights because halal products are related to Allah SWT. Second, Article 4A is not in sync with the constitution so that it is unconstitutional and has no power to be applied based on the principle of *lex superior derogat legi inferiori*. Third, it does not have the legitimacy to be considered a law because it does not fulfil the minimum threshold of morality criteria introduced by Lon L. Fuller. The unconstitutionality of Article 4A has a severe impact on legal uncertainty to protect consumers (Musataklima, 2021). Based on this description, to complete the study, the author will discuss the ratio legis of halal self-declaration arrangements in the halal product guarantee law and the legal implications of halal self-declaration arrangements for fulfilling the principle of balance for MSEs and consumers.

METHODS OF RESEARCH

The research method used is normative legal research. This research uses a statutory approach and a conceptual approach (Zainudin Ali, 2021). The data source used is secondary data sources, namely data sources obtained from the results of literature review or review of various literature or library materials related to the problem or research material (Mukti Fajar & Yulianto Achmad, 2015). Legal materials in this secondary data source are divided into three, namely: Primary legal materials, secondary legal materials and also tertiary legal materials. The data collection technique that will be carried out is by Library Research (I Ketut Suardita, 2015).

RESULTS AND DISCUSSION

Ratio legis can be interpreted as the reason for compiling and making a legal provision. Verena Klappstein in her book entitled: *Ratio Legis Philosophical and Theoretical Perspectives*, says: the use of ratio legis by the legislator as the real intention of the law giver, namely in the form of the reason for the law giver's consideration in enacting certain laws and writing implicitly. The ratio legis is also the subjective purpose of a law, the intention built by the law giver (Adam Dyrda, 2018). Ratio legis can be known from the halal self-



declaration arrangement for MSEs, it is necessary to examine the philosophical basis (ontological) for the formation of the JPH Law, because the JPH Law does not regulate self-declaration. Self-declaration is regulated in the Job Creation Law, namely the addition of Article 4A norms.

Philosophical argumentation (ontological) JPH Law can be observed in the consideration and general explanation, namely: JPH Law (2014) that to guarantee every religious believer to worship and carry out their religious teachings, the state is obliged to provide protection and guarantees about halal products consumed and used by the public; that products circulating in the community have not all been guaranteed halal; that the regulation of the halalness of a product at this time does not guarantee legal certainty and needs to be regulated in a legislation.

The philosophical (ontological) basis of the Job Creation Law can be observed in the consideration and general explanation, namely: Cipta Kerja Law (2023) that the state needs to make various efforts to fulfil citizens' rights to work and a decent livelihood for humanity through job creation; that to support job creation, it is necessary to adjust various aspects of regulations relating to the ease, protection, and empowerment of cooperatives and micro, small, and medium enterprises, improving the investment ecosystem, and accelerating national strategic projects, including improving the protection and welfare of workers.

In addition to the next 'weighing' consideration, namely the 'considering' consideration or the legal basis listed in the JPH Law, including Article 29 paragraph (2) of the 1945 Constitution of the Republic of Indonesia, namely the State guarantees the independence of each resident to embrace their respective religions and to worship according to their religion and beliefs. The explanation of the JPH Law in conjunction with the Job Creation Law is that the halal certificate in the JPH Law aims to provide legal certainty and also provide protection to the public in terms of product halalness. Meanwhile, halal certificates with a statement from business actors (self declare) are new norms regulated in Article 4A of the Job Creation Law, aiming to provide convenience in licensing, especially MSEs. Self-declare halal certificates are not enough to be categorized into licensing matters, because halal certificates are legal, there needs to be isbat/determination from the MUI Fatwa Commission and halal inspection institutions.

The academic manuscript of the Job Creation Law contains the results of a hearing meeting consisting of MUI, the Executive Board of Nadhalatul Ulama (PBNU), and the Muhammadiyah Central Leadership on the Job Creation Bill related to halal product guarantees. MUI conveyed several things including: Minutes of The Meeting on The Draft of the Job Creation Law (2020), halal is an integral part of Islamic teachings and beliefs that must be obeyed and fulfilled by every Muslim, the regulation of halal in this Job Creation Bill, is placed on economic or investment interests and motives that can be implemented loosely and by certain parties who do not have Islamic religious authority; Determination of halal fatwa through halal licensing for MSEs is not in accordance with the internum rights of Muslims, because it has the potential to confuse Muslims and cause legal uncertainty, because there is the potential for various halal fatwas for the same product; The norm is not in accordance with Islamic teachings because the government enters the realm of the substance of Islamic teachings or halal fatwa, by making halal a part of licensing; The government positions itself as an administrative institution and MUI positions itself to determine halal fatwa (substantive Islamic teachings) on government restriction products in administrative terminology; Central MUI Council needs to convey that halal certificate by MUI which is run by MUI for more than 30 years has been running well and gained the trust of the business world, both from domestic and foreign; and Halal in MUI nationally reached 102,744,000 per year, with details of central capacity 894,000 certificates, and in provincial capacity 11,880,000 certificates and district/city capacity 90,000,000. its competence can complete as much as 102,744,000/year, if referring to the place and also human resources.

Said Aqiel's opinion as the Executive Board of Nahdhatul Ulama (Minutes of The Meeting on The Draft of the Job Creation Law, 2020). Among them are: Philosophically Nahdlatul Ulama (NU) believes that everything is basically halal, except for those that are clearly forbidden and sociologically the Indonesian people are the majority Muslim so that the



haram certificate is more appropriate, but cannot deny the reality and legal politics chosen by the DPR and the government by passing the Halal Product Guarantee Law; Related to the guarantee of halal products to be an integral part of licensing issues, in which there are distribution permit, SNI, and also business licens; PBNU provides support in the Draft Job Creation Law where there is affirmation for small and micro entrepreneurs who are treated differently from medium and large businesses; Decentralisation of product halalness determination, there is no longer a monopoly on determining the halalness of a product by certain religious institutions.

The Muhammadiyah Central Leadership, in this case represented by Nadrattuzaman Hosen and Vina Rahayu (Minutes of The Meeting on The Draft of the Job Creation Law, 2020) said that there are 24 articles in this Omnibus Law relating to four issues, namely the issue of halal fatwa, self-declaration, halal supervisor, and accreditation. The JPH Law is not a halal certification law. Shift in terms of public administration and modern state. Usually from the government it is handed over to the community, now from the community it is pulled to the government and as a result it has been 5 years that it cannot walk. Based on this, the steps taken according to Muhammadiyah include: Return to MUI as a certification body, but the Halal Examination Institute is opened as widely as possible; The existing LPH becomes a certification body, but the fatwa remains in MUI; and the problem of halal fatwa, self-declaration, halal supervisor, and accreditation, it will not be completed if it is still the government. If the government subsidises, the government's money runs out.

Vina Rahayu as a delegate from the Muhammadiyah Central Leadership made breakthroughs, namely:(Minutes of The Meeting on The Draft of the Job Creation Law, 2020) The real contribution in assisting micro-enterprise scale food business actors, what must be reviewed is the existence of fatwa at the certification process stage, not the authority as a unifier of Indonesian Muslims; Self-declaration has actually been carried out by Singapore through AMLA, but of course here with very strict supervision or law enforcement; The halal supervisor in the Job Creation Bill is no longer required to be a Muslim, therefore a Muslim and competent halal supervisor is the main requirement to support self-declaration; The number of micro businesses in the food sector is quite large and the government is limited in financing the certification process; Self-declaration for micro businesses is facilitated by organisations, by credible communities, it should be accepted as a condition that can be accounted for.

Opinion from Golkar Party Faction member M. Sarmuji (Minutes of The Meeting on The Draft of the Job Creation Law, 2020), are: Things that need to be accommodated are mainly related to halal products, namely a sense of security, a sense of comfort for Muslims for the products they consume; Self Declare aims to facilitate business, so there is no guarantee that the person doing the self-declaration is a trustworthy person, worried that the self-declaration will be opened freely; Self-declaration must also have assistance and supervision so that what is declared, really does meet the halal criteria.

PDIP faction member Hendrawan Supratikno stated that:(Minutes of The Meeting on The Draft of the Job Creation Law, 2020) Self-declaration in tax science, namely self-assessment, is a very interesting idea and the JPH Law must be improved. Furthermore, Gerindra faction member Supratman Andi Agtas stated that: (Minutes of The Meeting on The Draft of the Job Creation Law, 2020) Gerindra faction agrees with Muhammadiyah's proposal that it should be handed back to the community, if the government handles it, the bureaucracy will appear; Halal inspection institutions are given to all Islamic organisations that have the ability and technological equipment and laboratories, but halal fatwa and standardisation from MUI.

PKS faction, Ledia Hanifa Amaliah (Minutes of The Meeting on The Draft of the Job Creation Law,, 2020), stated that: Islamic organisations must have a standard that ensures that the organisation has the instruments, compatible and credible people to issue a fatwa; self-declaration is a brilliant idea, so there must be some conditions; and the supervisor must absolutely be a Muslim.

Lukmanul Hakim, from the MUI Fatwa Council (Minutes of The Meeting on The Draft of the Job Creation Law, 2020), stated that: Halal is included in the context of licensing for



MSEs and will then become a tool for MSE masses. The rule of *usul fiqh* that applies is *al ashlu al ibahah*. MUI's view, *halal* self-declaration is a law. The law must have *isbat* / decree. When *isbat* is done, then there must be an authority that gives *isbat*. Does individual have *isbat*? MUI does not agree to that. Based on the description in the minutes above, there are 4 factions/decisions that agree to the implementation of *halal* seldeclare, namely NU, PDIP, Golkar, and PKS, while there are 3 that disagree, namely MUI, Muhammadiyah and Gerindra.

Table 1 – History of Halal Certificate and Label Regulations in Indonesia

No	Years	Regulation	Substance
1	1985	Joint Decree of the Minister of Health and the Minister of Religious Affairs No.427/Men.Kes/SK.BMII/1985 (Number 68 of 1985) concerning the Inclusion of Halal Writing on Food Labels	Manufacturers can write 'halal' on the packaging of their products themselves without laboratory testing and must be responsible for the halalness of their products; Producers are obliged to report the components of ingredients and processing processes to the Indonesian Ministry of Health. In this case, the inclusion of the 'halal' label is not yet based on certification and laboratory tests.
2	1989	MUI established LPPOM- MUI through Decree Number 018/ MUI/1/1989 dated 6 January 1989.	The case of lard that disturbed the public in 1988 made MUI take the initiative to establish LPPOM under MUI which consists of competent scholars and scientists; LPPOM- MUI is tasked to test the halalness of a product with a series of laboratory tests.
3	1991	Presidential Instruction Number 2 of 1991 on the Improvement, Guidance, Supervision, Production and Distribution of Processed Food	Presidential Instruction to the Coordinating Minister for People's Welfare: follow-up to the implementation of halal certification by LPPOM- MUI and coordinating Minister for People's Welfare together with MUI to coordinate the guidance and supervision of the production and circulation of processed food in relation to halal.
4	1992	Law Number 23 Year 1992 on Health	Authorises the Minister of Health to conduct food supervision and research, both in terms of health and halalness.
5	1996	21 June 1996 Charter of Cooperation between the Ministry of Health, the Ministry of Religious Affairs and the Indonesian Ulema Council on the inclusion of halal labelling on Food Products	MUI is in charge of carrying out halal certification based on audits conducted by a joint team of the three agencies (The Ministry of Health, the Ministry of Religious Affairs, and MUI); The halal labelling permit is issued by the Ministry of Health through the Food and Drug Administration (BPOM).
6	1996	Law Number 7 Year 1996 on Food	Strictly states that foreign and domestic products must be labelled on, in, and/or on food packaging. The label must at least include halal information; Whether the halal status is true or not must be proven in terms of raw materials, additional ingredients, and the manufacturing process. Therefore, the halal label cannot be given by the producer himself, but must go through a series of laboratory tests (halal certification process); Does not specify which party has the right to provide halal certification. his has become a polemic between MUI, the Ministry of Health, the Ministry of Religious Affairs, and the Ministry of Trade and Industry.
7	1996	Decree of the Minister of Health of the Republic of Indonesia Number 82/ Menkes/SK/1/1996 concerning the Inclusion of the Writing 'Halal' on Food Labels which was revised by Decree of the Minister of Health of the Republic of Indonesia Number 924/Menkes/SK/VIII/1996 concerning Amendments to Decree of the Minister of Health of the Republic of Indonesia Number 28 Menkes/SK/1/1996.	The Minister of Health Decree explains the operationalisation of halal labelling; Affirms that the inclusion of the word 'halal' is given based on the fatwa and the MUI Fatwa Commission, which was previously examined; Manufacturers who have obtained halal certification can apply for a halal labelling permit at the BPOM.



8	1999	Law Number 8 Year 1999 on Consumer Protection	Affirming that producers who include the 'halal' label on the packaging must carry out halal certification to avoid invalid halal statements; There are sanctions for violating producers (making invalid halal statements), a maximum penalty of 5 years or a maximum fine of IDR 2,000,000,000.00.
9	1999	Government Regulation Number 69 Year 1999 on Food Labelling and Advertising	Manufacturers who declare that their products are halal are required to include halal information or writing on the label; The truth of this halal statement must be proven not only in terms of raw materials, additives, and auxiliary materials, but also from the production process; Supervision of the implementation of the provisions on labelling and advertising of food products is carried out by the Minister of Health.
10	2001	Decree of the Minister of Religious Affairs Number 518 of 2001 concerning Guidelines and Procedures for Examining and Determining Halal Food. Decree of the Minister of Religious Affairs Number 519 Year 2001 concerning the Implementing Agency for Halal Food Inspection	The Minister of Religious Affairs appointed MUI as the Implementing Institution for food halal inspection. This food inspection includes: Examination and/or verification of applicant's data; Inspection of production process; Laboratory examination; Inspection of packing, packaging, and product storage; Inspection of transport, distribution, marketing, and serving systems; and Processing and determination of halal certification.
11	2014	Law Number 33 year 2014 on Halal Product Guarantee	Halal certificate mandatory
12	2020	Job Creation Law	Self declare halal for MSEs

Historical argumentation, starting with the Indonesian halal certificate that issued is MUI. Fatwa related to the halal certificate process is a recommendation (Taushiyah) in the MUI Fatwa produced (MUI, 2015). The government is asked to make this fatwa a guideline in determining the standard of slaughtering animals consumed by Muslims; The government must immediately implement a standard of slaughter that is correct according to Islamic law and safe in health in slaughterhouses (RPH) to guarantee the rights of Muslim consumers in consuming halal and thayib animals; LP POM MUI is asked to immediately formulate operational technical guidelines based on this fatwa as a guideline for the implementation of halal slaughter auditing, both at home and abroad; and The problem of washing pig/dog containers: The method is in-sertu (washed with water 7 times, one of which is with soil/dust or its substitute which has the same cleaning power), and a piece of equipment cannot be used alternately between pork and non-pork products even though it has gone through the washing process.

Based on the table above, it shows that the concept of halal selfdeclare is a setback because the concept does not have an examination as regulated in the joint decree of the Minister of Health and the Minister of Religion of the Republic of Indonesia No. 427/Men.Kes/SK-BMII/1985 (Number 68 of 1985) concerning the Inclusion of Halal Writing on Food Labels, the substance of which is that producers can write 'halal' on their product packaging themselves without laboratory testing and must be responsible for the halalness of their products.

The sociological argument related to halal certificates, especially halal self-declaration, is that halal-certified food is currently a consumer trend. This awareness is based on sharia needs for Muslims and that the process of achieving halal certification has gone through several stages related to health and food safety. The Indonesian government has facilitated the community through halal product policies and established a body that supervises and controls halal products. Indonesia is a Muslim-majority country in Southeast Asia and has facilitated Muslim groups by establishing halal certification institutions. Several ASEAN countries with Muslim communities have also developed the same thing. This condition encourages competition between countries to develop halal food products (Fithriana,A., & Kusuma,R.P. 2018). Consumer protection needs to be improved considering that the majority of Indonesia's population is a follower of Islam. Not only the Muslim population must be protected but also the Non-Muslim community. Halal product assurance is a guarantee



that every product that already has certification is safe for consumption by consumers, especially Muslim consumers (Hamberi, H., & Saputra, B.D, 2016).

The juridical argument for halal certificates is regulated in the JPH Law which has undergone changes up to 4 (four) times, namely in 2014, 2020, 2022 and 2023. This is to ensure the availability of halal products for Muslims and citizens as an implementation of Article 29 of the 1945 Constitution. The idea of omnibus law entered the world of Indonesian legal academia and legal politics, after President Joko Widodo's Inauguration Speech on October 20, 2019, stated: "All forms of regulatory constraints must be simplified. The government invites the House of Representatives to issue 2 major laws, namely the Job Creation Law and the MSEs Empowerment Law. Each of these laws will become an Omnibus law, which is a law that simultaneously revises dozens of laws that hinder job creation and MSEs development (Joko W, 2021).

In addition, halal food is regulated in Article 1 of Government Regulation No. 69 of 1999 concerning food labels and advertisements, stating that halal food is food that does not contain elements or ingredients that are haram or prohibited for Muslims to consume, both regarding food raw materials, auxiliary ingredients and other auxiliary materials including food ingredients processed through the process of genetic engineering and food irradiation and its management is carried out in accordance with the provisions of Islamic religious law.

According to Mujiono (Mujiono, S 2016) halal labeling is closely related to the implementation of Islamic sharia and UUPK in Indonesia. From an economic point of view, producers are product producers and consumers are product users. From a sociological perspective, the free market system makes the relationship between producers and consumers even more tenuous. Halal certification is determined by a fatwa issued by the MUI to producers through trials by the LPPOM (Institute for the Assessment of Food, Drugs and Food) MUI laboratory. Technically, people cannot self-detect halal or haram food.

Some of the approaches to the factors behind the importance of the JPH Law are as follows: First, various laws and regulations that regulate or are related to halal products have not provided legal certainty and legal guarantees for Muslims to be able to consume or use halal products. This makes it difficult for Muslims to distinguish between halal and haram, causing birth doubts and mental insecurity in consuming or using products. Existing laws and regulations also only regulate the halalness of food products, have not yet regulated medicinal products, cosmetics, biological chemicals and genetic engineering, and/or other used products. Second, there is no legal certainty regarding which institution clearly reflects the state's involvement in halal product guarantees. The current system does not provide certainty regarding the authority, duties, and functions regarding or in relation to halal product assurance, including its coordination. Third, the production and circulation of products in the domestic market are increasingly difficult to control due to the increase in food technology, genetic engineering, biotechnology, and biological chemical processes. Fourth, Indonesia's halal product system does not yet have official halal standards and marks (national halal standards) set by the government as well as the systems practiced in Singapore, Malaysia, and the United States. Fifth, the halal product information system as a guideline for business actors and the community is inadequate and not in accordance with the level of knowledge and public needs about halal products.

The substance regulated in the JPH Law is as follows: The Halal Product Assurance Agency (BPJPH) is an institution that guarantees the halalness of products and is responsible to the President through the Minister of Religion; In carrying out its duties and functions, BPJPH requires human resources who have the ability to carry out halal product inspections and/or testing. Therefore, halal auditors have a very important role and are one of the keys to ensuring the halalness of a product, in addition to having the ability to conduct inspections, of course, auditors are figures who have integrity and are certified; Halal auditors who carry out inspection duties are attached to the Halal Inspection Agency (LPH), the establishment of LPH with a decentralized system will have a positive impact in providing halal certification services, considering the distribution of products and Indonesia's geographical conditions that are not possible to reach if LPH is centralistic; International relations are very important for a country, in a very complex era of globalization; In order to



optimize the supervisory function in the implementation of halal product assurance, BPJPH has the authority to conduct supervision by including relevant Ministries/Institutions and the participation of the community. Community participation is also very necessary in terms of socialization, education, and information about halal products (Farid Wajdi & Diana S, 2021).

Table 2 – Amendments to Law Number 11 of 2020 with Law Number 6 of 2023

Substance of Change	Law Number 11 of 2020	Law Number 6 of 2023
Ease of halal certificate for MSEs	MSEs whose products are not risky and use ingredients that have been confirmed to be halal can self-declare according to the standards set by BPJPH; Halal certification management for micro and small businesses (MSEs) through self-declaration is free of charge (free)	No changes
Halal Certificate Submission Time	Regular: 21 business days; Self Declare: not yet set	Regular: fixed 21 working days; Self Declare: 12 working days (from the submission of the application to BPJPH, verification and validation by the PPH Companion, halal determination at the Fatwa Committee, until the issuance of halal certification from BPJPH)
Halal Product Fatwa Committee	Not yet regulated	The halal product fatwa committee is formed and responsible to the Minister: consisting of elements of scholars and academics; The fatwa committee for halal products must be formed no later than 1 (one) year since this law was promulgated; The government carries out the duties of the halal product fatwa committee until the formation of the Halal Product Fatwa Committee.
MUI	The determination of halal stipulations is carried out by the MUI through a halal fatwa session	The determination of halal provisions is carried out by the MUI, Provincial MUI, Regency/City MUI or the Aceh Consultative Assembly through a halal fatwa session.
Fatwa Session	The halal fatwa hearing, both regular registration and self-declaration, is carried out by the MUI Fatwa Commission	Halal fatwa hearings by the MUI fatwa commission no later than 3 working days from the receipt of the report from LPH. If the deadline is exceeded, the determination of halal product is carried out by the Halal Product Fatwa Committee; Determination of halal product by the Halal Product Fatwa Committee within 2 working days at most; The halal fatwa session for self-declaration registration is carried out by the Halal Product Fatwa Committee.
Validity period of halal certificate	Valid for 4 years	The halal certificate is valid since it was issued by BPJPH and remains valid as long as there is no change in the composition of the ingredients and/or PPH

The fundamental changes in Law Number 6 of 2023 are the time for assisting the halal product process, the existence of the Fatwa Committee for halal products, the determination of halal products, and the validity period of halal certificates.

Based on the description above, the legislative ratio of halal self-declaration regulations in the Job Creation Law is to provide convenience for MSEs in doing business, legal protection of MSEs, ease of licensing and also accelerate the halal certificate program because all products circulating in the community are required to be halal certified and foster an investment climate. The legislative ratio certainly has legal implications for the rights and obligations between consumers and MSEs. Meanwhile, in Article 2 of the UUPK, it recognizes the principle of balance for business actors, the community and the government.

Self-declare halal has been regulated and enforced since 2020. One example of a case based on <https://riaumag.com>, is a photo of wine or khamar circulating on social media with the halal logo from the Ministry of Religion of the Republic of Indonesia. The Halal Corner Indonesia Foundation stated that the one who issued the halal fatwa was the Halal Committee under the Ministry of Religion with the halal self-declaration route (without inspection); Self-declaration itself does not necessarily mean that business actors can declare their products halal, but there is still a mechanism that regulates it. With a written halal fatwa from the Ministry of Religion's Fatwa Committee, BPJPH issues a halal certificate; The critical point in self-declaring halal is in the PPH companion, namely the knowledge of materials and production processes. PPH companions, at least high school graduates, take part in companion training for 3 days and then can accompany business actors; The issuance of halal certificates for Nabidz brand wine products does not involve MUI. The wine



fermented beverage product with alcohol content is not in accordance with the MUI halal fatwa standard. The shift in Islamic legal values in self-declaration is halal because there is no halal fatwa from the MUI, but the halal fatwa is issued by the Fatwa Committee.

The perspective of maqashid shari'ah halal thayib (self declare halal) business is to maintain and fulfill the wishes and benefits of property (hifdzul mal). The concept can be reviewed in terms of how to get it or in terms of maintaining the assets that are already owned. Halal thayyib business ethics include the prohibition of containing elements of riba, gharar, maisir, and bai' najasy' (Chanifah, 2021). Beverage products containing wine are prohibited products because they contain haram substances.

Based on the example above, the change in the substance of halal product guarantees that ignores the protection of consumer rights confirm that the legal regulation of the availability of halal products is influenced by the interests of political elites and capitalists. This results in gaps and hegemony in people's lives. In addition, in this regime, the government seeks to accelerate halal products by providing convenience for entrepreneurs, especially MSEs, including halal recognition through independent declarations and even halal certificates valid throughout the time without the need for re-accreditation. If the acceleration effort is carried out without being based on the principle of balance of interests, then these efforts show that the government prioritizes the interests of the country's economy over sharia in the implementation of halal guarantees (Rusyianta, 2017).

Tuti Haryanti and Ahmadi Miru argued that the interests of different ideologies would be detrimental to religious interests so that the Job Creation Law has the potential to violate the constitution because it is not in line with the value of divine values. Therefore, the state policy in the implementation of mandatory halal is the government's effort to improve the country's economy. It must be recognized that the state is responsible for ensuring the greatest happiness (welfare) for the welfare of the people by improving the economy as stated in the fourth paragraph of the Preamble to the 1945 Constitution. However, in principle, the concept of welfare is not solely for economic improvement (material welfare), but how the state guarantees social justice by fulfilling human rights based on the concept of the state of law. The next opinion from Tuti Haryanti and Ahmadi Miru is that increasing economic growth is a political and legal dynamic that affects changes in the halal system, and halal product assurance regulations (Haryanti and Miru, 2024).

Normatively, the Job Creation Law 2023 aims to protect the interests of business actors (the economy) by providing convenience in obtaining halal certificates which are considered to affect the halalness of substances. First, a self-declaration of halal certification is required. Second, the time required for halal certification is disproportionate. Third, the validity period of the halal certificate does not exist. Fourth, recertification occurs when there is a change in the material or process. As a result, the current laws and regulations do not comply with the principle of balance of interests and thus do not guarantee legal protection for consumers (Haryanti and Miru, 2024).

The principle of balance in the legal relationship between producers and consumers is contained in Article 2 of the UUPK, further manifested in a number of article provisions, among others, in provisions on the purpose of consumer protection and consumer rights and obligations. The principle of balance is intended to provide a balance between the interests of consumers, entrepreneurs, and the government in a material and spiritual sense. This principle requires that consumers, producers, business actors, and the government obtain balanced benefits from the regulation and enforcement of consumer protection laws. The interests between consumers, producers, business actors and the government are regulated and must be realized in a balanced manner in accordance with the rights and obligations of each in the life of the nation and state. No one party has greater protection of interests than the other.

Article 4 Paragraph 1 of the UUPK consumers have the right to comfort, security (the right to safety) and safety in consuming goods. Article 7 of UUPK Paragraph 1, business actors have obligations, including being in good faith in carrying out their business activities and providing true, clear and honest information about the condition of goods and Paragraph



4 of business actors ensuring the quality of goods traded in accordance with applicable quality standards.

Legal protection is correlated with legal certainty, meaning that protection is felt when there is certainty of legal norms and certainty of these norms is enforced. This is in accordance with the principle of law which requires balance, and harmony between the parties involved. Legal protection efforts can be carried out in two ways, namely by giving regulations that aim to provide rights and obligations and guarantee the rights of legal subjects; Second, enforcing the rules (by the law enforcement) (Wahyu Sasongko, 2007). The unbalanced position between producers and consumers causes the situation and position of consumers to receive less attention. The principle of balance is an important principle that is expected to provide a balance between the positions of producers and consumers in a balanced, equal, or equal manner, so that the principle of balance can be reflected and regulated in the provisions of laws and regulations.

Sudikno Mertokusumo explained, legal principles are not concrete legal principles, but are the background of concrete and general or abstract regulations (Sudikno Mertokusumo, 2005). Satjipto Rahardjo said, perhaps it is not an exaggeration to say that this legal principle is the "heart" of legal regulations. We call it that because it is the broadest foundation for the birth of a legal regulation. Unless called the foundation, this legal principle deserves to be called the reason for the birth of legal regulations, or is a logical ratio of legal regulations (Satjipto Rahardjo, 2006).

CONCLUSION

Ratio legis of halal self-declaration regulations in the Job Creation Law is to provide convenience for MSEs in doing business, legal protection of MSEs, ease of licensing and also accelerate the halal certificate program because all products circulating in the community are required to be halal certified and foster an investment climate. The legal implication is that the balance of rights and obligations between MSEs and consumers in Article 4 of the Consumer Protection Law is not fulfilled. There is a shift in Islamic legal values in self-declaration halal because there is no halal fatwa from the MUI, the self-declared halal fatwa is issued by the Halal Fatwa Committee based on the halal statements of business actors accompanied by PPH Companions. Meanwhile, the PPH companion requirement is only high school graduates and has participated in training. The recommendation submitted is that the Government in making regulations or implementing regulations of the UUJPH should pay attention to the principle of balance between business actors, consumers and the Government.

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