

# Journal of Islamic Thought and Civilization (JITC)

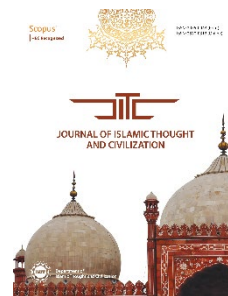
Volume 13 Issue 1, Spring 2023

ISSN(P): 2075-0943 ISSN(E): 2520-0313

Homepage: <https://journals.umt.edu.pk/index.php/JITC>



Article QR



**Title:** Role of Indonesian Council of *Ulama* in Halāl Certification and Product Guarantee

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**DOI:** <https://doi.org/10.32350/jitc.131.14>

**History:** Received: March 5, 2022, Revised: May 5, 2023, Accepted: May 05, 2023, Published: June 20, 2023

**Citation:** Rachman, Abdul and Ashar Johnsan Khokhar. "Role of Indonesian Council of Ulama in Halāl Certification and Product Guarantee." *Journal of Islamic Thought and Civilization* 13, no. 1 (2023): 203–214.  
<https://doi.org/10.32350/jitc.131.14>

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**Conflict of Interest:** Author(s) declared no conflict of interest



A publication of

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# Role of Indonesian Council of *Ulama* in Halāl Certification and Product Guarantee

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## Abstract

The current research analysed the role of Indonesian Council of *Ulama* in halāl certification after the enactment of Law No. 33 of 2014. The Indonesian Council of *Ulama* is Indonesia's peak clerical body with the authority to specify halāl and Harām fatwas of a product. It plays a crucial role in helping the government to assure halāl certification of the product before it is consumed. According to publicly available data, there are 85 percent of food, beverages, and cosmetic products with unidentified halāl certification circulating in Indonesia. Moreover, there are foods and beverages that put halāl label illegally without any halāl testing on the products. This issue may cause concern for Indonesian people, as majority of them are Muslims. The current study applied library research method to retrieve secondary data on halāl certification of food and beverages, which was in accordance with the Law No. 33 of 2014 on Halāl Product Guarantee. The study determined that the involvement of the Indonesian Council of *Ulama* to establish legal certainty for halāl and Harām food and beverage products after the enactment of Law No. 33 of 2014 for Guaranteed Halāl Products (JPH) was critical. Even though, the halāl certification procedure is handled by BPJPH, the Indonesian Council of *Ulama* has a role to play in halāl certification by issuing a halāl fatwa for a product. It also helps to accredit Halāl Inspection Agency and certifying halāl auditors.

**Keywords:** certification, cosmetic products, halāl, Indonesian Council of *Ulama* (MUI)

## Introduction

The formation of the Indonesian Council of *Ulama* has a huge leverage in the state and nation, especially when it comes to Halāl and Harām regulations for food, beverages, and even cosmetics. The Indonesian Council of *Ulama* (hereinafter refers to as MUI) is a platform for Indonesian *ulama* to get together and cooperate in order to carry out their responsibilities as a forum for issuing fatwas. Initially, MUI was established in each region (province) and was finally created at national level in Jakarta in 1975. MUI adopts four roles. The first one is that it serves as a forum which provides fatwas and advise to both, the government and the Muslims community on a variety of religious and social concerns. Secondly, it encourages Muslim solidarity in order to establish an effective leadership that reflects Muslim leadership in multicultural Indonesia. Thirdly, it acts as a mediator between the government and people. Finally, it is a representative of Muslims in deliberation between religious groups.<sup>1</sup>

One of the crucial responsibilities of MUI is to serve as a social hub for Indonesian *ulama* in order to issue fatwas on a variety of topics, particularly food and beverages. Prior to the enactment of Law No. 33 of 2014, MUI was assisted by MUI food, Drug, and Cosmetics Research Institute

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<sup>1</sup>Tim Lindsey, "Monopolising Islam: The Indonesian Ulama Council and state regulation of the 'Islamic economy,'" *Bulletin of Indonesian Economic Studies* 48, no. 2 (1 August 2012): 253-74, <https://doi.org/10.1080/00074918.2012.694157>.

(hereinafter refers to as LPPOM) to determine halāl and Harām product fatwas. LPPOM was established on an issue of lard in food and cosmetic products that showed a negative impact on the stability of the national economy which nearly collapsed in 1989. MUI acted directly to deal with the problem and find its solution.

Considering these circumstances, MUI established the Institute for the Study of Food, Drugs, and Cosmetics (LPPOM) on January 6, 1989. The main responsibility of LPPOM MUI is to investigate, categorize, and study the food, medicines, and cosmetics that circulate in the community. Moreover, it also reviews and develops the concepts related to regulations that govern the activities of restaurants, hotels, cruise ships, and flights. It also focuses on various types of ingredients used in the preparation and processing of food, medicines, and cosmetics by the community, particularly Muslims, in order to ensure that the product is halāl.<sup>2</sup>

The function of MUI in determining the halāl and Harām fatwas of a product is significant for the Muslim population. Whether a product is halāl or Harām is a matter of concern for Muslims before purchasing and consuming it, since it is an obligation for Muslims to follow the Islamic commandment to consume halāl products and avoid the Harām ones. Non-Muslim consumers in China, the United States, Japan, Brazil, and Australia, for instance, demand halāl items too. This demonstrates that halāl items are suitable for consumption by both Muslims and non-Muslims.<sup>3</sup>

Halāl food is defined as food which does not contain any ingredients or materials that are Harām or prohibited for consumption by Muslims. Halāl food refers to raw food, food additives, intermediate products, and other substances including food ingredients processed through genetic engineering processes and those whose management complies with the Islamic law. Indeed, this qualifies Indonesian Muslims as customers in a vast and profitable market.<sup>4</sup> Resultantly, the state must pay close attention to the assurance of a product's halāl certification.

In order to achieve general welfare and to guarantee that all residents are allowed to embrace their respective religion and worship according to their religion and beliefs, the state is obligatory to provide protection to them. Moreover, it also guarantees the halāl status of a product consumed by the community. Law No. 33 of 2014 about Halāl Product Guarantee (JPH) was enacted as mandated by the 1945 constitution regarding the determination of the halāl certification of a product. Halāl certification was previously handled by LPPOM MUI since 1996 with a memorandum to understanding on cooperation between the Ministry of Religion, Ministry of Health, and MUI.<sup>5</sup>

With the enactment of Law No. 33 of 2014, the government established the Halāl Product Guarantee Agency (hereinafter refers to as BPJPH) as an official entity that issues halāl certification in Indonesia. From October 17, 2019, BPJPH has performed its tasks as a state institution through some stages. With the adoption of Law No. 33 of 2014, various laws and regulations related to the implementation of halāl certification in Indonesia have been altered. One such example is the regulation of the institution authorized to administer halāl certification in Indonesia is BPJPH, not

<sup>2</sup>“LPPOM MUI | Institute for the Study of Food, Drugs, and Cosmetics the Indonesian Ulama Council's,” accessed 28 February 2022, <https://www.halalmui.org/mui14/>.

<sup>3</sup>Nizamuddin Zainuddin et al., “Effect of Halal Certification and Labelling Process on Halal Supply Chain Performance,” 1 August 2019.

<sup>4</sup>S. Sahr et al., “Effect of Halal Food Management System Certification on Buying Interest of Indonesian Consumer Goods,” *Uncertain Supply Chain Management* 9, no. 3 (2021): 731–38.

<sup>5</sup>Irham Lynarbi et al., “Analysis of the Effect of the Birth of Law No. 33 of 2014 concerning JPH and the Issuance of PP No. 31 of 2019 concerning JPH on the decision to carry out MoU and cooperation agreement between LPH candidates and BPJPH,” *International Journal of Social, Policy and Law* 1, no. 1 (1 December 2020): 88–110, <https://doi.org/10.8888/ijospl.v1i1.53>.

LPPOM MUI. MUI acts as a body that stipulates halāl fatwas and LPPOM MUI becomes a Halāl Inspection Agency (LPH).

The purpose of this research was to examine the role of the Indonesian *Ulama* Council in the implementation of halāl certification following the enactment of Law No. 33 of 2014. This research considered the debates and disagreements on how to respond to numerous clauses of Law No. 33 of 2014. Particularly, it focused on the Indonesian *Ulama* Council's involvement in the halāl certification process as well as the Institute for the Study of Food, Drugs, and Cosmetics (LPPOM MUI) after the establishment of Halāl Product Guarantee Agency (BPJPH). Furthermore, there are also disagreements and controversies over the halāl certification emblem, formerly known as the Indonesian *Ulama* Council halāl logo.

## 2. Discussion

### 2.1. Concept of Halāl Food in Islam

Etymologically, eating refers to the act of ingesting something through the mouth, whereas food refers to everything that humans consume, both in the form of staple foods and some other foods. The word food is derived from the Arabic term *at-ta'am* and the plural is *al-at'imah*, which translates to meals. In the encyclopaedia of Islamic law, food is defined as everything that may be consumed by humans or something that relieves hunger. Etymologically, drinking refers to the act of drinking liquids using one's mouth, whereas drinks refer to anything that can be ingested. The word drink is derived from the Arabic words *al-ashribah* and *as-syarb* (plural). In the Islamic law encyclopaedia, it is defined as the type of water or liquid that can be consumed.

In the study of *fiqh* and *usul fiqh*, halāl and Harām are the aspects of *taklifi* law. “Liberate,” “release,” “solve,” and “allow” are words that can be used to describe the word halāl. Halāl has two meanings in sharia law. Firstly, it indicates that the word halāl refers to the permissibility to utilize items or anything in order to meet the physical requirements, such as food, drink, and medication.<sup>6</sup> The second definition is related to one's ability to utilize, eat, drink, and perform certain actions, all of which are determined by the Qur'ān. Halāl has become a synonym for *mubāh*, since it is frequently used in sharia law writings.

Harām, on the other hand, is an etymological term that refers to something which is forbidden to use.<sup>7</sup> Harām has two aspects under Islamic law. Firstly, in terms of its limitations and substance and secondly, in terms of its form and nature.<sup>8</sup> Typically, the term halāl refers to foods and beverages that are permissible to consume according to *syar'i*. This word is most commonly used in everyday language in order to refer to food and beverages that are permissible to be traded according to Islamic law. Thus, in general, halāl food is good food that is permissible to eat according to Islamic principles, specifically, as prescribed in the Qur'ān and *hadith*.<sup>9</sup>

<sup>6</sup>Mansoureh Ebrahimi and Kamaruzaman Yusoff, *The Halal Industry in Malaysia: Challenges and Prospects* (Johor Bharu: UTM Press, 2015).

<sup>7</sup>Rahman Bin Abdullah, “Contemporary Challenges of Malaysia Halal Industry,” *Advances in Social Sciences Research Journal* 5, no. 10 (31 October 2018), <https://doi.org/10.14738/assrj.510.5259>.

<sup>8</sup>Arina Lintang Iklima, Yayuk Yuliati, and Anif Fatma Chawa, “Between Halal and Haram: The Challenges and Adaptation of Halal Dietary Consumption Indonesian Muslim Immigrants in Japan,” *Islam Realitas: Journal of Islamic and Social Studies* 7, no. 2 (31 December 2021): 109–22.

<sup>9</sup>Ramli Awang, Roslan Abdul-Rahim, Kamaruzaman Yusoff, Badlishisham Mohd Nasir, Mohd Nasir Ripin, Zulkiflee Haron and Mansoureh Ebrahimi., “Halal Epistemology from a Global Perspective,” *The Social Sciences* 9, no. 6 (2014): 375–78. <https://doi.org/10.3923/sscience.2014.375.378>.

Carrion, blood, pork, and (meat of) animals slaughtered by saying the name other than Allah including those that are strangled, beaten, fall, have horns and are attacked by wild animals, except for animals that have been slaughtered and animals that have been slaughtered (presented) for idols, are all prohibited in Islam. *Harām* drinks include all intoxicating beverages, whether made with *halāl* or *Harām* ingredients.

All objects are allowed (*halāl*) to ingest in Islam unless they are clearly mentioned to be prohibited (*harām*) (see the Qur'ān, *hadith*, *ijma*, and *qiyas*). "*Halālan Tayyiban*" is *halāl* in one unit (hygiene, healthy & wholesome). *Halāl* must be clean, pure, and prepared in compliance with Islamic principles which also prohibit pigs and their derivatives, blood and its derivatives, animals slaughtered without addressing Allah, carrion, wild animals, and *khamr*. However, the subject of "*tayyiban*" is not addressed or discussed in classical *fiqh* literature when it comes to food. In this context, *tayyib* refers to food that is holy, not dirty in terms of the substance, or not damaged (expired), or mixed with dirty substances that may harm physical and mental health. *Tayyib* food also refers to food that is nutritious, balanced, and hygienic. In his commentary, Quraish Shihab noted that *tayyib* meal is a good and nutritious meal that may be seen in terms of its cleanliness, flavour, and the way it is served.<sup>10</sup>

In terms of food, *halāl* refers to Allah SWT's permission to do anything based on a principle that complies to Islamic law.<sup>11</sup> *Halāl* certification refers to the relevance of non-material and spiritual essence in acquiring and consuming food, in a sense that it relates with more aspects of the substance or material. *Tayyib* must adhere to nutritional guidelines and be proportional (good, balanced and in accordance with body health). If it is good for babies, it may not necessarily be good for adults. If it is good for sick people, it may not necessarily be suitable for healthy people and so forth. Resultantly, the *halāl* aspect in classical *fiqh* literature takes precedence over the *tayyib* aspect. *Halāl* is related with business as well.<sup>12</sup> It is beneficial to do business in a *halāl* way. The *halāl* product guarantee in Law No. 33 of 2014 covers a wide range of aspects including product raw materials, production procedures, packaging, logistics, distribution, presentation, and sales.

## 2.2. Stipulation of the *Halāl* Fatwa of the Indonesian Council of *Ulama*

While defining the *halāl* status of a product, a *halāl* fatwa issued by the Indonesian Council of *Ulama* is required. According to Indonesian Council of *Ulama*, fatwas are the solutions or explanations from scholars on religious topics applicable to the general public. Meanwhile, fatwa of Indonesian Council of *Ulama* is a fatwa issued in writing by MUI on a religious subject that has been authorized by members of the committee in a commission meeting.

According to the stipulation of Indonesian Council of *Ulama* of the fatwa on *halāl* products based on MUI's guidelines and procedures for determining the fatwa, dated December 16, 2003, there are multiple phases to determine the *halāl* fatwa of a product:<sup>13</sup>

<sup>10</sup>Joan C. Henderson, "Halal Food, Certification and Halal Tourism: Insights from Malaysia and Singapore," *Tourism Management Perspectives* 19 (1 July 2016): 160-64, <https://doi.org/10.1016/j.tmp.2015.12.006>.

<sup>11</sup>A. Nurdiansyah, "Halal Certification and Its Impact on Tourism in Southeast Asia: A Case Study Halal Tourism in Thailand," *KnE Social Sciences*, 23 May 2018, 26-43, <https://doi.org/10.18502/kss.v3i5.2323>.

<sup>12</sup>Normia Akmad Salindal, "Halal certification compliance and its effects on companies' innovative and market performance," *Journal of Islamic Marketing* 10, no. 2 (1 January 2018): 589–605, <https://doi.org/10.1108/JIMA-04-2018-0080>.

<sup>13</sup>"LPPOM MUI | Institute for the Study of Food, Drugs, and Cosmetics The Indonesian *Ulama* Council's."

- a) The fatwa on halāl products is issued following an audit with a report on the results of the halāl auditor's examination depending on the outcomes of the Indonesian Council of *Ulama*'s LPPOM auditor meeting.
- b) Director or LPPOM Director of the Indonesian Council of *Ulama* receives the audit results of a halāl product after appointment in the commission plenary session.
- c) The halāl auditor is accompanied by the Fatwa Commission in inspecting and analysing the topics relevant to *fiqh*, such as the slaughter and purification processes.
- d) After the completion of all procedures, the Fatwa Commission of the Indonesian Council of *Ulama* issues a halāl certificate, indicating the halāl status of a product.

This fatwa for halāl products was issued before the enactment of Law No. 33 of 2014, Government Regulation No. 31 of 2019 about the implementation of Law No. 33 of 2014 about guaranteed halāl products, and before the Decree of the Minister of Religion (KMA) No. 982 on halāl certification services was issued.

### 2.3. Regulation of Halāl Certification in Indonesia

Halāl certification in Indonesia has undergone several changes in operational, policy, procedure, and even regulation aspects. The first institution to carry out halāl certification in Indonesia was the Institution of Food, Drugs, and Cosmetics of the Indonesian Council of *Ulama* (LPPOM MUI) in cooperation with several government bodies and universities, such as the Ministry of Religious Affairs, BPPOM, Ministry of Trade, and so on.<sup>14</sup>

In order to assure Indonesian Muslims of halāl certification of a product, the Indonesian government promulgates regulations of halāl products assurance.<sup>15</sup> It took ten years to formalize the law on halāl certification after an assessment of the bill of halāl product assurance in 2004. On 17 October 2014, the ratification of the bill of halāl products assurance led to the enactment of Law No. 33 of 2014. To implement the Law No. 33 of 2014, Indonesia then issued Government Regulation (PP) No. 31 of 2019 regarding the implementation regulations of Law No. 33 of 2014. On 17 October 2019, the Law No. 33 of 2014 was promulgated to enforce halāl certification in Indonesia.

On November 12, 2019, the Ministry of Religion Decree (KMA) No. 982 of 2019 was issued in order to implement Law No. 33 of 2014. According to certain stipulations in Law Number 33 of 2014, Government Regulation (PP) No. 31 of 2019 and Decree of the Minister of Religion (KMA) No. 982 of 2019, BPJPH is the regulator of halāl certification in Indonesia. While, Indonesian Council of *Ulama* has the rights to issue halāl fatwa for halāl certification in accordance with the audit of Halāl Inspection Agency. Meanwhile, LPPOM MUI becomes the Halāl Inspection Agency that carries out document compliance checking, audit implementation, and delivers audit outcomes on MUI Fatwa Commission meeting.<sup>16</sup>

Law No. 33 of 2014, Government Regulation No. 31 of 2019, and Decree of Ministry of Religious Affairs No. 982 of 2019 are regulations that strengthen the implementation of halāl certification in Indonesia. Their regulations govern, supervise, and even penalize those who do not follow and comply with all of the government's laws and regulations enacted by the legislation. The

<sup>14</sup>Mutiara Fajrin Maulidya Mohammad, "Halāl Product Assurance Certification Arrangements in Indonesia" 15 (2021): 9.

<sup>15</sup>Ririn Tri Ratnasari et al., "Halal Food Certification to Improve the Competitiveness of East and Middle Business in Indonesia," *KnE Social Sciences: The 2nd International Conference on Islamic Economics, Business, and Philanthropy (ICIEBP)*, 22 November 2018, 1044-56.

<sup>16</sup>Melissa Aulia Hosanna and Susanti Adi Nugroho, "Implementation of Law Number 33 of 2014 concerning Halal Product Assurance on Halal Certificate Registration on Food Products," *Jurnal Hukum Adigama* 1, no. 1 (19 July 2018): 511, <https://doi.org/10.24912/adigama.v1i1.2155>.

regulation plays an important role as an umbrella act for halāl products in Indonesia including food, beverages, cosmetics, medications, chemical goods, genetic engineering, biological products, and others consumed and used by the general public.<sup>17</sup>

#### 2.4. Role of Indonesian Council of *Ulama* before the Enactment of Law No. 33 of 2014

Before the stipulation of Law No. 33 of 2014, the institution that carried out halāl certification process in Indonesia was Indonesian Council of *Ulama* and Indonesian Council of *Ulama*'s Institute for the Evaluation of Food, Drugs, and Cosmetics (LPPOM MUI). Its prominence in halāl certification registration and studies and research on certified products was undeniable. In 2017 and 2018, LPPOM MUI received the SNI ISO/IEC 17025:2008 Accreditation Certificate for Halāl Laboratories and the SNI ISO/IEC 17065:2012 and DPLS 21 Accreditation Certificate for Halāl Certification Agencies from the National Accreditation Committee (KAN).

Halāl certificates and labels serve as a form of protection for local consumers who would soon be subjected to the ASEAN Economic Community (AEC) as well as a boost to the international competitiveness of Indonesian halāl producers and exporters. In Indonesia, halāl certification agency which also conducts the inspection, determination of fatwa, and issues the halāl certification is the Indonesian Council of *Ulama*'s Institute for the Evaluation of Food, Drugs, and Cosmetics (LPPOM MUI). In the process and implementation of halāl certification, LPPOM MUI cooperates with National Food and Drug Agency (BPOM), Ministry of Religious Affairs, Ministry of Agriculture, Ministry of Cooperative and Small-Medium Enterprises, Ministry of Trade, Ministry of Industry, Marine and Fisheries Ministry, some state agencies, and also universities in Indonesia.

Products that would be halāl certified include food, beverages, drugs, cosmetics, and others that are likely to be consumed or used by the Muslims. Those products must be halāl certified by LPPOM MUI.<sup>18</sup> As a result, the halāl certification of the product could be a major concern as it ensures that what is consumed is truly halāl and is not contaminated with Harām products in any way. Since not everyone can be certain of a product's halāl status, a halāl certificate issued by MUI is essential. In essence, the procedure and mechanism to determine halāl fatwas at the Fatwa Commission level are the same as those for determining fatwas in general, that is, LPPOM MUI would perform a research and audit before bringing the products for which a halāl fatwa is requested to the commission session.<sup>19</sup> The following are the procedures and mechanisms used by LPPOM MUI to determine a halāl fatwa:<sup>20</sup>

1. MUI provides LPPOM auditors with knowledge on forbidden materials according to Islamic law.<sup>21</sup>

<sup>17</sup>Bintan Dzumirroh Ariny, "The Positive Impact of Law Number 33 of 2014 concerning Halal Product Assurance in Creating a Halal Product Assurance System in Indonesia," 3, no. 2 (2020): 21.

<sup>18</sup>Suharko Suharko et al., "Institutional Conformance of Halal Certification Organisation in Halal Tourism Industry: The Cases of Indonesia and Thailand," *Tourism: An International Interdisciplinary Journal* 66, no. 3 (28 September 2018): 334–48.

<sup>19</sup>Devi Septiani, and Ahmad Ajib Ridlwan, "The Effects of Halal Certification and Halal Awareness on Purchase Intention of Halal Food Products in Indonesia," *Indonesian Journal of Halal Research (IJHAR)* 2, no. 2 (31 August 2020): 55–60, <https://doi.org/10.15575/ijhar.v2i2.6657>.

<sup>20</sup>Hayyun Durrotul Faridah, "Halal Certification in Indonesia; History, Development, and Implementation," *Journal of Halal Product and Research (JPHR)* 2, no. 2 (21 December 2019): 68–78, <https://doi.org/10.20473/jhpr.vol.2-issue.2.68-78>.

<sup>21</sup>"MUI Halāl Decree Process Flow | LPPOM MUI," November 5, 2020. <https://halalmui.org/alur-proses-ketetapan-halal-mui/>.

2. Halāl auditors perform a research and audits on businesses that apply for halāl certification. The following are some of the inspections carried out:<sup>22</sup>
  - a) Thorough inspection on product ingredients including raw materials and supplementary (auxiliary) materials.
  - b) Verification of proof of product material purchase.
3. Sample of substances are then tested in a lab to verify whether a product is halāl or Harām.
4. The halāl auditor of LPPOM MUI may undertake multiple examinations if there is any suspicious or Harām (unclean) material in it.
5. The findings of the inspection and audit are subsequently compiled into minutes which are then presented to the MUI Fatwa Commission for consideration.
6. The contents of the minutes are conveyed and explained by LPPOM MUI in the fatwa commission session which then evaluates them extensively and thoroughly.
7. A product that still contains doubtful halāl ingredients or documentation of the procurement of product materials and are not considered transparent by the commission session, shall be returned to LPPOM MUI for investigation or audit.
8. Meanwhile, the commission session would issue a halāl fatwa for products that have been verified as halāl by the commission session.
9. The outcomes of the commission session are then presented to the Indonesian Council of *Ulama*'s executive council in order to issue a halāl fatwa decree in the form of a halāl certification.<sup>23</sup>

To ensure the halāl status of a product that has acquired halāl certification, MUI stipulates and emphasizes that if any parts of illicit commodities are discovered in the product at any time, MUI reserves the right to revoke the applicable halāl certification. Every halāl-certified product must renew or extend its halāl certification every 2 (two) years, using the same methods and mechanisms. If a company does not apply to extend halāl certification after 2 (two) years from the effective date of the halāl certification, the company is no longer qualified for halāl certification. Moreover, the halāl status of its products is no longer MUI's responsibility. Following the enactment of Law No. 33 of 2014, the validity period indicated in the halāl certificate has changed to 4 (four) years.<sup>24</sup>

#### 2.5. Role of Indonesian Council of *Ulama* following the Enactment of Law No. 33 of 2014

As Indonesia already has a Halāl Product Guarantee Law (JPH), all products entering, circulating, and trading in Indonesia must be certified halāl.<sup>25</sup> These types of products include food, beverages, medications, cosmetics, chemical products, biological products, genetically altered goods, and consumer goods that are used, utilized, or consumed by the public at large. Law No. 33 of 44 regarding Halāl Product Guarantee (JPH) was approved by President Susilo Bambang Yudhoyono on 17 October 2014 in the form of Law No. 33 of 2104.<sup>26</sup>

<sup>22</sup>Ibid.

<sup>23</sup>Ibid.

<sup>24</sup>Faridah, "Halal Certification in Indonesia; History, Development, and Implementation."

<sup>25</sup>Agus Purwanto et al., "The Role of Brand Image, Food Safety, Awareness, Certification on Halal Food Purchase Intention: An Empirical Study on Indonesian Consumers," *Journal of Industrial Engineering and Management Research* 2, no. 3 (21 May 2021): 42–52, <https://doi.org/10.7777/jiemar.v2i3.144>.

<sup>26</sup>Eka Dyah Setyaningsih, and Sofyan Marwansyah, "The Effect of Halal Certification and Halal Awareness through Interest in Decisions on Buying Halal Food Products," *Syi'ar Iqtishadi : Journal of Islamic Economics, Finance and Banking* 3, no. 1 (29 May 2019): 65–79, <https://doi.org/10.35448/jiec.v3i1.5515>.



Law No. 33 Year 2014 states that the regulator for halāl certification is no longer the Indonesian Council of *Ulama*, however, the Halāl Product Guarantee Agency (BPJPH). The agency's responsibilities and functions include halāl registration, halāl certification, halāl verification, guidance, education, socialization, product halāl status oversight, partnership, and design and implementation of halāl standardization of a product. The Halāl Product Guarantee Agency (BPJPH) is a governmental body that handles halāl certification in Indonesia and also reports to the Minister of Religious Affairs. Additionally, the Halāl Product Guarantee Agency (BPJPH) has developed halāl standardization to protect domestic and foreign Muslim consumers from halāl items exported to or imported from other countries.<sup>27</sup>

Meanwhile, the Indonesian Council of *Ulama* is involved in halāl auditor certification, Halāl Inspection Agency (LPH) accreditation, and halāl fatwa determination. There are similarities and contrasts on the role of Indonesian Council of *Ulama* before and after the enactment of Law No. 33 of 2014. The Indonesian Council of *Ulama* played a similar role before and after the enactment of Law No. 33 of 2014 in stipulating a fatwa on a product's halāl certification. The difference is that the Indonesian Council of *Ulama*'s autonomous organization, LPPOM MUI, has shifted from a regulator to a Halāl Inspection Agency (LPH), with the Indonesian Council of *Ulama*'s primary responsibility to certify halāl auditors and accredit halāl inspection agencies (LPH). Additionally, the Indonesian Council of *Ulama* established the National Halāl Council (DHN), chaired by Dr. H. Zainut Tauhid Sa'adi, M.Sc., in order to fulfil the responsibility of the Indonesian Council of *Ulama* to determine the halāl fatwa of a product.<sup>28</sup>

According to the Decree of Minister of Religious Affairs (KMA) No. 982 regarding halāl certification services, three institutions namely, the Halāl Product Assurance Agency (BPJPH), the Indonesian Ulema Council, and the Indonesian Ulema Council Food, Drugs, and Cosmetics Research Institute (LPPOM MUI) have the responsibilities and authorities on halāl certification. The duties and authorities are listed in the table below:

**Table 1.** Duties and Authorities of BPJPH, MUI, and LPPOM

Agency	Duties and Authorities	
	After the Enactment of Law No. 33 of 2014	Before the Enactment of Law No. 33 of 2014
BPJPH	1) Submission of an application for halāl certification and registration	None
	2) Issuance of halāl certificate	
	3) Act as a regulator for the implementation of halāl certification in Indonesia	
MUI	1) Scientific review of the results of inspection and/or testing a product for a halāl status	1) Scientific review of the findings of a collaborative examination with LPPOM MUI
	2) The Fatwa Commission is conducting a halāl fatwa trial based on the findings of the Halāl Inspection Agency audit.	2) In areas that needed <i>fiqh</i> studies, such as slaughter and purification, product halāl testing was performed in cooperation with LPPOM MUI.

<sup>27</sup>Mariam Abdul Latif, "Halal International Standards and Certification," *The Halal Food Handbook* (John Wiley and Sons, Ltd., 2020), 205–26, <https://doi.org/10.1002/9781118823026.ch14>.

<sup>28</sup>The Indonesian *Ulama* Council. "National Halāl Council," accessed 28 February 2022. <https://mui.or.id/lembaga-dan-badan/dhn>

Agency	After the Enactment of Law No. 33 of 2014	Before the Enactment of Law No. 33 of 2014
	Duties and Authorities	
LPPOM	1) Inspection and/or test of the halāl status of the product. 2) Now become the Halāl Inspection Agency (LPH).	3) The halāl fatwa session was carried out in collaboration with LPPOM MUI.
		1) Submission of an application for halāl certification.
		2) Inspection, examination and test of the halāl status of a food product, medicine and cosmetics, as well as other goods.
		3) Along with the MUI Fatwa Commission, determining the legal status of a product to be certified halāl.
		4) Issuance of halāl certificates with MUI.

Source: Law No. 33 of 2014, PP No. 31 of 2019 and KMA No.982 of 2019

### 3. Conclusion

The Indonesian Council of *Ulama* plays a significant role in halāl certification, despite the fact that it is no longer in charge of the implementation of halāl certification. As mandated by Law No. 33 of 2014, the organizer of halāl certification in Indonesia is now BPJPH, a governmental body under the Ministry of Religious Affairs, instead of the Indonesian Council of *Ulama*. On the other hand, the Indonesian Council of *Ulama* continues to play a significant part in the halāl certification process because it is the organization that provides the halāl fatwa for a product through the Fatwa Commission. Meanwhile, the LPPOM of the Indonesian Council of *Ulama* has now changed to Halāl Inspection Agency (LPH) which no longer acts as the organizer. The Indonesian Council of *Ulama* has the jurisdiction to assess the results of the audits or inspections of the Halāl Inspection Agency (LPH), evaluate the halāl status of products, and issue halāl fatwas on products that have passed the audit and final reviews in the halāl certification process.

### Conflict of Interest

Author(s) declare that they have no conflicts of interest.

### Funding Details

This research did not receive grant from any funding source or agency.

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