

The Role of the Indonesian Ulema Council in Consumer Protection Against Counterfeit Halal Labels in Makassar City

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Abstract

The type of research used is qualitative research (Field Research) with a juridical and shar'i approach. Sources of data obtained directly from research subjects in the field by means of interviews and secondary data obtained from official documents of the Institute for the Assessment of Food, Drugs and Cosmetics of the Indonesian Ulema Council (LPPOM MUI), South Sulawesi Indonesian Ulema Council (MUI South Sulawesi), scientific journals and articles relevant to this study, the data analysis used is qualitative analysis. The research results show that The MUI concept in handling food and beverage products that are not labeled halal, that is, socialize regularly and MUI has the authority to determine product halalness through halal fatwa meetings. Forms of legal protection for consumers for food and beverage products that do not have a Halal Label, as stated in the Law - Law Number 33 of 2014 concerning guarantees for halal products, as well as giving warning letters, sanctions/fines to business actors who do not follow halal procedures. The perspective of Siyāsah Shar'iyah regarding food in Islam has been explained in general in the Qur'an and al-Sunnah, in the form of recommendations for eating what is lawful and good (tayyib) and prohibiting eating what is unlawful.

Keywords: MUI Role; Consumer Protection; Siyāsah Shar'iyah

Abstrak

Jenis penelitian yang digunakan adalah penelitian kualitatif (Penelitian Lapangan) dengan pendekatan yuridis dan syariah. Sumber data yang diperoleh langsung dari subjek penelitian di lapangan melalui wawancara dan data sekunder yang diperoleh dari dokumen resmi Lembaga Pengkajian Pangan, Obat-obatan dan Kosmetika Majelis Ulama Indonesia (LPPOM MUI), Majelis Ulama Indonesia Sulawesi Selatan (MUI), jurnal ilmiah dan artikel yang relevan dengan penelitian ini, Analisis data yang digunakan adalah analisis kualitatif. Hasil penelitian menunjukkan bahwa konsep MUI dalam menangani produk makanan dan minuman yang tidak berlabel halal, yaitu bersosialisasi secara rutin dan MUI memiliki kewenangan untuk menentukan kehalalan produk melalui pertemuan fatwa halal. Bentuk perlindungan hukum bagi konsumen terhadap produk makanan dan minuman yang tidak memiliki Label Halal, sebagaimana tercantum dalam Undang-Undang Nomor 33 Tahun 2014 tentang Penjaminan Produk Halal, serta pemberian surat peringatan, sanksi/denda kepada pelaku usaha yang tidak mengikuti prosedur halal. Perspektif Siyāsah Shar'iyah mengenai makanan dalam Islam telah dijelaskan secara umum dalam Al-Qur'an dan al-Sunnah, dalam bentuk rekomendasi untuk makan apa yang halal dan baik (tayyib) dan melarang makan apa yang haram.

Kata kunci: Peran MUI; Perlindungan Konsumen; Siyasah Syar'iyah.

1. Introduction

Consumer protection is closely related to legal protection; hence, it inherently involves legal aspects. The scope of such protection extends beyond the physical domain to include the abstract rights of consumers (Ardika & Firmansyah, 2021). In other words, consumer protection fundamentally refers to the legal safeguarding of consumer rights. For Muslims, the halal status of a product is a fundamental necessity, whether it concerns food, medicine, or other consumer goods. Given that Muslims make up 88.20% of Indonesia's population of 207 million (Abduh, 2021), the Indonesian market constitutes a significant Muslim consumer base. Therefore, ensuring the halal status of products is a matter of national importance and warrants serious governmental attention.

The Indonesian Council of Ulama (Majelis Ulama Indonesia—MUI) is a non-governmental organization that brings together scholars, religious leaders, and Muslim intellectuals to guide, educate, and protect the Muslim community across Indonesia (Tamam, 2021). One of the institutions under the auspices of the MUI is the Institute for the Assessment of Food, Drugs, and Cosmetics (LPPOM-MUI). This body is responsible for researching, assessing, analyzing, and determining whether various products—including food and its derivatives, pharmaceuticals, and cosmetics—are safe for consumption from both a health and Islamic legal standpoint (i.e., whether they are halal and permissible for Muslims to consume). LPPOM-MUI also provides recommendations, formulates guidelines, and offers education to the public. As an autonomous institution under MUI, LPPOM-MUI works in close coordination with MUI, particularly in issuing halal certifications. A halal certificate represents a written fatwa by the MUI affirming a product's compliance with Islamic law (Gunawan et al., 2022).

A fundamental paradox of democracy is its simultaneous demand for freedom—allowing competition and conflict in the pursuit of goals—alongside the need for order, stability, and consensus in its implementation (Kurniati, 2018). Democracy fosters constructive international cooperation and the development of positive initiatives, one of which is the right to freedom of expression and thought—principles closely tied to democratic values (Paradigma & Larissa, 2021).

The large number of uncertified products has made it difficult for consumers—especially Muslims—to distinguish between genuinely halal products and those that do not conform to Islamic principles. This situation is largely due to a lack of consumer education and low awareness of their rights and responsibilities (Ernawati & Koerniawan, 2023). According to LPPOM-MUI data from 2007, most products registered for halal certification come from major, well-established companies (Bambang, 2018). Nonetheless, many pharmaceutical products on the market are suspected of having unclear halal status. Data from the Indonesian Association of Cosmetic Companies (Perkosmi) show that there are approximately

744 cosmetic and toiletry companies in Indonesia (Ardela et al., 2023), yet only 23 of these companies (roughly 3%) have obtained halal certification from LPPOM-MUI. This implies that about 97% of cosmetic products available in the market have an uncertain halal status. Similarly, among 284 franchise companies in Indonesia, only 18 (6%) have been certified halal by the MUI, leaving 266 (94%) without certification, thus raising doubts about the halal status of their products.

Halal certification benefits producers as well; products bearing a halal label on their packaging are likely to experience increased sales due to enhanced consumer trust and confidence (Warto & Samsuri, 2020). Moreover, not only Muslim consumers prefer halal products—many non-Muslims also choose halal-certified goods (Priantina & Mohd Sopian, 2023). A professional code of ethics contains a normative framework, values, and written regulations that clearly define what is considered right and good, as well as what is wrong and inappropriate in professional conduct (Hisbullah, 2020).

However, monitoring of producers who manufacture non-halal food remains weak. Determining a product's halal status requires specialized expertise due to rapid advancements in food, pharmaceutical, and cosmetic technologies. The proliferation of modern science and technology has led to the emergence of various processed and packaged food products (Candra, 2019). In Makassar, the halal labeling process is consistent with procedures followed across Indonesia. The certification process takes approximately 21 working days, starting from the submission of required documents to the Halal Product Assurance Agency (BPJPH) to the issuance of the certificate (Syatar et al., 2023).

Islamic law obligates Muslim consumers to consume food and beverages acquired through lawful means and composed of halal ingredients (Adianti & Ayuningrum, 2023). In addition to being halal, these products must also be *tayyib*, meaning they should be wholesome—healthy, nutritious, and free from toxins. This aligns with the teachings of Islam as conveyed by the Prophet Muhammad (peace be upon him), who emphasized the importance of trustworthy governance (Hastriana et al., 2020). In practice, however, some producers act dishonestly and deceive consumers—for example, by using ingredients whose halal status is unverified or incorporating harmful chemical substances or forbidden elements such as borax or lard.

The powerlessness of consumers in the face of such business practices clearly harms public welfare. Many business actors hide behind standard form contracts or exploit vague and misleading information to secure consumer consent. The role of the MUI in protecting Muslim consumers from non-halal products is a relatively new development in Indonesia's legal landscape. Until recently, there was no comprehensive legislation regulating halal product assurance. Various legal instruments related to halal products have failed to provide clear legal certainty and protection for the public. Although the need for comprehensive legislation in this area had long been recognized, it was not until April 20, 1999, that the

Indonesian government enacted Law No. 8 of 1999 on Consumer Protection. This law was inspired by the Islamic principle that Allah has ordained trade and mutual exchange of goods and services through lawful transactions (*muamalah*).

Nonetheless, the continued circulation of uncertified products remains detrimental, particularly to Muslim consumers who struggle to distinguish genuinely halal goods from those that are not. According to 2007 data from LPPOM-MUI, the majority of products registered for certification came from well-known brands in the market—highlighting a pressing need to extend halal certification to all sectors and producers to ensure equitable consumer protection.

2. Research Methods

This study falls under the category of field research. The purpose of this method is to explain a problem and describe its solution in a comprehensive and systematic manner. The research employs a qualitative approach, which is suitable for examining phenomena in their natural settings. In this approach, the researcher serves as the primary instrument, data collection is carried out through triangulation (a combination of methods), data analysis is inductive/qualitative, and the findings prioritize meaning over generalization. In qualitative field research, the researcher acts as the main instrument of the study. As a human instrument, the researcher is responsible for determining the focus of the study, seeking relevant information, collecting data, and formulating conclusions based on the findings. The instruments used to collect data in the field include interview guidelines, documentation, observation, and electronic media such as mobile phones. These instruments are essential for extracting data from various sources of information. The data obtained through these instruments are then analyzed to generate accurate and meaningful conclusions.

3. Discussion

3.1. The Concept of MUI in Handling Food and Beverage Products Not Labeled Halal in Makassar City

Halal certification has become a reference for halal certification systems in many countries around the world. However, in Indonesia, halal certification has not yet been made mandatory; it remains voluntary for business actors due to the absence of regulations that explicitly require halal certification (Nahlah et al., 2023). In fact, the implementation of halal certification is intended to protect the rights of Indonesian citizens, particularly those who are Muslim.

The essence of the Qur'anic verses and hadiths mentioned above is that Allah SWT explicitly prohibits His servants from consuming food and beverages that do not meet halal standards as explained in those texts (Muzakki, 2020). The legal provision regarding this matter is found in Law No. 8 of 1999 on Consumer Protection, Article 8 paragraph (8), which

states: *"Business actors are prohibited from producing and/or trading goods and/or services that do not comply with halal production standards, as stated by the 'halal' label on the packaging."*

Furthermore, Article 4 of Law No. 33 of 2014 concerning Halal Product Assurance stipulates that all products entering, circulating, and being traded within Indonesia must be halal certified. The products required to be halal certified include goods and/or services related to food, beverages, medicines, cosmetics, chemical products, biological products, genetically engineered products, as well as consumables used or utilized by the public (Mursidah & Fartini, 2023).

Law No. 33 of 2014 will be fully enforced as of October 17, 2024, requiring that all products be certified halal by the Indonesian Ulema Council (MUI). Sanctions for non-compliance will also be applied starting in 2024. These legal provisions reflect societal concerns and expectations wherever communities reside.

Article 26 of Law No. 33 of 2014 states:

- a. *Business actors who produce products from materials that are clearly prohibited (haram), as referred to in Articles 18 and 20, are exempted from applying for halal certification.*
- b. *Such business actors are nonetheless required to include a non-halal (haram) label on their products.*

According to the LPPOM MUI of Makassar City, the legal provisions concerning food and beverage products that do not bear a halal label were clarified in an interview with Mr. Achmad Juwaeni, Head of Public Relations and Halal Products Division of LPPOM MUI South Sulawesi. He explained:

"It can be seen in the Halal Product Assurance Law, particularly in Article 4, that products entering, circulating, and traded in the territory of Indonesia must be halal certified. Therefore, the emphasis in this article is that every product circulating within Indonesia must bear a halal label. The legal provisions are clear—products without halal labels should not be distributed; if they are, this constitutes a violation of the law."

Legal protection in this context refers to the safeguarding of consumer rights by business actors, the government, and legal institutions concerning the use or consumption of goods and/or services—either through contractual agreements or in accordance with applicable laws and regulations—so as to provide legal certainty to consumers based on the principles of consumer protection (Hanafiiah & Apriani, 2022). Legal protection for consumers against counterfeit halal labels is stated in the law, which asserts that products circulated in the country must be halal certified.

The MUI's position on food and beverage products that are not halal-labeled was also articulated in an interview with Ustadz Nasrullah Sapa, a member of the MUI Makassar City Board, who explained:

"Within the MUI, there are several sub-agencies such as fatwa commissions, LPPOM MUI, and others. The LPPOM is the central body responsible for halal certification, and

all personnel within this body are experts in food science. They are the ones who conduct on-site inspections related to the issuance of halal certificates. Once their assessment is complete, the process is then forwarded to the Fatwa Commission to issue the official halal certification."

The inspection and certification process for all products is carried out by nutrition and food science experts within LPPOM, and then submitted to the Fatwa Commission for final approval and halal labeling. According to the field study conveyed by Nasrullah Sapa, the stages of the halal certification process are as follows:

"Halal certification involves three main institutions: BPJPH, LPPOM MUI as the Halal Inspection Agency (LPH), and MUI. BPJPH is responsible for the overall implementation of halal product assurance. LPPOM MUI handles the documentation review, audit scheduling, audit execution, auditor meetings, issuance of audit memorandums, and submission of audit results to the MUI Fatwa Commission. The MUI Fatwa Commission determines the halal status of a product based on audit results and issues the official MUI Halal Decree."

The halal assurance process, including the Fatwa Council sessions, involves scholars and representatives from ministries, government institutions, and relevant agencies. The fatwa meeting must determine the product's halal status within 30 days of receiving the audit report or application from BPJPH. If the product is declared halal, MUI signs the decree, which is then forwarded to BPJPH to issue the halal certificate within 7 days. However, if MUI's fatwa council determines that the product is not halal, BPJPH will return the certificate application to the business actor along with the justification. BPJPH is also responsible for publicly announcing the issuance of the halal certificate.

3.2. Forms of Legal Protection for Consumers Against Halal Label Counterfeiting on Food and Beverage Products in Makassar City

Consumer protection encompasses all legislative regulations, including statutory laws and other legal instruments, as well as judicial decisions that substantively govern consumer interests. As stipulated in Article 1 of the Consumer Protection Law, consumer protection is defined as all efforts that ensure legal certainty to safeguard consumers (Siregar et al., 2021). Legal protection must effectively safeguard consumer rights from arbitrary actions by producers or business actors (Fista et al., 2023). The government plays a crucial role in protecting consumers, particularly Muslim consumers, from counterfeit halal labels on food products, as such protection aligns with Islamic mandates.

The rampant cases of halal label counterfeiting significantly harm consumers, particularly Muslim consumers in Indonesia (Hidayat & Latumahina, 2022). Inconsistencies and lack of synchronization in the regulation of halal certification and labeling are among the main drivers of such criminal acts. Furthermore, many business actors have not registered their products for certification and labeling, partly because, to this day, such registration is not mandatory (Muhamad, 2020). It should be noted that the Indonesian Criminal Code (KUHP) regulates document forgery, which is applicable to halal certification forgery, as a halal certificate is a formal document that verifies specific information.

Consumers are therefore urged to examine and evaluate the products they intend to consume with care and scrutiny. For Muslim consumers in particular, making a mistake in product selection may lead to both physical and spiritual harm. Physically, consuming products containing hazardous substances may be detrimental to health; spiritually, consuming non-halal products constitutes a religious transgression. Thus, it is essential for consumers to understand product information thoroughly, rather than making choices based solely on attractive packaging or low prices. Psychologically, people tend to opt for practical, economical, and high-yielding solutions. However, such tendencies must not be left unchecked, as they can lead to harmful consequences that require thoughtful consideration.

Legal protection is imperative to prevent public harm and to provide consumers with peace of mind when purchasing products. It also serves as a deterrent effect against perpetrators (Wiyono, 2020). The falsification of halal labels clearly harms the Muslim community as it contradicts Islamic law and creates ambiguity regarding product contents. Products without legitimate halal certification but labeled as halal can be dangerous if widely distributed.

The Consumer Protection Law stipulates that any business actor who produces or trades goods or services without adhering to halal production standards, while claiming the products are halal, may be subject to criminal sanctions of up to five (5) years imprisonment or a fine of up to IDR 2,000,000,000 (two billion rupiah) (Ikbal, 2020).

The seriousness of the Indonesian government in ensuring consumer rights and providing a sense of security—especially for its Muslim population—is evidenced by the enactment of Law No. 33 of 2014 concerning Halal Product Assurance. This law regulates the rights and obligations of business actors, as detailed in Articles 23 to 27.

Many consumers remain indifferent to the issue of halal label counterfeiting by unscrupulous companies due to a lack of awareness about where to report such violations and how such reports will be handled. These consumers often rely solely on the government and the Indonesian Ulema Council (MUI) to monitor and follow up on such cases, which particularly affect the Muslim community in Indonesia—especially in Makassar, the capital city of South Sulawesi.

3.3. The Perspective of *Siyasah Syar'iyah* on Consumer Protection Against Halal Label Counterfeiting in Makassar City

The foundational principle established in Islam is that everything created by Allah SWT is originally halal (permissible), and nothing is considered haram (forbidden) unless there is an authentic and clear scriptural evidence prohibiting it (Dede Al Mustaqim, 2023). This is reflected in a well-known legal maxim: “Everything is permissible unless there is evidence prohibiting it.” Within Islamic governance (*Siyasah Dusturiyah*), which regulates the relationship between the state and its citizens, five fundamental concepts are addressed: constitution, legislation, governing institutions, state agencies, and the rights and duties of

the state. In simpler terms, *siyasah syar'iyah* refers to policy measures concerning state affairs that are based on Shariah (Nabila, 2021). Humans, as honored beings, carry the dual responsibility of being both the vicegerents (*khalifah*) of God and His servants, striving for human rights and welfare in this world with dignity and within legal and moral boundaries—because one of humanity's vulnerabilities is the tendency to exceed limits.

Halal assurance provides spiritual tranquility for Muslims in food consumption. It functions as a guarantee of spiritual safety, ensuring that, alongside physical health considerations, the halal status of food is also observed. In the modern era, food production is no longer as simple as it was during the time of the Prophet or his companions. In the past, food types were limited and easily identifiable, eliminating the need for certifications or halal labels. Modern food production, however, often involves technological manipulation, making it visually difficult to determine a product's halal status. Various products may now be mixed with or processed using chemical substances, raising the risk of contamination with prohibited elements. A product that is originally composed of halal ingredients may become haram due to technological alterations.

In earlier times, when food technology was not as advanced, there were fewer processed food and beverage products, and thus the halal-haram issue was relatively straightforward. While jurisprudential disagreements among scholars existed, they were limited and often resolvable. Today, however, technology has introduced new challenges. For example, making bread used to involve just flour, yeast, and water. Nowadays, additional ingredients such as shortening, flavoring agents, and anticaking agents are commonly used. Many consumers are unaware of the origins of these additives—some of which may be derived from pork fat or other haram sources via chemical processes—underscoring the need for comprehensive scrutiny to distinguish halal from haram.

Another issue arising from technological food processing is related to products derived from animals that are halal by nature—such as cattle, goats, buffalo, or poultry—but become haram due to improper slaughtering methods that do not meet Islamic standards. Initially permissible, such food becomes forbidden as a result of technological intervention using modern tools. The concept of justice, which is central to Islamic governance, aims to ensure social order and peace.

With the globalization of food products, there is now a proliferation of imported food, beverages, and cosmetics circulating in society. Additionally, many core and additive ingredients used in domestic food processing are imported, with unclear halal status. Without proper halal guarantees, it becomes exceedingly difficult for consumers to distinguish between halal and haram products. Hence, clear regulations and authoritative oversight are essential to ensure product halalness.

Food safety entails the nutritional adequacy of food ingredients consumed by the body. By paying attention to both halalness and safety, a Muslim can achieve holistic well-

being—both spiritually and physically—and thus effectively fulfill their role as both a servant of God and His vicegerent on earth. The Qur'anic term *rijs* denotes moral and ethical corruption; when the Qur'an labels certain foods with this term, it signals profound spiritual danger.

4. Conclusion

The Indonesian Council of Ulama (Majelis Ulama Indonesia or MUI) plays a crucial role in overseeing food and beverage products that do not carry halal certification, particularly among Micro, Small, and Medium Enterprises (MSMEs) in Makassar City. This role is carried out through monitoring, controlling food processing practices, and promoting awareness about halal products. MUI is also authorized to determine the halal status of products through official halal fatwa sessions in accordance with established procedures.

The legal basis for MUI in issuing halal labels is grounded in the Qur'an and Hadith, as well as in national legislation, specifically Law of the Republic of Indonesia No. 33 of 2014 on Halal Product Assurance. This law mandates that every product entering, circulating, and traded within Indonesia must be halal-certified, especially those intended for Muslim consumers. Legal protection for consumers regarding food and beverage products that lack halal labels is stipulated in Law No. 33 of 2014. This protection includes public outreach on halal products, the issuance of halal certificates for products that have passed a series of tests conducted by the Food and Drug Supervisory Agency (BPOM) and the Institute for the Assessment of Food, Drugs, and Cosmetics (LPPOM), as well as warning letters or sanctions against business actors who fail to comply with halal procedures. From the perspective of *siyāṣah shar'īyyah* (Islamic political-legal governance), the distribution of products without halal labels is permissible, provided that the product's composition is clearly stated and includes a declaration that the product is not halal-certified. This measure ensures that Muslim consumers can make informed decisions. In Islam, the Qur'an and Sunnah explicitly encourage the consumption of lawful and wholesome (*halalan ṭayyiban*) food and prohibit the consumption of unlawful substances. These divine directives serve as a fundamental standard for Muslim consumers in fulfilling their daily needs in accordance with Islamic principles.

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