

**HALAL FOOD PRODUCTS LABELING ACCORDING TO  
ISLAMIC BUSINESS ETHICS AND CONSUMER'S  
PROTECTION LAW**



**LAW OF ISLAMIC ECONOMICS  
FACULTY OF SHARIA  
UNIVERSITY OF DARUSSALAM GONTOR  
1439/2018**



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UNIVERSITAS DARUSSALAM GONTOR

**HALAL FOOD PRODUCTS LABELING ACCORDING TO  
ISLAMIC BUSINESS ETHICS AND CONSUMER'S  
PROTECTION LAW**

**A THESIS**

**Submitted in Partial Fulfillment of the Requirements  
For Degree Program of Statum One (S-1)**

**By:**

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**Reg. No: 35.2014.3.2.0607**

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**LAW OF ISLAMIC ECONOMICS**

**FACULTY OF SHARIA**

**UNIVERSITY OF DARUSSALAM GONTOR**

**1439/2018**



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# **LABELISASI HALAL PADA PRODUK PANGAN MENURUT ETIKA BISNIS ISLAM DAN HUKUM PERLINDUNGAN KONSUMEN**

**Iyut Rizqi Utami**

NIM 35.2014.3.2.0607

## **ABSTRAK**

Kewajiban memberikan informasi yang benar dan jujur atas setiap produk makanan dan minuman yang dihasilkan oleh produsen atau pelaku usaha merupakan salah satu kewajiban utama yang diatur dalam Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen dan Undang-Undang Nomor 33 tahun 2014 tentang jaminan produk halal. Pencantuman label halal adalah sebagai bentuk tanggung jawab produsen dan pemenuhan hak atas perlindungan konsumen Muslim serta bentuk etika dalam dunia bisnis. Tapi hal tersebut tidak dilakukan oleh banyak produsen atau pelaku usaha yang memberikan kerugian dan menimbulkan permasalahan bagi umat islam yang terbukti dalam kasus mengenai produk pangan yang mengandung babi atau penggunaan sertifikat halal yang telah habis masa berlakunya, dari beberapa kasus yang muncul menerangkan bahwa banyak dari produsen tidak bertanggung jawab secara penuh atas perlindungan yang harus diberikan kepada konsumen, walaupun sudah mendapatkan sertifikasi halal bukan berarti kewajiban produsen telah selesai sepenuhnya, sertifikat halal dapat dikatakan hanya sebagai surat izin untuk memproduksi produk pangan yang telah berstatus halal, sementara labelisasi Halal pada produk pangan berperan penting karena merupakan implementasi jaminan Halal yang tertulis dan terlihat pada suatu produk. Adapun tujuan penulis dalam skripsi ini adalah untuk mengetahui peran Labelisasi Halal terhadap Hukum Perlindungan Konsumen dan Etika Bisnis Islam. Penelitian ini termasuk penelitian pustaka (*library/literature*

*research*), Metode pendekatan yang digunakan dalam penelitian ini adalah metode kualitatif dengan mengumpulkan Sumber primer melalui berita-berita atau kasus-kasus yang berasal dari World Wide Web/Website, dan data sekunder yang berupa buku-buku, jurnal atau pedoman yang bersangkutan dengan Hukum perlindungan konsumen, Etika bisnis Islam menurut hukum islam atau hukum positif, dan perundang-undangan yang menyangkut tentang perlindungan konsumen. Selanjutnya metode yang digunakan untuk menganalisis dalam penelitian ini adalah metode analisis isi. Hasil penelitian ini menyimpulkan bahwa pelabelan halal pada produk pangan mempunyai tujuan dan nilai-nilai, yaitu nilai-nilai yang akan mewujudkan perilaku bisnis yang beretika baik, berakhlak mulia dan professional dalam bisnisnya yang memperhatikan nilai-nilai spiritual dan kepentingan sosial sehingga akan melindungi konsumen. Pelabelan halal merupakan bentuk jaminan hukum yang akan melindungi konsumen secara lahiriyah maupun bathiniyah, artinya melindungi konsumen dengan memperhatikan kesehatan jasmani dan ketaatan umat Islam dalam melaksanakan perintah Allah SWT. Selain itu, Pelabelan Halalpun menjadi hal yang mutlak untuk dilakukan dan ditaati, karena aturan yang ditentukan pada Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen dan Undang-Undang Nomor 33 tahun 2014 tentang jaminan produk halal telah memuat hukuman bagi pelaku usaha atau produsen yang melanggar aturan Undang-Undang tersebut.

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**Kata Kunci:** Label Halal, Etika Bisnis Islam dan Hukum Perlindungan Konsumen

# HALAL FOOD PRODUCTS LABELING ACCORDING TO ISLAMIC BUSINESS ETHICS AND CONSUMER'S PROTECTION LAW

**Iyut Rizqi Utami**

Reg. No: 35.2014.3.2.0607

## ABSTRACT

The obligation to provide the true and honest information for all food and beverage products produced by manufacturers or businessmen is one of the primary obligation stipulated in Law No. 8 of 1999 on Consumer Protection and Law No. 33 of 2014 concerning the guarantee of halal products. The labeling of halal as well as a form of producer responsibility and fulfilling protectionist authority of Muslim consumers and form of ethics in the business world. But it is not done by many manufacturers or businessmen which give losses and cause problems for Muslims which are proven in the case of the food product that contain pork or the use of expired halal certificate, from some of the cases that coming explain a lot of manufacturers do not take full responsibility for protecting consumers authority, even though the manufactur had already gotten halal certification it does not mean that the obligations of manufacturers have finished completely, halal certificate could be said just as a license to produce halal food, while labeling of halal food on products plays an important role because it is the implementation of halal guarantee which written and visible on a product. The purpose of this thesis is to know how the role of Halal Labeling towards consumer protection law and Islamic business ethics. This research includes library research/literature research, method used in this study is a qualitative method by collecting primary sources through the news or cases originating from World Wide Web/Web Site, and secondary data in the form of a book, journals or guidelines concerned on consumer protection laws,

Islamic business ethics according to Islamic law or positive law, and the law concerning the protection of consumers. Furthermore, the methods used to analyze this research is content analysis method. The results of this study concluded that the labeling of Halal on food products have goals and values, the values that will concrete the good behavior of an ethical business, noble and professionals in the business which pay attention to spiritual values and social interests so that will protect consumers. Halal labeling is a form of legal guarantees that will protect consumers in way of physical and spiritual, it is mean protecting consumers with regard to physical health and observance of Muslims in carrying out the commands of Allah. In addition, the labeling of Halal became absolute thing to do and obeyed, because rules are specified in Act No. 8 of 1999 on Consumer Protection and Law No. 33 of 2014 concerning the guarantee of halal products already contain penalties for businesses or manufacturers who break the rules of the law.

**Key Words:** Halal Label, Islamic Business Ethics and Consumer Protection Laws

**STATEMENT SHEET OF ELIGIBILITY THESIS EXAM**

Herewith declared that the THESIS under the title :

**HALAL FOOD PRODUCTS LABELING ACCORDING TO ISLAMIC  
BUSINESS ETHICS AND CONSUMERS PROTECTION LAW**

Arranged by :

**Iyut Rizqi utami**

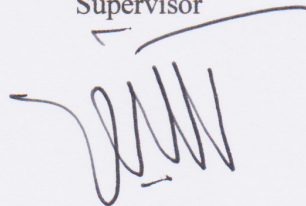
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Was read carefully and considered grant scientific standard,  
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**CERTIFICATION**

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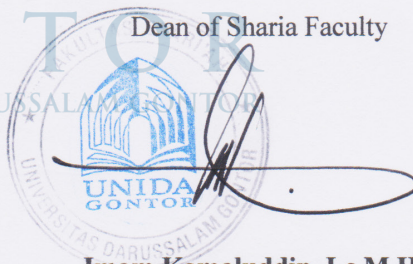
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It has been processed and corrected to meet the partial of the requirement to attain the degree of Licentiate (S1) in Law of Islamic Economics in Faculty of Sharia on academic year: 1438-1439/2017-2018. Hopefully, this thesis would be useful for religion, nation and development of educational institution.

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**DECISION OF THE TEAM**

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Place : **Main Campus of University of Darussalam Gontor**  
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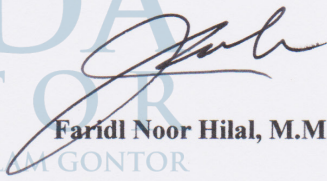
Has passed in the Thesis Examination and she is eligible for the degree of Licentiate (S1) Law of Islamic Economics.

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**Faridl Noor Hilal, M.M.A.**

The team of thesis examination:

1<sup>st</sup> Examiner: **Ahmad Fanani, M.A.**

2<sup>nd</sup> Examiner: **Faridl Noor Hilal, M.M.A.**

## DECLARATION

*Bismillahirrahmanirrahim*  
*Assalamu'alaikum Wr.Wb*

I Hereby,

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Reg. Number : **35.2014.3.2.0607**  
Faculty : **Sharia**  
Departement : **The Law of Islamic Economics**  
The Title : **Halal Food Products Labeling According to Islamic Business Ethic and Consumers Protection Law**

Declare that this thesis is the result of my own research, expect where otherwise stated. I also declare that this has not been previously or concurrently submitted as a whole for any other degrees at University of Darussalam Gontor or other universities. When, otherwise found that this thesis is a plagiarism, I am ready to accept any punishment according to academic regulation of university.

Siman, 17<sup>th</sup> of Rajab, 1439  
3<sup>rd</sup> of April, 2018

Author,



**Iyut Rizqi Utami**  
**35.2014.3.2.0607**

## MOTTOES

يَا أَيُّهَا النَّاسُ كُلُوا مِمَّا فِي الْأَرْضِ حَلَالًا طَيِّبًا وَلَا تَتَّبِعُوا خُطُوَاتِ الشَّيْطَانِ إِنَّهُ  
لَكُمْ عَدُوٌّ مُبِينٌ ﴿١٦٨﴾

O men! eat the lawful and good things out of what is in the earth, and do not follow the footsteps of the Shaitan; surely he is your open enemy.

(Al-Baqarah: 168 )

يَا أَيُّهَا الَّذِينَ ءَامَنُوا كُلُوا مِن طَيِّبَاتِ مَا رَزَقْنَاكُمْ وَاشْكُرُوا لِلَّهِ إِن كُنتُمْ  
تَعْبُدُونَ ﴿١٧٢﴾

O you who believe! eat of the good things that We have provided you with, and give thanks to Allah if Him it is that you serve.

(Al-Baqarah: 172 )

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## DEDICATION

I dedicate this worthy thesis to:

Both beloved and dearest angel, My father Mr. Risman Tumbu and My mother Ms. Etirianti, they always praying for me, give me the motivation, and uplifting to always learn.

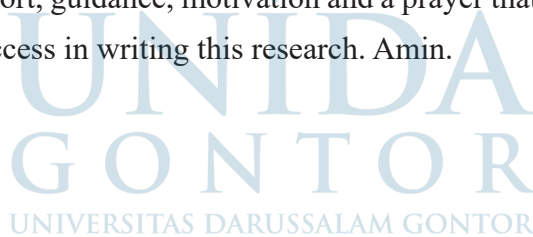
My Cheerful Sisters who always cheer me up and encourage me with their hope and funny sayings on them.

All families are always praying for much though.

Mr. Syaifullahil Maslul, M.H. as the thesis supervisor who has provided the excellent guidance and motivation so I am always eager to complete this thesis properly.

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Hopefully support, guidance, motivation and a prayer that they provide will give me the success in writing this research. Amin.



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Praise has always spoken to God the ruler of heaven and Earth, Allah Subhanahu Wa Ta'ala, Creator of the universe, the most Loving and more compassionate, which has given life, enjoyment, opportunity, experience and happiness that countless. Do not forget also to Prophet Muhammad Salallahu'Alaihi wa Sallam, as leader of the Faithful, an exemplary example motivates us to always strive hard in God's way and provide aid day Apocalypse. The researcher is fully aware that this arrangement will not be successful without the contribution, motivation, helping aid, encouragement, direction, and guidance from the various parties. Therefore, with all modesty, researcher have expressed thanks and high appreciation to:

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6. All of the lectures University of Darussalam Gontor for their teaching during the study in the University.

May Allah reciprocate a proportionate reward for them and bless them, and may this humble thesis be valuable and useful for readers especially for the author.

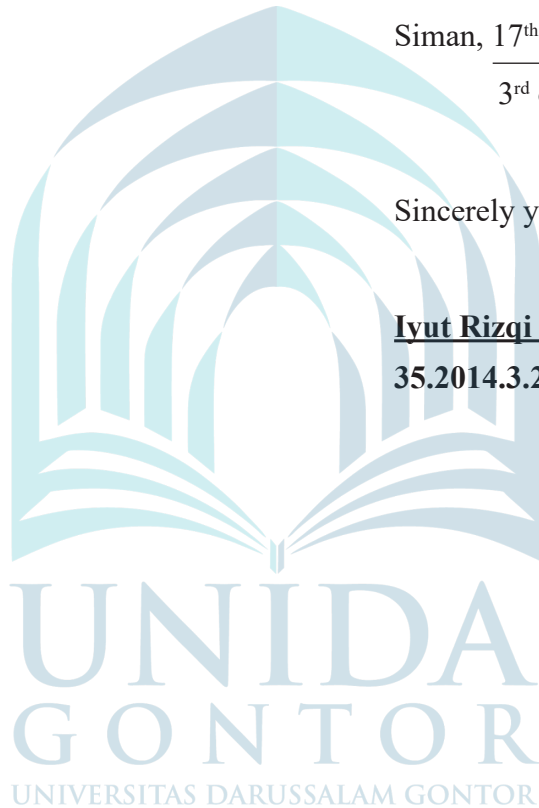
Siman, 17<sup>th</sup> of Rajab, 1439

3<sup>rd</sup> of April, 2018

Sincerely yours,

**Iyut Rizqi Utami**

**35.2014.3.2.0607**



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# CHAPTER I INTRODUCTION

## 1.1 Background

Food is one of basic human needs that cannot be left in our daily life. Without food and beverage in adequate quantity and quality, people will not be productive in their activities. The problem is related to food security, safety and health, both physical and spiritual.<sup>1</sup> The obligation to provide the true and honest information for all food and beverage products produced by manufacturers or businessmen is one of the primary obligation stipulated in Law No. 8 of 1999 on Consumer Protection and Law No. 33 of 2014 concerning the guarantee of Halal products about halal writing inclusion on Halal food label that reveals MUI Instructions on Halal Certificate.



Image 1. Decree of MUI on Halal Certificate

<sup>1</sup> Celina Tri Siwi Kristiyanti, *Hukum Perlindungan Konsumen*, (Jakarta: Sinar Grafika, 2011), p.169.

The label on food products serves as something to measure, to select a good product and a guarantee that the product safe to be consumed. The label is part of a product that brings verbal information about the product or about sales.<sup>2</sup> A label is a simple display or the form of a simple ring affixed to the product or planned complex image and becomes part of packaging or the label which can carry the brand name only.<sup>3</sup> Halal labeling is the inclusion of halal writing or halal statement on product packaging to indicate that the product had obtained halal status.<sup>4</sup> Halal label written that are attached on the food products packaging has three forms, namely using the Latin alphabet, Arabic alphabet and label/halal logo issued by Indonesian Ulema Council (MUI). It accompnas the halal certificate number underneath that consists of fourteen digit number.<sup>5</sup> Halal Label writing using Arabic alphabet contains the official symbols of MUI in green globular form.<sup>6</sup>



**Image 2.** Halal Label

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<sup>2</sup> Stanton, et al, *Marketing*, Edisi 11, Jilid 1, (Jakarta: Erlangga, 2004), p. 282.

<sup>3</sup> Philip Kotler, *Manajemen Pemasaran*, Edisi 2 (Jakarta: Prenhallindo, 2000), p. 477.

<sup>4</sup> KN. Sofyan Hasan, *Kepastian Hukum Sertifikasi dan Labelisasi Halal Produk Pangan*, Jurnal Dinamika Hakim, Vol. 14 No. 2 Mei 2014, p. 231.

<sup>5</sup> Siti Muslimah, *Label Halal Pada Produk Pangan Kemasan dalam Perspektif Perlindungan Konsumen*, Jurnal Yustisia Vol. 1 No.2 Mei- Agustus 2012, p. 90.

<sup>6</sup> Lies Afroniyati, *Analisis Ekonomi Politik Sertifikasi Halal oleh MUI*, Jurnal Kebijakan dan Administrasi Publik, Volume 18 No 1-Mei 2014, p. 40.

For producers who have obtained halal certificate they shall attach or affix halal label on the halal product. Halal labeling on food products such as food or beverage packaging is very important because it is a source of information for consumers especially for Muslims consumers. Halal labeling is also a form of producers responsibility and fulfilling protectionist authority of Muslims consumers as well as the form of ethics in the business world. But it is not done by many manufacturers or businessmen, for example is what happened at CV. Mitra Inti Jaya Kendari. As one of the bottled mineral water producers, CV. Mitra Inti Jaya has not included halal label on their mineral water product (Maxi). In fact they have already gotten halal label document and had halal certificate from MUI LPPOM South East Celebes since 2015.<sup>7</sup>

Furthermore, Food and Drug Supervisory Agency (BPOM) found the famous Korean Noodle product is contained the swine. It is known that BPOM performed sampling and testing on the few Korean instant noodles. Of some products tested by BPOM, there are four Instant noodle products which are positive containing pig DNA. Korean products containing pigs are Samyang (U-Dong instant noodles), Samyang (instant noodles of Kimchi flavor), Ottogi (Yeul Ramen instant noodles) and Nongshim (instant noodles Shin Ramyun Black). Based on BPOM regulation number 12 in 2016 about Processed Food Registration, processed foods containing certain ingredients derived from pork must include particulars of the words “Contains Pork” or red-colored picture of a pig on the product packaging as an information for consumer especially for Muslim consumers.<sup>8</sup> In addition, the violations occurred in Bolu Meranti business branch Medan which becomes the basis of consumer complaints is the MUI halal certificate that

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<sup>7</sup> <https://www.bosultra.com/News/Ekonomi>, Accessed on 20 December 2016.

<sup>8</sup> <https://tirto.id> Accessed on 20 June 2017.

has already expired. In the proceedings, halal certificate from MUI province listed by businesses in the label “Bolu Meranti” is already expired. But the businessmen still distributes and sells the products with the expired Halal label.<sup>9</sup> Furthermore, based on the results of products monitoring on the market and the testing of drug samples Viostin DS food supplements and Enzyplex, BPOM said that the two kinds of supplements tested are positive containing the pig DNA. According to the rules of Act No. 33 of 2014 about Halal Product Guarantee, businesses should be required to include unlawful food information on products which contain haram element according to Sharia.<sup>10</sup>

From the description above, businesses cases have violated the rules that are contrary to Law No. 8 in 1999 about consumer protection on the obligation of businesses to Article 7 Number 2 says that a business must: “Provide the right information, clear and honest about the condition and guarantee of the goods and/or services as well as explaining the use, repair and maintenance”, and in article 8 number 1 point (h) of the act that it is prohibited for businesses in producing or selling goods or services with: “Do not follow the rules of production lawfully, as a statement of “*Halal*” mentioned in the label”. And contrary to Law No. 69 Year 1999 about Food Label and Advertisement Article 10 paragraph (1) states: “Every person who produces or imports food that is packed into Indonesian territory for commercial claims that the food is halal for Muslims is responsible for the correctness of the statement and shall include a description or halal word on the label “. Moreover, contrary to the Act No. 18 Year 2012 about Food Article 97 paragraph (3) in point (e) clarifies that on a label it must contain at least a description of the “Halal for required”. It is also contrary to the Law No. 33 of 2014 about halal product assurance contained in Article 25 point

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<sup>9</sup> [www.liranews.com/berita](http://www.liranews.com/berita), Accessed on 6 January 2018.

<sup>10</sup> <https://tirto.id> Accessed on 31 januari 2018.

(a) that business operators who have obtained the halal certificate shall state the halal label on each product, and for those who violate the sanctions will apply for five years imprisonment or a fine of 2 billion rupiahs.

From the described problems above, it can be interpreted that the manufacturers do not take full responsibility for the protection that should be given to the consumers. Although already they obtain halal certification, that does not mean the obligations of manufacturers have finished completely since halal certificate can be said just as a license to manufacture food product that have halal status while halal labeling on food products plays an important role because it is a halal guarantee implementation that is written and visible on a product. For a Muslim, knowing lawful provision of information about halal or non halal product is the obligation, because it involves the implementation of the sharia. In addition, the halal labeling on food products is not only about the safety from consuming non halal food, but halal labeling provides halal assurance to consumers as a form of ethics in Islamic business world. While we feel at this age many partially of businesses do not pay attention to the Islamic business ethics, especially for Muslim business people the evidence is still there from most of those who have been certified halal but they do not put by halal label on their each package of halal production.

In this paper, will explain that the halal labeling does not intend to deny the substance of food that has been lawful or obtained halal status, but in this study halal labeling has a purpose and moral values in the protection and justice that should be given to Muslim consumers as well as in behavior or Islamic business ethics. If this is allowed, more producers would underestimate the halal labeling and do not use business ethics that results in the manufacturers will not protect Muslim consumers so that Muslim consumers become the of victims non halal products, while in Act No. 33 of 2014 about Halal Product Guarantee sets that to guarante religious followers to worship and to practice their religion, the government

is obliged to provide protection and assurance of halal products consumed and used by the society<sup>11</sup>, which means that Muslim consumers are required to obtain protection from non halal food products.

## **1.2 Problem Formulation**

1. How is halal food products labeling role according to islamic business ethics?
2. How is halal food products labeling role according to theory of consumer protection?
3. How is the analysis of halal food product labeling according to islamic business ethics and consumer protection laws?

## **1.3 Purpose of Research**

1. To know how the role of halal food products labeling according to islamic business ethics.
2. To know how the role of halal food products labeling according to consumer protection laws.
3. To know the analysis of halal food product labeling according to islamic business ethics and consumer protection laws.

## **1.4 Benefits of Research**

### **1.4.1 Scientific Interests**

It is expected from this research that it can enrich the science of Halal labeling, Consumer Protection Law and Islamic Business Ethics to be good and useful for the writer or the readers.

### **1.4.2 Applied Interests**

It is expected from this research that it can be used as a lesson and to provide insights and understanding of the producers or consumers on the importance of Halal labeling on food products.

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<sup>11</sup> Undang-Undang Nomor 33 tahun 2014 tentang Jaminan Produk halal.

## 1.5 Literature Review

Before conducting the study, to reinforce the basic theory the author took a scientific work of several authors in connection with the research title that will be investigated by the author including:

Thesis of Dede Hermawan. Faculty of Sharia, Sunan Kalijaga State Islamic University, 2009, entitled “Consumer Protection in SMS Business lottery prize comparative study of the MUI Fatwa and Law No. 8 of 1999 on Consumer Protection”.<sup>12</sup> The research method is descriptive research mainly analytics and comparative. The result shows that in law-making SMS Business between MUI Fatwa and Law No. 8 of 1999 on Consumer Protection is different. The difference between what Dede Hermawan is researching about on business SMS lottery prize and the author is that the author focused on examines the labeling of Halal food products. And the similarity is in the study of consumer protection.

Thesis of Nofa Sham Faculty of Sharia, Islamic State University Maulana Ibrahim Maliki, Malang, 2014, entitled “Legal protection for consumers in Indonesia on Halal-labeled food (Study of Legislation and Islamic Law)”.<sup>13</sup> The method used is approximation method in law. The results of his research is that the regulations on halal label products has been regulated in some legislation. The difference is Nofa Sham researching on food labeled halal while the author examines the labeling of Halal food products. And the similarity is in the study of consumer protection.

Thesis of Latifah Anggraini Faculty of Sharia, Islamic State University Walisongo, Semarang, 2015, entitled “Review of Islamic law

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<sup>12</sup> Dede Hermawan, *Perlindungan konsumen dalam Bisnis undian SMS berhadiah studi komperatif Fatwa MUI dan Undang-undang No.8 tahun 1999 tentang Perlindungan Konsume*, Faculty of Sharia, Islamic State University Sunan Kalijaga Yogyakarta, 2009.

<sup>13</sup> Nofa Sham, *Perlindungan Hukum bagi konsumen di indonesia terhadap makanan berlabel Halal (Studi terhadap Peraturan perundang-undangan dan Hukum Islam)*, Faculty of Sharia, Islamic State University Maulana Malik Ibrahim, Malang, 2014.

on consumer protection about drinking water refill depots in Semarang”.<sup>14</sup> This research is descriptive that is explained on the whole the research data about general overview of consumer protection refill drinking water depot. The results showed that in the view of Islamic law basically, all forms of buying and selling that contain deception, dishonesty and fraud, as well as endangering the wearer is prohibited. The difference is Latifah Anggraini consumer research on drinking water refill depot while the author examines the labeling of Halal food products. And the similarity is in the study of consumer protection.

Thesis of Nur Hayati Faculty of Sharia and Law, State Islamic University Sunan Kalijaga, Yogyakarta, 2015, with the title “Islamic Law Review on the responsibilities of manufacturers of snacks to consumers in Dukuh Village Karangnongko Jarum District of Bayat Klaten district”.<sup>15</sup> The research method is a field research using descriptive analytic normative approach. The results of his research is that the responsibility of the manufacturer of snacks to consumers in Dukuh Village Karangnongko Jarum District of Bayat Klaten district seen from several aspects is not in accordance with Islamic law. The difference is Nur Hayati is researching on producer responsibility on snacks to consumers while the author examines the labeling of Halal food products. And the similarity is in the study of consumer protection.

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<sup>14</sup> Latifah Anggraini, *Tinjauan Hukum Islam terhadap perlindungan konsumen Depot air minum isi ulang di kota Semarang*, Faculty of Sharia, Islamic State University Information, Semarang, 2015.

<sup>15</sup> Nur Hayati, *Tinjauan Hukum Islam terhadap tanggung jawab produsen makanan ringan kepada konsumen di Dukuh karangnongko Desa Jarum Kecamatan Bayat Kabupaten Klaten*, Faculty of Sharia and law, State Islamic University Sunan Kalijaga, Yogyakarta, 2015.

Thesis of Awal Firdaus Faculty of Sharia, Islamic Institute (IAIN) Palangkaraya in Central Kalimantan, 2016, entitled “Legal protection for consumers in the purchase agreement of secondhand motorcycle by Showroom”.<sup>16</sup> This research method is a field research focuses on the process of buying and selling of secondhand motorcycles in motorcycle showroom in Palangkaraya. The object of this study is the practice of buying and selling second-hand motorcycle, the subject of this study is the buyers and sellers of used motorcycles in Palangkaraya. The results of the study show that the process of buying and selling of second-hand motorcycle through a purchase agreement executed by the motor showroom in Palangkaraya do not give a guarantee to the consumer agreement. The difference is Awal Firdaus is researching a purchase agreement secondhand motorcycle by Showroom while the author examines the labeling of Halal food products. And the similarity is in the study of consumer protection.

## 1.6 Theoretical Framework

### 1.6.1 Theory of Islamic Business Ethics<sup>17</sup>

#### a. Deontological theory.

This theory says that any act cannot be determined from the consequences of that action, but there is a way to act that is simply prohibited, or simply mandatory.

#### b. Teleological theory.

This theory says that is true whether someone's actions precisely dependson the consequences if the result

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<sup>16</sup> Awal Firdaus, *Perlindungan Hukum terhadap konsumen dalam perjanjian jual beli sepeda motor bekas oleh Showroom*. Faculty of Sharia, Islamic Institute (IAIN) Palangka Raya, Central Kalimantan 2016.

<sup>17</sup> Abdul Aziz, *Etika Bisnis Perspektif Islam*, (Bandung: Alfabeta, 2013), p. 55-59.

of an acts it well, then it should be done, even obliged to do if the act result or action is bad, then the act should not be done.

c. Ethical egoism theory.

This theory highlights consequences both of the works for private interests, not the interests of the people. The theory argues that people who actually live in accordance with its own interests are real, a person is mature and knows the responsibility.

d. Utilitarian Theory.

This theory emphasizes that the deeds produce benefits, certainly not any benefits, but the benefits of the most widely bring happiness to people. Or actions that could lead to the most people feel happy and satisfied is the best deed.<sup>18</sup>

### 1.6.2 Theory of Consumer Protection

Principles concerning the position of consumers in relation to the businesses based on the doctrine or theory known in the historical development of consumer protection laws,<sup>19</sup> are among others:

a. Let the buyer beware (caveat emptor)

This principle assumes that businesses and consumers are the two parties who are balanced so then consumers do not need protection.

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<sup>18</sup> K. Bertens, *Pengantar etika Bisnis, Edisi Revisi*, (Yogyakarta: Kanisius, 2013), p. 63.

<sup>19</sup> Shidarta, *Hukum Perlindungan Konsumen Indonesia*, (Jakarta: PT Grasindo, 2006), p. 61.

This principle contains a weakness that the consumer development does not receive sufficient information to determine the choice of goods and/or services are consumed. This can be caused by lack of consumer's knowledge or businesses's non-openness to the products that is being offered. Thus, when consumers are at a disadvantage, then businesses can be argued that the loss resulting from the negligence of the consumers themselves.

b. The due care theory

This doctrine states that businesses have an obligation to be cautious in marketing products, goods and services. As long as businesses are careful with their products, they cannot be blamed. On this principle applies proving who argued it is was proved. This is consistent with the spirit of proof on private law in Indonesia, the proof is on the plaintiff, pursuant to article 1865 BW which expressly states that anyone who argues that he has a right or to affirm their rights or deny the rights of others, or refers to an event, then they are required to prove their rights or the event.

c. The privity of contract

This doctrine states that businesses have an obligation to protect consumers, but that can be done if they have established a contractual relationship. Business actors cannot be blamed outside the promised things. Thus, consumers can sue based on breach of contract. This is in accordance with the provisions of Article 1340 BW stating that the scope of the agreement is only between the parties who make an agreement only.

Principles and Objectives of Consumer protection is organized as a joint effort by five principles relevant to national development,<sup>20</sup> they are:

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<sup>20</sup> Elsi et al, *Hukum Dalam Ekonomi*, (Jakarta: PT Grasindo, 2007), p. 159.

- a. The Principle of benefits.  
All efforts in organizing the consumer protection should provide the greatest benefit to the interests of consumers and businesses as a whole.
- b. The principle of justice.  
It provides an opportunity for consumers and businesses to obtain their rights and perform its obligations equitably.
- c. The principle of balance.  
It provides a balance between the interests of consumers, businesses, and governments in the sense of material and spiritual benefits.
- d. Consumer Safety and Security Principles.  
To provide assurance on the security and safety to consumers in the use, handling, and use of goods and services consumed or used.
- e. The principle of rule of law.  
The perpetrator and consumers abide by the law and justice in the implementation of consumer protection as well as state guarantees legal certainty.

### **1.7 Research Method**

1. Types of Research: This research is a library research (*literature research*) where the data required is obtained by studying and reading the books which are related to the problems examined.
2. Research Approach: The approach used in this study is a qualitative method to collect the data source of the books concerned with consumer protection laws, Islamic business Ethics according to Islamic law or positive law, and the other law which concerns with the consumer protection.
3. Source of data: In accordance with the method of the above approach, the type of data used in this research is data obtained through library which includes:

- a. Primary Data
  - 1) World Wide Web/Web Site
  - 2) Hypertext Markup Language
  - 3) Hypertext Transfer Protocol
- b. Secondary Data
  - 1) Books
  - 2) Journals
  - 3) Guidelines for Halal Labeling
4. Techniques of data collection: This method begins by collecting the materials related to the research problem, then read carefully, then compile as a whole and can be the subject matter of research then doing citing either directly or indirectly on the parts that are considered to be a source of reference to be presented systematically.
5. Engineering data management:
  - a. Editing
  - b. Organizing
  - c. Discovery results of research
6. Data analysis: After the data are collected and classified according to the issues discussed, so the author analyzed the data. In discussing and analyzing these data the author used descriptive analytic method that author describes the rule subject and research object based on the available facts, as well as referring to a review of Islamic law.

## **1.8 Systematics of Writing**

To facilitate the writing of this research, the systematics of writing is organized as follows:

### **1.8.1 Chapter I: Introduction.**

This chapter begins from the explanation about background of study, formulation of the problem, the purpose of research, usability research, research methods and systematics of writing.

### **1.8.2 Chapter II: Review of Literature.**

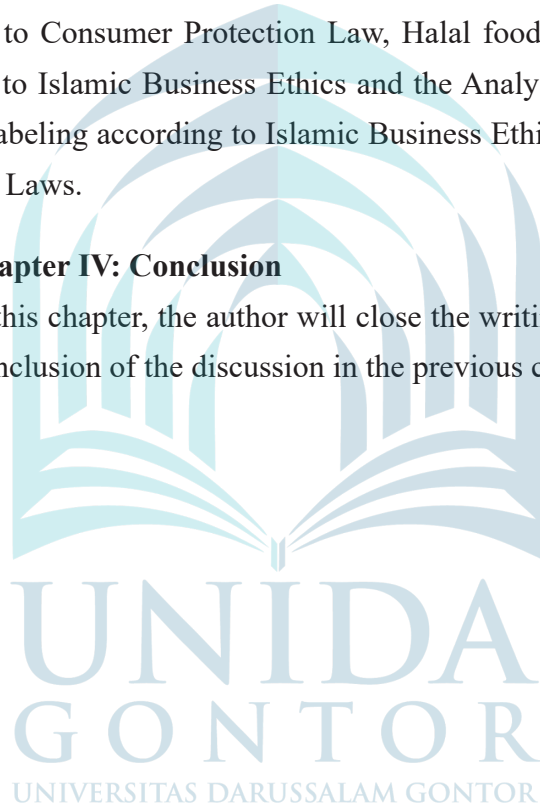
In this chapter, the author will describe generally about Islamic Business Ethics, Theory of Legal for the Consumers Protection and legal basis of Consumer Protection.

### **1.8.3 Chapter III: Analysis of Research Results**

This chapter will focus on Halal food product labeling according to Consumer Protection Law, Halal food product labeling according to Islamic Business Ethics and the Analysis of Halal Food Product Labeling according to Islamic Business Ethics and Consumer Protection Laws.

### **1.8.4 Chapter IV: Conclusion**

In this chapter, the author will close the writing by making the overall conclusion of the discussion in the previous chapter.



## CHAPTER II

### GENERAL DEFINITION ABOUT ISLAMIC BUSINESS ETHICS AND THEORY OF CONSUMERS PROTECTION

#### 2.1 Islamic Business Ethics

##### 2.1.1 Understanding of Ethics

In understanding the sense of ethics there is a lot of different understanding but they have the same goal that is to say, among other things:

- a. According to Abdul Aziz in the book “ *Islamic Business Ethics Perspective*”, ethics is related to values, the way of a good life, and all the habits adopted and passed from one person to another or from one generation to another.<sup>21</sup>
- b. While Faisal Badroen et al concluded that ethics is the systematic study of the nature of the concept of value, good, bad, should, right, wrong, and so forth and the general principles that justify us to apply it on anything.<sup>22</sup>
- c. Bambang Rudito and Melia Famiola stated that ethical reflection is moral reasoning. Ethics as a reflection of the think about what to do and especially on what to do or not to do.<sup>23</sup>
- d. Aris Baidowi says that Ethics is part of the philosophy that discusses rationally and critically about values, norms, or morality. Ethics is a moral guide for all human action and a good source of bad thoughts and action.<sup>24</sup>

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<sup>21</sup> Abdul Aziz, *Etika Bisnis Perspektif Islam*, (Bandung: Alfabeta, 2013), p. 24.

<sup>22</sup> Faisal Badroen, dkk, *Etika Bisnis dalam Islam*, (Jakarta: Kencana, 2013), p. 5.

<sup>23</sup> Bambang Rudito dan Melia Famiola, *Etika Bisnis dan Tanggung Jawab Sosial Perusahaan di Indonesia*, (Bandung: Rekayasa Sains, 2007), p.220.

<sup>24</sup> Aris Baidowi, *Etika Bisnis dalam Perspektif Islam*, Jurnal Hukum Islam, Volume 9, Nomor 2, Desember 2011, p. 3.

In the embodiment functions and Ethics, Bambang and Melia outline that there are three areas of the function in which its manifestations are.<sup>25</sup>

- a. Descriptive ethics, which in this context normative it descriptively explains that moral experience tries to find motivation, will and purpose of an act in human behavior.
- b. Normative ethics, which tries to explain why people act as they do, and the principles of human life.
- c. Ethics meta-ethics, that is trying to give meaning to the terms and language used in the discussion of ethics, as well as the way of thinking that is used to justify the ethics statements.

### **2.1.2 Understanding of Business**

According to Abdul Aziz business is part of the economic activity which are efforts such as the activities carried out in the production, distribution, marketing their goods and services needed by humans either by way of trade or other forms and not only the pursuit of profit (profit oriented-social oriented),<sup>26</sup> In the journal “*Halal label and Business Spirituality*” Muhammad differentiates between general business and specialized. Generally, Muhammad means that business is an activity undertaken by humans to generate revenue or income or *rizqi* in order to comply the life necessities by managing the economic resources effectively and efficiently, while specifically business is an exchange of goods or services in person or group of people which is organized through a company with the aim of giving satisfaction to the consumer base and bring benefits to producer.<sup>27</sup>

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<sup>25</sup> Bambang Rudito dan Melia Famiola, *Etika Bisnis dan Tanggung Jawab Sosial Perusahaan di Indonesia*, (Bandung: Rekayasa Sains: 2007), p.221.

<sup>26</sup> Abdul Aziz, *Etika Bisnis Perspektif Islam*, (Bandung: Alfabeta, 2013), p. 31.

<sup>27</sup> Muhammad, *Label Halal dan Spiritual Bisnis*, volume 12 nomor 2 Juli-Desember 2009, p. 104.

Businesses also connote a trade, commercial enterprise in world trade in the field of business. In a broader sense, a business is defined as all the production activity of trade in goods and services. Business is a total number of businesses that include agriculture, manufacturing, distribution, transportation, communication, business services and government engaged in making and marketing of goods and services to consumers. Business terms are generally focused on the 3 things: individual businesses for example, domestic industries, large companies businesses such as PT, CV, as well as legal entities and business cooperation in the field of economic structure of a country.<sup>28</sup>

Business was conducted in order to profit, maintain survival, social growth, and social responsibility.<sup>29</sup> Overall business is a human activity which is done between producers and consumers and between the two sides of individuals or groups who do business with the aim of meeting the needs and survival.

### 2.1.3 Islamic Business Ethics

In Islamic ethics, norms are more commonly known as morals.<sup>30</sup> Islamic business is capital development efforts for the necessities of life carried out with due regard for the Islamic Ethics.<sup>31</sup> According to Abdul Aziz, Islamic Business Ethics is the study of a person or organization to do business or mutually beneficial business contacts in accordance with Islamic teaching.<sup>32</sup> Islamic business ethics means thoughts or reflections on morality in the economy that is based on

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<sup>28</sup> Buchari Alma, *Ajaran Islam dalam Bisnis*, (Bandung: Al-Fabeta, 1994), p. 18.

<sup>29</sup> Ika Yunia Fauzia, , *Etika Bisnis dalam Islam*, (Jakarta: Kencana, 2013), p. 3.

<sup>30</sup> Murti Sumarni et al, *Pengantar Bisnis*, (Yogyakarta: Liberty, 1995), p. 21.

<sup>31</sup> Bambang Subandi, *Bisnis Sebagai Strategi Islam*, (Surabaya: Paramedia, 2000), p. 65.

<sup>32</sup> *Ibid*,p. 35.

Islamic teaching.<sup>33</sup> According to Ahmad Yusuf and Ahmad Badarudin, Islam Business is a series of business activity in various forms that are not restricted to amount of ownership (goods/services) including the profit, but are limited in how acquisition and utilization of his property are based on the rules of halal and haram. As the words of Allah in surah Al-Baqarah verse 188:

وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ وَتُدْلُوا بِهَا إِلَى الْحُكَّامِ لِتَأْكُلُوا فَرِيقًا مِّنْ أَمْوَالِ النَّاسِ بِالْإِثْمِ وَأَنْتُمْ تَعْلَمُونَ ﴿١٨٨﴾

That means: “And do not swallow up your property among yourselves by false means, neither seek to gain access thereby to the judges, so that you may swallow up a part of the property of men wrongfully while you know”.<sup>34</sup>

Meanwhile, according to them Islamic ethics and business has a unity that cannot be separated. They argue that business and ethics should not be seen as two opposites because the business is a symbol of worldly affairs and is also considered as an integral part of the things that are hereafter investments.<sup>35</sup> So that every Muslim who does business or any activity will find a third party (God) in every aspect of life.<sup>36</sup>

Ika Junia explained on Business Ethics in Islam that according to the Qur’an in Surah Al-Baqarah verse 282 it explains about ethics and procedures for the purchase and sale of debts, leasing and other transactions.<sup>37</sup> Business in the Qur’an is described through the word

<sup>33</sup> Faisal Badroen, et al, *Etika Bisnis dalam Islam*, (Jakarta: Kencana, 2013), p. 16.

<sup>34</sup> Al-Qur’an Surah Al-Baqarah: 188.

<sup>35</sup> Ahmad Yusuf et al, *Manajemen Laba dalam Tujuan Etika Bisnis Islam*, Vol.7 1 March 2010, p. 14.

<sup>36</sup> *Ibid*, p. 17.

<sup>37</sup> Ika Yunia Fauzia, *Etika Bisnis dalam Islam*, (Jakarta: Kencana, 2013), p. 8.

*tijarah*, which includes two meanings: first, general commerce which covers commerce between man and God. Second, commerce in particular, which means trading or buying and selling between people. Ika Yunia also concluded on Islamic Business Ethics in the Qur'an that "Business and transcendental Ethics is one thing that cannot be separated in the Islamic business because it is a manifestation of the remembrance of Allah".<sup>38</sup>

Islamic Business Ethics, as formulated by Islamic economics experts is a science which studies aspects of welfare and damage in economic activity by taking into account the extent to which human deeds can be known by the mind (ratio) and the guidance of revelation. Economic ethics is deemed equal to the character because they both discuss about the good and evil in human behavior.<sup>39</sup>

Among the values of Islamic business ethics are summarized in the teachings of the Islamic economic philosophy, there are two fundamental principles which are as follows.

a. The Principle of Tauhid.

The principle of monotheism teaches people about how to recognize the oneness of God so that there is a consequence that in believing everything it should begin and end only to Allah. Such beliefs can lead a Muslim state that "Verily my prayers, devotions, my life and my death are solely for the sake of Allah, the Lord of all the worlds". This principle then produces units of synergistic and interlinked within the framework of monotheism.<sup>40</sup>

So that in conducting business activities, it should give priority to the goal to always get the pleasure of Allah and always

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<sup>38</sup> *Ibid*, p. 12.

<sup>39</sup> Aris Baidowi, *Etika Bisnis dalam Perspektif Islam*, Jurnal Hukum Islam, Volume 9, Nomor 2, Desember 2011, p. 3.

<sup>40</sup> *Ibid*, p. 3.

tries want to have tranquility and peace in business by applying good ethics and morals which are commendable and these activities should always please God as His creation and consumers by doing all the activities based on the commands of Allah and to avoid His prohibitions.

b. The Fairness and balance principle

Islam considers mankind to have the same degree before Allah SWT. God does not distinguish between rich and poor. Values that distinguish between people between one or another are sincerity, ability and service to humanity.<sup>41</sup> Allah commands people to always do justice in all paradigms done including in business activities. Just the norm and most principles in all aspects of the business activities. This principle demands that everyone should be treated the same as rational, objective and accountable.<sup>42</sup> As Allah says in Surah Al-Nisa verse 58 as follows:

وَإِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ  
النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ إِنَّ اللَّهَ نِعِمَّا يَعِظُكُمْ بِهِ إِنَّ اللَّهَ كَانَ  
سَمِيعًا بَصِيرًا ﴿٥٨﴾

That means: “ Surely Allah commands you to make over trusts to their owners and that when you judge between people you judge with justice; surely Allah admonishes you with what is excellent; surely Allah is Seeing, Hearing”.<sup>43</sup>

<sup>41</sup> Muhammad Shafi Antonio, *Bank Syariah dari Teori ke Praktik*, (Jakarta: Gema Insani, 2001), p. 14.

<sup>42</sup> Sony Keraf, *Etika Tuntutan dan Relevansinya*, (Jakarta: Kanisius, 1998), p. 138.

<sup>43</sup> Al-Qur'an Surah An-Nisa': 58.

Justice is related to business activities. The realization of justice in the community will give the implementation to a good condition and is conducive to a good business continuity and health. The principle of justice can be implemented through the principle, reflected by the existence of business contracts in a business activity.<sup>44</sup> Business which is done fairly will produce profit and benefit for the lawful and blessing.

Islamic business ethics also leads people to conduct their activities by applying the concept of Islamic values that are based on 11 grades, such as<sup>45</sup>:

- a. Faith in God (Belief in God)
- b. Humanitarian
- c. Equation (Equality)
- d. Brotherhood (Fraternity)
- e. Free and Freedom (Liberty and Liberation)
- f. Social and economic justice (Social and Economic justice)
- g. Guidance
- h. Ethics
- i. Family and Humanitarian Spirit in Islam
- j. Peace and Islamic civilization
- k. Islamic Knowledge

Islamic business ethics is also supported by the basic principles which are based on the Qur'an, so that it can be measured with the basic aspect that includes:

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<sup>44</sup> Anton Ramdan, *Etika Bisnis Dalam Islam*, (Jakarta: Bee Media Indonesia, 2013), p.111.

<sup>45</sup> Abdul Aziz, *Etika Bisnis Perspektif Islam*, (Bandung: Alfabeta, 2013), p. 8.

- a. Barometer devotion of someone. Allah says in the Qur'an Surah Al-Baqarah verse 188 <sup>46</sup>:

وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ وَتُدْلُوا بِهَا إِلَى الْحُكَّامِ  
لِتَأْكُلُوا فَرِيقًا مِّنْ أَمْوَالِ النَّاسِ بِالْإِثْمِ وَأَنْتُمْ تَعْلَمُونَ ﴿١٨٨﴾

That means: "And do not swallow up your property among yourselves by false means, neither seek to gain access thereby to the judges, so that you may swallow up a part of the property of men wrongfully while you know".

- b. Bring blessing. Allah says in the Qur'an Al-A'raf verse 96 <sup>47</sup>:

وَلَوْ أَنَّ أَهْلَ الْقُرَىٰ ءَامَنُوا وَاتَّقَوْا لَفَتَحْنَا عَلَيْهِم بَرَكَاتٍ مِّنَ السَّمَاءِ  
وَالْأَرْضِ وَلَٰكِن كَذَّبُوا فَأَخَذْنَاهُم بِمَا كَانُوا يَكْسِبُونَ ﴿٩٦﴾

That means: "And if the people of the towns had believed and guarded (against evil) we would certainly have opened up for them blessings from the heaven and the earth, but they rejected, so we overtook them for what they had earned".

- c. Doing the business is a means to serve Allah SWT. Allah says in the Qur'an At-Taubah verse 105 <sup>48</sup>:

وَقُلْ أَعْمَلُوا فَسَيَرَى اللَّهُ عَمَلَكُمْ وَرَسُولُهُ وَالْمُؤْمِنُونَ وَسَتُرَدُّونَ إِلَىٰ  
عَلِيمِ الْغَيْبِ وَالشَّهَادَةِ فَيُنَبِّئُكُمْ بِمَا كُنْتُمْ تَعْمَلُونَ ﴿١٠٥﴾

That means: "And say: Work; so Allah will see your work and (so will) His Messenger and the believers; and you shall be brought back

<sup>46</sup> Al-Qur'an, Surah Al-Baqarah: 188.

<sup>47</sup> Al-Qur'an, Surah Al-Araf: 96.

<sup>48</sup> Al-Qur'an, Surah At-Tawbah: 105.

to the Knower of the unseen and the seen, then He will inform you of what you did”.

Islam comes with the light of knowledge that teaches us on the good values that brought us to always be in a good way, then from Prophet Muhammad always give us an example and ethical guidelines in doing business which consists of ten guides,<sup>49</sup> which are:

- a. The first is honesty.
- b. Second, help or give benefit to others,
- c. Third, do not deceive the quantity, measure and correct weight.
- d. Fourth, may not be what other people business, so that people buy him.
- e. Fifth, not heap of goods.
- f. Sixth, does not perform the monopoly.
- g. Seventh, business commodities that are sold are clean and holy items, not unlawful, like pigs, dogs, strong drink, ecstasy, etc.
- h. Eighth, business conducted is clean from elements of usury.
- i. Ninth, business is done willingly without compulsion.
- j. Tenth, pay for hard-working employees.

In addition, the Business Ethics in Islam trade regulation contains five principles of trading activity in the community,<sup>50</sup> which are:

- a. Axiom Unitas (Unity), the concept of monotheism in Islam implies the unity existence between one another.
- b. Equilibrium (balance), it relates to aspect of fairness among the

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<sup>49</sup> Aris Baidowi, *Etika Bisnis dalam Perspektif Islam*, Jurnal Hukum Islam, Volume 9 Number 2, December 2011, p. 4.

<sup>50</sup> Slamet Mujiono, *Perlindungan Konsumen: Labelisasi Halal*, jurnal Ekonomi dan Bisnis Islam, Volume 1 No. 1, January-June 2016, p. 71.

various aspects of life that make up the harmonious social order.

- c. Free will, the ability of human beings to act without compulsion from outside in accordance with the parameters of the creation of God and its position as the caliph/leader in the face of the Earth.
- d. Responsibility is the need which is stressed by Islam to people on all aspects of life.
- e. Ihsan, an act which is oriented to the good of others and society.

## **2.2 Theory of Consumer protection**

### **2.2.1 Consumer Protection**

Act of the Republic of Indonesia has explained about the notion on consumer protection and all matters concerning the protection of consumers in Act No. 8 of 1999 article 1 which reads<sup>51</sup>:

- a. Consumer Protection is all efforts to ensure the existence of legal certainty to give protection to consumers.
- b. Consumers are each the user of goods or services that are available in the community for both the interests of themselves, family of other people and other living beings and not for trading.
- c. Business players is each of the individuals or business entities either in the form of the body of the law and not the body of the law that establish and privileg or perform the activities in the area of the laws of the State of the Republic of Indonesia, either alone or together through the covenant which hold business activities in various areas of the economy.

Ahmadi Miru and Sutarman Yodo concluded and explained the

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<sup>51</sup> Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen Pasal 1 Butir 1-3.

meaning of the points that are on Article 1 of the Constitution Number 8 Year 1999 about Consumer Protection that, on the first point the sentence that says “all efforts to ensure the existence of legal certainty”, is the fortress that prevents the attitude of their abusers.<sup>52</sup> And on the second point, «consumers are users of goods or services that are available in the community for the benefit of himself or his family or other people who are not for trading back»,<sup>53</sup> while business players is on the third points included in the understanding of the Constitution is the company, corporation, SOE, cooperatives importers, traders, distributors and others.<sup>54</sup>

### 2.2.2 Consumer Protection Law

Az Nasution distinguished the formulation of consumer law and Consumer Protection Law, according to the Law of consumers is: “The whole basis of the principles and the rules governing the relationship and the problem of the provision and use of the products and goods/services between providers and it is used in the societal life”.<sup>55</sup> Meanwhile the Law Consumer Protection as a special section of the Law Consumers formulated as the following “whole basis and the rules that regulate and protect consumers in the relationship and the problem of the provision and use of consumer products, between providers and it is used in the societal life.”<sup>56</sup> Consumer Protection Law is legislation, good laws and other rules and regulations and

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<sup>52</sup> Ahmadi Miru et al, *Hukum Perlindungan Konsumen*, (Jakarta: Rajawali Press, 2014), p. 1.

<sup>53</sup> *Ibid*, p. 5.

<sup>54</sup> *Ibid*, p. 8.

<sup>55</sup> Andi Hamzah, *Penegakan Hukum Lingkungan*, (Jakarta: Grafika rays, 2008, Cet. 2), p. 108.

<sup>56</sup> Az Nasution, *Hukum Perlindungan Konsumen: Suatu Pengantar*, (Jakarta: Resources Widya, 1999, Cet. To-1), p. 22-23.

the decisions of the judges that the substance set about consumer interests.<sup>57</sup>

While the understanding of the law of consumer protection according to Ahmadi Miru and Sutarman Yodo is the regulation or policy on all matters relating to public interest that its presence is not directly among the community but in the form of a policy is stipulated in various legislation.<sup>58</sup> Regulation or law regulating the consumer protection is to create and shape the development of the nation with the actualization of the development of the society based on the principles and the intent of the law of consumer protection. This is described in the article 2 of the Constitution Number 8 Year 1999 which reads: “Consumer Protection based on the benefits, justice balance, security and consumer safety and legal certainty”. Ahmadi Miru and Sutarman Yodo explained about the article above that of consumer protection held as joint efforts based on the five principles that are relevant in national development,<sup>59</sup> which are:

- a. The basis of the benefits of the intended is to stipulate that all efforts in the holding of consumer protection must refocus the benefits for consumer interests and overall business players.
- b. The basis of justice is intended to the participation of all the people can be realized in a maximum of and provide the opportunity to consumer and business players to obtain rights and carry out his duties in a fairly.
- c. The basis of the balance is intended to provide a balance between

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<sup>57</sup> Yusuf Shofie, *Jaminan atas Produk Halal dari sudut pandang Hukum Perlindungan Konsumen*, Jurnal Syariah 3, November 2015.

<sup>58</sup> Ahmadi Miru et al, *Hukum Perlindungan Konsumen*, (Jakarta: Rajawali Press, 2014), p. 28.

<sup>59</sup> *Ibid*, p. 25.

consumer interests, business players, and the government in the judicial review and spiritual meaning.

- d. The basis of the security and consumer safety is intended to guarantee the security and safety to consumers in the use of, usage and utilization of goods or services to be consumed or used
- e. The basis of legal certainty is intended to business practitioners and consumers to obey the law and obtain justice in the holding of consumer protection and the state guarantee legal certainty.

### 2.2.3 The Legal Basis of Consumer Protection

#### a. The Concept of Al-Qur'an

Consumer Protection Law has actually existed and set in the Qur'an before the country or the government Draft Law on consumer protection proof of many of the verses of the Qur'an that explains the consumer protection with very detailed information about the rules to consume food or food products. In some of the verses in the Qur'an, among others:

- 1) Al-Qur'an Surah Al-Baqarah verse 168:

يَا أَيُّهَا النَّاسُ كُلُوا مِمَّا فِي الْأَرْضِ حَلَّالًا طَيِّبًا وَلَا تَتَّبِعُوا خُطُوَاتِ الشَّيْطَانِ إِنَّهُ لَكُمْ عَدُوٌّ مُّبِينٌ ﴿١٦٨﴾

That means: "O men! eat the lawful and good things out of what is in the earth, and do not follow the footsteps of the Shaitan; surely he is your open enemy".

- 2) Al-Qur'an Surah Al-Baqarah verse 172:

يَا أَيُّهَا الَّذِينَ آمَنُوا كُلُوا مِن طَيِّبَاتِ مَا رَزَقْنَاكُمْ وَاشْكُرُوا لِلَّهِ إِنْ كُنْتُمْ إِيَّاهُ تَعْبُدُونَ ﴿١٧٢﴾

That means: “O you who believe! eat of the good things that We have provided you with, and give thanks to Allah if Him it is that you serve”.

3) Al-Qur’an Surah Al-Ma’idah verse 3:

حُرِّمَتْ عَلَيْكُمُ الْمَيْتَةُ وَالْدَّمُ وَلَحْمُ الْخِنزِيرِ وَمَا أُهْلِلَ لِغَيْرِ اللَّهِ بِهِ  
وَالْمُنْخَنِقَةُ وَالْمَوْقُوذَةُ وَالْمُتَرَدِّيَةُ وَالنَّطِيحَةُ وَمَا أَكَلَ السَّبُعُ إِلَّا مَا  
ذَكَّيْتُمْ وَمَا ذُبِحَ عَلَى التُّصْبِ وَأَنْ تَسْتَقْسِمُوا بِالْأَزْلَمِ ذَٰلِكُمْ فِسْقٌ  
الْيَوْمَ يَئِسَ الَّذِينَ كَفَرُوا مِنْ دِينِكُمْ فَلَا تَخْشَوْهُمْ وَاخْشَوْنِ ﴿٣﴾

That means: “Forbidden to you is that which dies of itself, and blood, and flesh of swine, and that on which any other name than that of Allah has been invoked, and the strangled (animal) and that beaten to death, and that killed by a fall and that killed by being smitten with the horn, and that which wild beasts have eaten, except what you slaughter, and what is sacrificed on stones set up (for idols) and that you divide by the arrows; that is a transgression. This day have those who disbelieve despaired of your religion, so fear them not, and fear Me”.

4) Al-Qur’an Surah Al-Ma’idah verse 88:

وَكُلُوا مِمَّا رَزَقَكُمُ اللَّهُ حَلَالًا طَيِّبًا وَاتَّقُوا اللَّهَ الَّذِي أَنْتُمْ بِهِ  
مُؤْمِنُونَ ﴿٨٨﴾

That means: “And eat of the lawful and good (things) that Allah has given you, and be careful of (your duty to) Allah, in Whom you believe”.

5) Al-Qur'an Surah An-Nahl verse 114:

فَكُلُوا مِمَّا رَزَقَكُمُ اللَّهُ حَلَالًا طَيِّبًا وَأَشْكُرُوا نِعْمَتَ اللَّهِ إِنَّ كُنْتُمْ  
إِيَّاهُ تَعْبُدُونَ ﴿١١٤﴾

That means: “Therefore eat of what Allah has given you, lawful and good (things), and give thanks for Allah’s favor if Him do you serve”.

From some of the verses above it can be concluded that the principles and the teachings of Islam require that people must consume the food or use of goods and/service which are lawful and *thayyib* **not only good for health but good for the survival of which is the form or embodiment of attention** which is described in some of the verses of the Qur’an as protection for consumers. While for producers in producing its products they are required to always execute with provisions in accordance with the rites to always protect man or consumers from unlawful things prohibited by Allah SWT.

#### **b. The Concept of Al-Hadith**

Consumer Protection is not only regulated in some verses of the Qur’an, but the Consumer Protection is also constantly affirmed by the Prophet Muhammad and Scholars in the days before the time that we feel at this time namely on some early Hadithic narrated by Muslims and Ahmad as follows:

قال النبي صلى.م.: كل ذئ ناب من السباع فأكله (رواه مسلم)

Meaning: The Prophet Muhammad said: “All animal that has the fangs, then eat them is unlawful/haram.” (H.R. Muslim).<sup>60</sup>

أحل لنا ميتتنا ودمان: أما الميتتنا فالحوت والجراد وأما الدمان فالكبد والطحال  
(رواه احمد)

Meaning: It has been made lawful for us two kinds of dead bodies and the two kinds of blood. Now the two bodies is dead fish and locusts, while two kinds of blood is the heart and the spleen. (H.R. Ahmad)<sup>61</sup>

The aforementioned Hadithic explained that the messenger has determined the ban in details as a form of emphasis and confirmation of the existing ban of the Qur'an over consuming food or certain food that is a form of attention and as protection for the people of Islam. It is done in order to avoid from all manner of disease and all the things that cause losses on man. The existence of the early Hadithic is a warning for all mankind to always obey the commands of Allah SWT is written on the Qur'an.

### **c. Concept of Law No. 8 of 1999 on the Consumers Protection**

The existence of Consumer Protection Law is to some considerations and factors that affect the community and so they require the foundation of Consumer Protection Law and drawn up by the rules that bind. As described in the Constitution Number 8 Year 1999 about Consumer Protection weighed<sup>62</sup>:

- 1) That the national development aims to achieve a fair and prosperous society that evenly effortful and spiritual in the

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<sup>60</sup> Jalal Ad-Din As-Suyuti, *Jami As-Sagheer*, Juz II, Dar Ihya 'al-Kutub Al-Arabiyyah. Indonesia, p. 93.

<sup>61</sup> *Ibid.* p. 13.

<sup>62</sup> Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen, Pasal 2.

era of economic democracy based on Pancasila and the Act of the 1945 Constitution;

- 2) That the development of national economy in the era of globalization must be able to support the growth of the business world that are able to produce a variety of goods or services that have a lot of technology that can improve the welfare of the community and at the same time get the certainty of goods or services obtained from the trade without consumer loss;
- 3) That the more opening of national markets as a result of the process of economic globalization must continue to ensure the improvement of the welfare of the community as well as the reassurance of quality, amount and the security of goods or services acquired in the market;
- 4) That to improve the status and dignity of consumers it needs to increase awareness of knowledge, concerns, capabilities and independence of consumers to protect himself and maximum collaboration to develop the attitude of business practitioners who are responsible for;
- 5) That the terms of the law that protect consumer interests in Indonesia is inadequate;
- 6) That based on the above considerations, it requires your legislation to realize the balance of the protection of consumer interests and business players and to create a healthy economy;
- 7) That it needs established laws about Consumer Protection;

Based on the above explanation it can be interpreted that consumer protection is not just the responsibility of the

individual and the religious leaders alone, but also becomes the responsibility of the government as well as it shows that the government responds to the demands and public expectations as consumers are entitled to receive the protection.<sup>63</sup>

Every nation and state wants a justice and the good that is present in all aspects of life in the rubble, then the existing laws governing all matters related to consumer protection is to create the purposes of what is meant by every rule. Among the purpose of existence of the law on Consumer Protection among others:<sup>64</sup>

- 1) Increase ability awareness and independence of consumers to protect themselves;
- 2) Lift up the dignity and the dignity of consumers in a way that it hinders him from the negative access usage of goods and/or services;
- 3) Increase the empowerment of consumers in selecting, determining, and demanding their rights as consumers;
- 4) Create consumer protection system which contains elements of legal certainty and information disclosure and access to get information;
- 5) Raise awareness among business players on the importance of consumer protection so that it grows honest attitude and responsibility in attempting to;
- 6) Improve the quality of goods and/or services that guarantee business continuity production of goods or services, health,

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<sup>63</sup> Moh Bahrudin, *Problem Sertifikasi Halal Produk Pangan*, Jurnal ASAS, Volume 2. No 1. January 2010.

<sup>64</sup> Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen, Pasal 3.

comfort, security and consumer safety.

In Law Number 8 Year 1999 about Consumer Protection on Article 4 explains about the rights of consumers that have to be met and on Article 7 of the obligation of the manufacturer to consumers in detail, they are<sup>65</sup>:

The Consumer's rights are:

- 1) The rights of comfort, security and safety in consuming goods or services;
- 2) The right to choose the goods or services and get the goods or services in accordance with the exchange rate and the condition and guarantee that is promised;
- 3) The rights to correct information, clear and honest conditions and guarantee of goods and/or services;
- 4) The right to be heard of opinions and the complaints over goods or services used;
- 5) The right to get the advocacy, protection and efforts to settle dispute on consumer protection as it should be;
- 6) The right to get the construction and consumer education;
- 7) The right to be treated or treated properly and honestly and not discriminatory;
- 8) The right to get compensation, compensation and/or replacement, when the goods or services received are not in accordance with the agreement or improper;
- 9) The rights regulated in terms of the other rules and regulations.

The Obligations of business players are<sup>66</sup>:

- 1) Good Ethics in doing business activities;
- 2) Give the correct information, clear and honest conditions and

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<sup>65</sup> Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen, Pasal 4.

guarantee of goods or services and to provide an explanation of use, repair and maintenance;

- 3) Treat or serve consumers truly and honest and not discriminatory;
- 4) Ensure the quality of goods or services produced and or traded based on the terms of standard quality of goods or services applied;
- 5) Give the opportunity for consumers to test and/or try goods and/or specific services and gives a guarantee and/or warranty of goods made and/or traded;
- 6) Give compensation, compensation and/or replacement for the loss due to the use of, usage and utilization of goods and/or services traded;
- 7) Give compensation, compensation and/or replacement when the goods or services received or used is not in accordance with the agreement.

#### **d. Indonesian Ulema Council (MUI)**

In Indonesia, MUI focuses on Consumer Protection of Muslims in consuming food products, namely about halal labelling of a food product. It is governed by the laws of the product warranty Halal Number 33 Year 2014 on Article 4 that "*Eligible Product, circulated, and traded in the region of Indonesia requires halal certification*".<sup>67</sup> This Law has been set clearly that each product traded in the region of Indonesia requires halal certification. Therefore, if food products which are sold in Indonesia are halal, it must be certified halal and

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<sup>66</sup> Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen, Pasal 7.

<sup>67</sup> Undang-undang Nomor 33 Tahun 2014 tentang Jaminan Produk Halal Pasal 4.

products that circulated must be halal labeled.

The existence of halal certification and labeling Halal is a form of Muslim consumer protection toward food products that are not halal, so the Research Institute for Food Drug and Cosmetic of Indonesian Ulema Council (LPPOM MUI) issued a halal certificate which is based on MUI Instruction as the result of Indonesian Ulema Council *Ijtihad* to the legal status of an object or act as a product of Islamic law.<sup>68</sup> Halal certificate itself is instruction written and issued by MUI stating its halal products or foods and the MUI Fatwa Commission hearing decision based on audit results of LPPOM MUI. This Act provides a guarantee of halal products for all Muslims in Indonesia. The purpose of the certificate is to certify halal food products, medicines, cosmetics and other products made to assure the halal status of a product. So as to reassure consumer's sustainability of halal production process it is guaranteed by the manufacturer by applying halal assurance system.<sup>69</sup>

The presence of halal assurance system is an attempt of LPPOM MUI to enhance consumer protection Muslims from consuming food that is prohibited by law. Halal assurance system is as a system that guarantees the top MUI halal products is an enterprise of all time a producer/company that holds the MUI Halal Certificate. Halal Product Guarantee System is the process of determining the halal products in the form of

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<sup>68</sup> LPPOM MUI, *Panduan Umum Sistem Jaminan Halal*, (Jakarta: LPPOM MUI, 2008), p. 9.

<sup>69</sup> Anonim, Tentang Sertifikat Halal, <http://halalmuijatim.org/sertifikasi/tentang-sertifikat-halal/>, diunduh 7 desember 2016, jam 23.19 wib.

activities that ensure the halal product includes the provision of materials, processing, storage, packaging, distribution, sales, and product presentation.<sup>70</sup> Objective formulation and implementation at the enterprise has to maintain the continuity of the production process kosher, so the resulting product can always be guaranteed halal appropriate with the provisions LPPOM MUI. The implementation of Halal Product Guarantee is based on<sup>71</sup>:

- 1) Protection;
- 2) Justice;
- 3) Legal certainty;
- 4) Accountability and transparency;
- 5) Effectiveness and efficiency; and
- 6) Professionalism.

Goals of Halal product warranty are<sup>72</sup>:

- 1) Providing comfort, security of salvation and the assurance of Product availability permissible for the community in consuming and using the product; and
- 2) Increase added value for business players to produce and sell halal product.

While halal labeling is the inclusion of a statement in halal writing on product packaging to indicate that the product in question has obtained the status of halal for halal labeling led

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<sup>70</sup> Undang-undang Nomor 33 Tahun 2014 tentang Jaminan Produk Halal, Pasal 1.

<sup>71</sup> Undang-undang Nomor 33 Tahun 2014 tentang Jaminan Produk Halal, Pasal 2.

<sup>72</sup> Undang-undang Nomor 33 Tahun 2014 tentang Jaminan Produk Halal, Pasal 3.

to several functions for consumers and producers. So, Sofyan Hasan concluded that the labeling of halal has several functions for consumers and producers, the consumer has the following functions<sup>73</sup>:

- 1) Protect consumers from consuming food, medicines and cosmetics that are not halal
- 2) Makes the heart and soul of consumer calm from food, medicines and cosmetics that are not halal
- 3) Maintain the body and soul from the fallout from the unclean products
- 4) Provide certainty and Consumer Protection

While for manufacturers labeling of halal has several important roles as follows<sup>74</sup>:

- 1) As accountability to consumer producers
- 2) Increasing confidence and consumer satisfaction
- 3) Improve the image and the competitiveness of the company
- 4) As marketing tools and to expand marketing network area
- 5) Give the benefits to the producer to increase Competitiveness and overall turnover production and sales.

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<sup>73</sup> KN. Sofyan Hasan, *Kepastian Hukum Sertifikasi dan Labelisasi Halal Produk Pangan*, Jurnal Dinamika Hakim, Vol. 14 No. Mei 2, 2014, p. 231.

<sup>74</sup> *Ibid*, p. 230.



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**CHAPTER III**  
**HALAL FOOD PRODUCTS LABELING ACCORDING TO**  
**ISLAMIC BUSINESS ETHICS AND CONSUMERS**  
**PROTECTION LAW**

**3.1 Halal Food Product Labeling According to Islamic Business Ethics**

Islam is the system that is able to give positive bargaining power by presenting the ethical values and a complete moral and teaches all dimensions of life including in the business world.<sup>75</sup> Islam teaches ethical values in doing business that is based on the Tauhid. Even Islam is more than just the fundamental values of business ethics, such as the balance, unity, responsibility, and justice, but also contain the entire fundamental values and norms which are substantial so that it can be applied in operational institutions of Islamic economic society.<sup>76</sup>

Islam believes in some supernatural powers that regulate and control people lives. Islamic ethics organize all aspects including business, that there must be an agreement to distinguish between a goodness and a badness. Economic practices, business entrepreneurs and others which aim to improve the prosperity and welfare of the society are commanded and guided by the ethical rules of Islam that are rational, as well as guided by religious values.<sup>77</sup>

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<sup>75</sup> Rahardjo, Dawam M., *Ekonomi Islam: Apakah itu?*, Makalah. Jakarta, 21 Maret 2001, p. 3.

<sup>76</sup> Aris Baidowi, *Etika Bisnis dalam Perspektif Islam*, Jurnal Hukum Islam, Volume 9, Nomor 2, Desember 2011, p. 1.

<sup>77</sup> *Ibid*, p. 4.

Ethics is the branch of philosophy that seeks the fact of good and bad values that are related to the works and actions of a person who is done with full awareness based on the consideration of his thoughts. The ethics issues are the problems associated with human existence in all its aspects, either the individual on the society, and either in its relationship with God, or with fellow human beings and himself as well as with nature the surrounding both in relation to the existence of human in the social, economic, political culture or religion.<sup>78</sup>

Halal labeling on food products is the ethics that are related to the values of Islamic business ethics which the values of this business will produce a producer behavior in accordance with the concept of Islamic values. The businessmen who apply Islamic Business Ethics through Halal labeling means that they do their activities based on the principles of *tawhid*, because this *tawhid* principles will lead people in their business activities to always do the good moral. When the producers do the good morals both in the business world with the principle of *tawhid* then surely the manufacturer will always obey the commandments of Allah by protecting Muslims from consuming foods and beverages that are unlawful to Allah. The producers who do the Halal labeling means the producers believe that causing the Muslim unprotected from the product which is unlawful moreover causing Muslims to consume products that is unlawful is a sin and will definitely get the punishments and tortures from Allah.

Therefore, with the principle of *tawhid* the manufacturer will always strive to attain the pleasure of Allah SWT in each of his business by doing the business activities that along with the good characteristic

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<sup>78</sup> Musa Asy'ari, Filsafat Islam Sunnah Nabi dalam Berpikir, (Yogyakarta: LESFI, 2001), p. 92.

and good morals which is one of the implementation of the rites will bring people to the life of safety, comfort, calmness, free from a sense of concerning. In addition to the principle of tauhid, by halal labeling the manufacturers also have implemented the principle of justice and the balance said because the manufacturer has been applying the business dimension of Islam by prioritizing the legal system to keep human rights.<sup>79</sup> That is to say, the manufacturer needs to maintain and respect the religion embraced by the society by providing the rights and public justice in consuming the things that is not contradictive with religion, the interests of society toward religion should not be ignored, such as producers or companies that ignore the guarantee of halal labelling a food product that will be consumed by Muslim consumers. Keeping consumers from the things that are prescribed is a form of ethics that applies justice and balance.

When the manufacturer does the business with Islamic business values such as Halal labeling on food products it will establish the aims that are referred to the concept of Islamic values which means the manufacturers who have performed halal Labeling indicate that the producers believe in Allah SWT by respecting and following His command. It also has the humanity by respecting human rights, and always uphold the justice by giving the rights of Muslims consumers. It strengthens the brotherhood by helping people in fulfilling their needs, and give the freedom on consumers in selecting food products, and always be concerned with the interests and social justice in the economy, and provide the guidance to consumers to consume food that is halal and *thayyib*, and apply the ethics of a moral, and strengthen the Islamic brotherhood and the spirit of humanity that describes the

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<sup>79</sup> *Ibid*, p. 17.

manufacturer or businessmen to always have a soul in their worship, and establish the peace and civilizations that should be exemplary and provide knowledge to the society or consumers about the values contained in the halal label.

If in human activities the Islamic values which is based on tauhid is does not exist, then the foundation of faith will be destroyed and the behavior and his life will be damaged. And when in the business there are injustice and unbalance, there will be the consumers or producers who will be victims of fraud and will be lost out. Therefore, a producer should be guided to avoid all forms of exploitation or fraud towards our fellow human beings. Moreover, let them give the rights of consumers properly. The relationship between the manufacturer and the ethics in each of their activity or business is two things that are very related and cannot be separated. Business Ethics must lead to the concrete action namely immoral behavior. This means that human life requires morals because without the morals human life will not be possibly progressed. An ethical business is a business that has a commitment to the sincerity in maintaining the social contract that has been running. The social contract is the promise that should be kept.<sup>80</sup>

Principles of Islamic business ethics are supported and more stressed also by the concept of the Qur'an which is described in some of the verses about business ethics. For example in Surah al-Baqarah verse 188, in this verse explains that it is forbidden for authorities to decide something in secret. With the purpose to take something invalid, a manufacturer who sells haram products to Muslim consumers and does not tell the information about the haram product it means that the producers have decided in secret that there is no problem if leave

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<sup>80</sup> *Ibid*, p. 212.

muslim consumers to consume the haram products, so the money which resulted from sales the haram product is invalid.<sup>81</sup>

God always gives a warning about the importance of halal, good and clean food and in accordance with us as a man. In verse 168 he has given warning to all mankind. Then, on verse 172 and 173 warned those who believe that eating the good things and avoiding the forbidden food until indicated details about the abominations food. Those who persecute their livelihoods by hiding the truth because it expects little price and benefits.<sup>82</sup> It can be concluded from the explanations above that Halal labeling becomes a barometer of devotion of a producer which means manufacturers that produce the products with the following terms to be consumed according to Islam especially in producing food for the consumption of Muslim consumers will produce by applying all the rules that have been described in the Qur'an and Al-Hadist it also means avoiding the restrictions which is one form of obedience to God and His religion to certify the production status and halal guarantee foods which are their duty and responsibility.

Producers awareness on the meaning and important values which are available on Islamic business behavior will put Halal label or Halal labeling on food products as a symbol that has a spiritual vision and make it as a way or behavior to improve the devotion towards their Lord. It is because the lawful labeling reflects the normative concept which have a profound spiritual basis.<sup>83</sup> The manufacturers who are smart and spiritual will always improve the devotion and make halal labeling as

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<sup>81</sup> M. Quraish Shihab, *Tafsir Al-Mishbah (Pesan, kesan dan keserasian Al-Qur'an)*, Volume 1, (Jakarta: Lentera Hati, 2002), p. 414.

<sup>82</sup> Prof. Dr. H. Abdul Malik Karim Amrullah (Hamka), *Tafsir AL-Azhar*, Jilid 1, (Jakarta: Gema Insani, 2015), p. 356.

<sup>83</sup> Musa Asy'ari, *Filsafat Islam Sunnah Nabi dalam Berpikir*, (Yogyakarta: LESFI, 2001), p. 109.

one of the important values for the manufacturer in their behavior or in the ethics of production that is not only driven by the desire to meet the needs of material but followed by the spiritual values.<sup>84</sup>

In the Qur'an Surah Al-A'raf verse 96 also explained that faith and devotion to God open the door for sustenance/*rizqi*. Somebody who has faith and righteous, his mind will open and the inspiration will come. It is because, faith and piety can cause *silaturahmi* or good relations with fellow human beings. In this verse there is a clear life guidelines, sewn who believe and ward they live solely because of will pursue paradise in the hereafter or hope for paradise.<sup>85</sup> And all the works and the behavior of the good man will be paid in accordance with the good deeds, then halal labeling as a good behavior will be good for business. The goodness that is referred to here is the goodness that always comes continuously as long as the manufacturer makes halal labeling as a means to always get the blessings. What is meant from the blessings here is goodness that comes without interruption by the pleasure of God against the business activity conducted a business player such as increasing the luxury of God, health and the value of production during the producing and doing a business. So the blessings become a huge motivation to always make Halal labeling on the product as a way to bring Allah's luxury.

Furthermore, Halal labeling is the medium to worship to Allah, since this is based on the Qur'an At-Taubah verse 105. In this verse Allah stresses that He always notices our activity. Anything we do, cannot behind from Allah's supervising. Those who believe will do good work because he knew that his deeds are seen by Allah.<sup>86</sup> And

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<sup>84</sup> *Ibid*, p. 112.

<sup>85</sup> Prof. Dr. H. Abdul Malik Karim Amrullah (Hamka), Tafsir AL-Azhar, Jilid 1, (Jakarta: Gema Insani, 2015), p. 488.

<sup>86</sup> *Ibid*, p. 283.

this verse explains that the producers who are aware of their duties as a man who become caliph or leaders of the world will understand their obligations to always worship Allah and will describe the halal producing activities and halal guarantee as the context of worship. In other words, the manufacturers should believe that the labeling of Halal is an Islamic value in the business which is not only a manifestation of pragmatic human relations but also the total manifestation of worshipping Allah as the Creator.

The more the producer understands good behavior in business, the more guarantee that the producer will give to the consumers. Therefore, the producers who are well behaved will definitely do halal labeling on any product because this behavior is the implementation of business ethics in accordance with the Qur'an and the example of Prophet Muhammad who give good suggestions we should through practice for example giving help to the weak. In Halal Labeling, we should help Muslims consumers who are weak or do not know the product status they are consuming.<sup>87</sup> As described in the previous chapter that the Holy Prophet always give a good example in every word and deeds to mankind, for example on good behavior in business, if the behavior taught by the Prophet is imitated by producers it will depict a producer who have set the example of the Prophet SAW. which means the manufacturer who practiced halal labeling is dishonest producer in the business who is impossible to commit a fraud in the production and sales. The producers will help and provide benefits to the Muslims particularly and the most important thing is the manufacturer follows the terms of religion in worship that is to produce and sell products that are lawful for Muslims sincerely and voluntarily.

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<sup>87</sup> Al-Imam Al-Hafidz Ibnu hajar Al-Aqsqalani, Fathul Baari (Penjelasan Kitab Shahih Al-Bukhari), Buku 29, (Jakarta: Pustaka Azzam, 2008), p. 175.

In the Prophet Muhammad SAW business conduct, he always put honesty because in honesty there is a confidence, trust and obedience to Allah. Trust his rules and his ban and believes that the punishment or torment will come to those who violate his laws. Then, from this belief and obedience producers will feel constantly watched over by Allah in any activities so he will be afraid to do bad behavior or rules violation and will always be honest in all his deeds. From this honest behavior it will lead to other good behaviors and avoid behaviors which are prohibited by Allah. For example, a manufacturer who does the Halal labeling in every production is an honest manufacturer. If producers are truthful then producers in each activity will treat their employees well and they will not demonize other people's business or accumulate the merchandise do not they will do the monopolies, or doing the usury.

From Islamic trade principles that have been described in the previous chapters which include unity, balance, freedom, responsibility and charity, it can be known that the trade principles animate all business activities. It means the manufacturer who always acts for the God in all aspects of merchantability will automatically apply the concept of the ethical values and principles in business that includes as encouragement to be fair that would form a harmonious social order, free will, namely human capacity to act without any compulsion from outside. It is in accordance with the parameters of the creation of God and his position as caliph in the Earth and will arise the emergence of consciousness and the obligation to cause the responsibility.

Emerging awareness of the conscience is an ethical and moral that help people to act freely but can be justified. Meanwhile the obligation to apply responsibility of a servant to do honesty, truth, virtue and compassion towards all aspects of life is one of Islamic values to be taught to refrain from actions beyond the limits of fairness

and humanity.<sup>88</sup> And this responsibility includes the responsibility to God, fellow human beings and the environment. Meanwhile the charity aims that the business activities of halal labeling is an effort to provide the best service for consumers and it is action-oriented to the good of others and society.

Generally, the principles that are applied in a real good business actually cannot be separated from our daily lives and business principles that have been described are very closely linked to the systems of values that are espoused in public life.<sup>89</sup> Therefore, consumers should be treated with either morally, it is not only an ethical demand, but also a prerequisite to achieve business success.<sup>90</sup> And because of halal labeling is an effort to ensure its halal food product in order to protect Muslim consumers of food and drinks which are prohibited in the religion, then the labeling of Halal in any food product is a form of ethical behavior of Islamic Business which is implemented by the producers who have good ethical and moral commendable that always expect the pleasure of Allah and peace and happiness in this world and the day after.

Subsequently the analysis about Halal labeling according to Islamic business ethics is that the behavior in the business according to Islamic point should have good behavior that can animate the activities of production and trade. Halal labeling makes a businessman or a producer to have the attitude and the ability to take decisions and act upon his consciousness that Halal labeling is a good thing to do. And because of Halal labeling has become the business rules such as referred to in the trade of Islam which establishes a sense of security and

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<sup>88</sup> *Ibid*, p. 215.

<sup>89</sup> Agus Arijanto, *Etika Bisnis bagi Pelaku Bisnis*, (Jakarta: Rajawali Press, 2014), p.19.

<sup>90</sup> Kees Bertens, *Pengantar Etika Bisnis*, (Yogyakarta: Kanisius, 2013), p. 247.

safety of consumers so that they can become the principle of consumer protection who protect consumers from the dangers of production, then it should be proper that labeling of Halal is used as a behavior that has a value that must be obeyed by all manufacturers of products.

### 3.2 Halal Food Product Labeling According to Consumer Protection Law

The law without moral is injustice and moral without law is anarchy and utopie that lead to bestiality or animalistic attitude.<sup>91</sup> Based on the cases that occur in the world of industry and enterprise in producing food products, laws and ethics in business is an important instrument to be placed at the forefront.<sup>92</sup> The provisions regarding to consumer protection has been stated in the opening of constitution paragraph IV of the 1945 Constitution which states that “*The State of Indonesia protects the people and the country of Indonesia*”.<sup>93</sup> So clearly, as Indonesian consumers it will be eligible for legal protection for both muslims and non-muslim consumers.

Legal protection for the consumer is a social welfare that occupies a central position in the independence of Indonesia which is the continuation of that more fully from the idea of economic prosperity.<sup>94</sup> Therefore, food as a basic human need which is an assured human rights in every Indonesian people should always get the protection and guarantee legal certainty halal labelling to be consumed,

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<sup>91</sup> Paise Burlian, *Reformasi Yuridis Pengaturan produk Pangan Halal Bagi Konsumen Muslim DI Indonesia*, Jurnal Ahkam Volume XIV No. 1 Januari 2014, p. 46.

<sup>92</sup> *Ibid*, p. 46.

<sup>93</sup> Pembukaan Undang-Undang Dasar 1945 alinea IV.

<sup>94</sup> Sri Edi swasonno, *Indonesia dan Doktrin Kesejahteraan Sosial: Dari Klasikal dan Neoklasikal sampai ke The End of Laissez-Faire*, (Jakarta: 2010, Perkumpulan Prakarsa), p. 2.

especially for the Muslims who are required to be protected and given the right to run the acts of worship in accordance with the mandate of the constitution Chapter X on Article 28E paragraph (1) which reads *“Everyone entitled to embrace religion and worshipped according to his religion, to select education and teach the correct work, to choose citizenship, to choose the place of living in the country and to leave it and is entitled to return”*. And the laws of Republic of Indonesia in the Constitution regulated the guarantee of religious freedom and how to do their worship according to the confidence of each belief as it is on Chapter XI Article 29 paragraph (2) which read *“the country guarantees the independence of each population to embrace their own religion and to do their worship according to their belief”*.<sup>95</sup> From the terms of the law it can be seen that the country considers all Indonesian citizens to get their rights in embrace and obedience their religion.

In the consumer protection effort the country has set up rules that are written on the Law Number 8 of 1999 about consumer protection that includes the explanation in details about the rights of consumers, producer obligations and all things that are prohibited for the manufacturers or business players such as on Article 4 which is explained as follows:

That the rights of consumers are<sup>96</sup>:

1. The rights of comfort, security and safety in consuming goods or services;

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<sup>95</sup> Undang-Undang Dasar Negara Republik Indonesia, Pasal 28 E dan 29.

<sup>96</sup> The existence of provisions 9 The main rights of consumers that must be given to producers of consumers are listed in Law No. 8 of 1999 on Consumer Protection, Article 4 to demand business players in order to fulfill the obligations as a producer and government as law enforcement by providing consumer rights to be treated or served properly and honestly and non-discriminately based on ethnicity, religion, culture, region, education, rich, poor and other social status.

2. The right to choose the goods or services and get the goods or services in accordance with the exchange rate and the condition and the guarantee that are promised;
3. The rights of the correct, clear and honest information about the conditions and guarantee of goods and/or services;
4. The right of their opinion and their complaint to be heard over the goods or services used;
5. The right to get the advocacy, protection and efforts to settle the dispute on consumer protection properly;
6. The right to get the construction and consumer education;
7. The right to be treated properly and honestly and not discriminatory;
8. The right to get compensation, indemnification and/or replacement, when the goods or services received is not in accordance with the agreement or not proper;
9. The rights which are regulated in terms of the other rules and regulations.

The rights contained in Article 4 are written detailed, complete and comprehensive explanation in order to be a warning and big demands of producers in treating consumers as good as possible. These rights will also help to save consumers from the actions of business actors that harm consumers.

While in Article 7 explains about the obligation of business players, it consist of<sup>97</sup>:

1. Do the good ethics in doing business activities;
2. Give the correct, clear and honest information about the conditions and the guarantee of goods or services and provide an explanation of using repairing and maintenance;

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<sup>97</sup> Undang-Undang Nomor 8 tahun 1999 tentang Perlindungan Konsumen, Pasal 7.

3. Treat or serve consumers truly and honestly and not discriminatory;
4. Ensure the quality of goods or services produced and / or traded based on the terms of quality standard of goods or services that applied;
5. Give the opportunity for consumers to test and/or try goods and/or specific services and gives a guarantee and/or warranty of goods made and/or traded;
6. Give the compensation, indemnification and/or replacement for the loss due to the use of, usage and utilization of goods and/or services traded;
7. Give the compensation, indemnification and/or replacement when the goods or services received.

Article 7 explains that business actors are prohibited to discriminate consumers in providing services. Business actors are also prohibited to discriminate the quality of service to consumers. What is meant by certain goods and / or services are goods that can be tested or tried without causing damage or loss. In addition to the rights of consumers and the obligations of the producer, consumer protection laws assert about the behavior of the manufacturers which are prohibited. On Article 8 paragraph (1), business players are prohibited from producing and/or trading goods or services that<sup>98</sup>:

1. Do not meet with the required standards and regulations thereunder;
2. Do not according to the weight of net, clean contents or net, and the number of in a matter as it is stated in the label or the etiquette of goods;

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<sup>98</sup> Undang-Undang Nomor 8 tahun 1999 tentang Perlindungan Konsumen, Pasal 8. No. 7: The good Duration of use/utilization is translation of the word 'best before' is commonly used in the labeling of food products.

3. Do not regard the size, the quantity, weights and the number of the calculation according to the actual size;
4. Do not regard the conditions, warranty, quality or efficacy as it is stated in the label, etiquette or description of goods and/or services;
5. Do not regard the quality levels and composition, treatment process, mode styles, or specific usage as it is stated in the label or description of goods and/or services;
6. Do not refer to the promise that is stated in the label, etiquette, description, advertisement or promotion of the sale of goods or services;
7. Do not list the expired date or long usage time/ best utilization of the selected goods;
8. Do not follow the terms of production in halal term, as the statement “halal” which are listed in the label;
9. Do not install the label or create an explanation of goods which contains the name of goods, size, weight/contents clean contents or net, composition, rules, life date of creation, disastrous side effects, the name and address of the business players and other information for the use of that according to the terms that must be installed/ made;
10. Do not put an information and/or instruction for using the goods in Indonesian language in accordance with the prevailing laws and regulations.

From the explanation of Consumer Protection Law above it can be concluded that the terms of the rules and the prohibitions described in the Act is related to consumer interest or safety, comfort and welfare of consumers in consuming products. The terms described in the rights of consumers are entitled to protection in the form of security, the correct information and honest treatment. To obtain those rights the rules for the manufacturer should be more pronounced and

set aside again on the explanation of the works which are prohibited for business players in the Consumer Protection Act Article 8 in points number (8), (9), and (10) that regulates and requires producers to stick labels on each production. This Act regulates the manufacturer in order to protect Muslim consumers by providing information which is honest with halal labeling on each production and following the terms on the halal label.

Therefore, in an effort to protect consumers it is not only specified on the Consumer Protection Act it self but also there are some other Acts which support consumer protection efforts as mentioned on Consumer Protection Act Article 4 of the rights of consumers who reads that consumers are eligible to receive *“rights regulated in other terms of legislation “*.

One of the Acts which is closely linked to the consumer protection that contains aspects of the private law and public law is mentioned in Law Number 15 Year 2001 about the registration on Article 1 it is explained that *“brand is a sign such as a picture, the name, words letters, numbers, order of color, or a combination of these elements that have distinguished power and used in the activities of the trade in goods or services”*. And on the Article 5 it reads that the brand could not be listed when the brand contains one of the elements below<sup>99</sup>:

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<sup>99</sup> Number 1: The definition of religion is contrary to morality, decency or public order is the use of these markers may offend, courtesy, tranquility or religious from the public or from certain segments of society. No. 2: The sign is considered no distinguishing features, if the sign is too simple as a dash or a colon, or too complicated, so it is not clear. No. 3: One example of such brands is a sign of a skull above two crossed bones, which is generally known as a sign of danger. Such sign is the sign of a general nature and have become public property. Therefore, the sign cannot be used as a brand. Number 4: The brand-related or just mention the goods or services applied for registration, for example *Brand Coffee* or coffee image for the kind of goods for coffee or coffee product types.

1. Contradiction to the regulation, religious morality, morality, or Public Order;
2. Do not have the distinguished power;
3. Has become common property; or
4. The description or related to goods or services that are placed for registration.

One explanation that can be taken from the Act No. 15 in 2001 about registration on Article 1 is that the brand is one of the distinguished power of products, whereas in trade Article 5 explains that a product which is contradictive to the morality of religion then will not be accepted or registered on the state. From the two Articles it can be concluded that the list on a product must comply the provisions of Law Number 15 in 2001 that the brand must have a distinguished power as determine halal product and it is unlawful to every product so that it does not conflict with the morality of Islamic religion.

This matter sets that every food product should be given the information and the clarity of its status especially for the Muslims that deserves to be informed about non-halal food products and avoid consumers from the confusion in selecting or consuming for food. One example of giving information to the Muslim consumer is with the existence of the terms that<sup>100</sup>:

1. On the container or the food wrap produced in the country and the ones imported that contain ingredients derived from the pig must be listed a memorial;

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<sup>100</sup> Permenkes RI Nomor 280/Menkes/Per/XI/76 tentang ketentuan Peredaran dan Pendanaan pada Makanan yang Mengandung Bahan Berasal dari Babi, Pasal 2.

2. The sign of the warning is meant verse (1) must be the image of the pig and the writings which reads: “ CONTAINS PORK “ and must be written with the big red letter with the size of at least *univers mediumcorp 12*, in one line red square box.

This provision is a form of the rules in the government surveillance efforts to comply with the requirements of Muslims in consuming food products. As described before in terms of the rules it has to be in details from dictation of warning writings contain pigs, the color of the writing and the size of the text. In addition, the Act relating to consumer protection that is set on the rules of the manufacturer in production among is others Act No. 18 in 2012 about food. This shows that consumer protection applied on protection against consuming food products such as food and beverages, because the scope of Food Event settings include<sup>101</sup>:

1. Food planning;
2. Food availability;
3. Food affordability;
4. Food consumption and nutrition;
5. Food security;
6. The label and food advertisement;
7. Supervision;
8. Food information system;
9. Research and development of food;
10. Institutional Food;
11. The role of the community; and
12. Investigations.

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<sup>101</sup> Undang-Undang Nomor 18 tahun 2012 tentang Pangan, Pasal 5. In protecting consumers 12 things that should be regulated in implementation of Food for providing consumers protection.

Besides, this law also asserts about what is considered the manufacturer to maintain its production to always be permissible for Muslims is described in Article 37 paragraph (1) which reads: *"imports of food which is done to meet the needs of the domestic consumption must meet the security requirements, quality, nutrition, and do not conflict with religion, faith and culture of the society."*<sup>102</sup> This Act regulates the manufacturer in order not to make the consumers breaking the law of their the religion. This Act is a very important rule and should be in the valleys because it concerns on a belief in religion and it is to be the source of the home to meet the needs of the life of humans.

I order to achieve food security Muslims need to hold a food event that is done to fulfill the needs of the people that provide benefits in a fair, equitable and sustainable development based on sovereignty, independence and food security.<sup>103</sup> Then, on the food Act it appeals to the manufacturer by looking at the Security and the quality of food on the Article 86 paragraph (2) and (3) which reads<sup>104</sup> : *"(2) Everyone who produces and commercializes the food must meet the standard of Food Security and the quality of the Food Security". "(3) Food Security standard compliance and quality of food as mentioned in paragraph (2) is done through the implementation of food security assurance system and the quality of the Food Security"*.

In the next Article 69, it explains that the implementation of food security is done through the product warranty permissible for those required.<sup>105</sup> The terms of the lawful are not only statutes that are

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<sup>102</sup> Undang-Undang Nomor 18 tahun 2012 tentang Pangan, Pasal 37.

<sup>103</sup> Direktorat Jenderal Bimbingan Masyarakat Islam dan Penyelenggaraan Haji, *Panduan Sertifikat Halal*, p. 310-311.

<sup>104</sup> Undang-Undang Nomor 18 tahun 2012 tentang Pangan, Pasal 86.

<sup>105</sup> Undang-Undang Nomor 18 tahun 2012 tentang Pangan, Pasal 69.

applied to Muslims but also as the need for mankind as required by Allah SWT. In the aspect of the lawful contains the values that are universal such as quality, safety and health food which are needed by the consumers not only Muslims but also by mankind in general.<sup>106</sup>

As a continuation of consumer protection toward halal product, then the legislation that is formed should not just load halal assurance, but the terms on the consumption of which has been outlined in the Islamic sharia have to be accommodated in the codification of consumer protection law for Muslims. The rules to fulfill the law needs for the muslims in consuming the food is in accordance with Islamic sharia also described in Article 2 and Article 10 of the Law on the label and food advertisement as follows:

**Article 2<sup>107</sup>**

1. Every person who produces or ships the food into the region of Indonesia to trade is required to list the Label on, or in the food packaging.
2. The inclusion of the Label as mentioned in paragraph (1) is done in such a way that it is not easy to loose from its packaging, it is not easy as well to become discouraged or damaged and is located on the packaging of food which is easy to be seen and read.

The obligation to include labels on, inside or on the product packaging has the purpose of making halal products clear with labels that are not easily separable and can be missed by consumers. This means that as long as the halal label is in pairs with a strong and not

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<sup>106</sup> Paise Burlian, *Reformasi Yuridis Pengaturan produk Pangan Halal Bagi Konsumen Muslim Di Indonesia*, Jurnal Ahkam Volume XIV No. 1 Januari 2014, p. 44.

<sup>107</sup> Undang-Undang Nomor 69 tahun 1999 tentang Label dan Iklan Pangan, Pasal 2.

easily removed then it means that producers have been complying of Muslim consumers needs. But if the halal label has been lost or removed from the packaging of food products then the producers no longer provide protection to the Muslim consumers.

**Article 10<sup>108</sup>**

1. Every person who produces or ships the food into the region of Indonesia to trade and states that the food is permissible for Muslims, is responsible for the truth of the statement and is required to list the description or the lawful writings on the label.
2. The statement about the lawful as mentioned in paragraph (1), a part that is not an inseparable part of the Label.

The inclusion of halal or “halal” information on the food label is an obligation if the party producing and or entering the food into the territory of Indonesia declares (claiming) that the product is lawful for Muslims. The use of a language or letter other than Indonesian and Latin letters shall be used in conjunction with its equivalent in Indonesian and Latin alphabets. Information about the halal food has a very important meaning and is intended to protect the Muslim community in order to avoid consuming unlawful food (haram). The truth of a halal statement on a food label is not only evidenced in terms of raw materials, food additives, or auxiliaries used in producing food, but must also be proven in the production process.

From the Act above it can be concluded that besides halal certificate, halal label is also a guaranteed halal labelling of a food product, guarantee of legal certainty of halal food products in the

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<sup>108</sup> Undang-Undang Nomor 69 tahun 1999 tentang Label dan Iklan Pangan, Pasal 10.

national law is needed in order to guarantee legal certainty for Muslim consumers.<sup>109</sup> The aforementioned analysis above becomes the basic needs for the formation of halal product assurance system that need to be formed in the form of special laws governing the warranty of halal product.<sup>110</sup> Namely on Act No. 33 in 2014 about Halal Product Warranty which contains all the terms of the law regarding consumer protection particularly against Muslim consumers, namely on Article 24, 25, 27, 38, 39 and on Article 56 which set things for the manufacturers or business players that contravene over the rules that have been assigned.<sup>111</sup> The articles in the article reads:

#### **Article 24<sup>112</sup>**

Business practitioners who apply for Halal Certificate are required to:

1. Provide information correctly, clearly and honestly;
2. Separate the location where and the appliance slaughtering, processing, storage, packaging, distribution, sales, and presentation between Halal Product and haram product;
3. Have lawful supervisor; and
4. Report changes in the composition of the ingredients to BPJPH.

Law No. 33 of 2014 on Halal Product Guarantee in Article 24 is arranged in such a way because the halal certificate gives a big impact for the community as it serves as a guide for Muslims to consume halal food and drink away from the haram.<sup>113</sup>

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<sup>109</sup> Paise Burlian, *Reformasi Yuridis Pengaturan produk Pangan Halal Bagi Konsumen Muslim DI Indonesia*, Jurnal Ahkam Volume XIV No. 1 Januari 2014, p. 46.

<sup>110</sup> *Ibid*, p. 45.

<sup>111</sup> Undang-Undang Nomor 33 tahun 2014 tentang Jaminan Produk Halal, pasal 24, 25, 27, 38, 39 dan pasal 56.

<sup>112</sup> Undang-Undang Nomor 33 tahun 2014 tentang Jaminan Produk Halal, Pasal 24

<sup>113</sup> Syaiful Amri, et al, *Analisis Yuridis Kewenangan Majelis Ulama Indonesia Dalam Penyelenggaraan Jaminan Produk Halal*, Naskah akademik.

**Article 25<sup>114</sup>**

Business players that have a Halal Certificate are required to:

1. List the Halal Label of the product that has got Halal Certificate;
2. Keep halal labelling of products that have a Halal Certificate;
3. Separate the location, place and slaughtering, manufacture tools, storage, packaging, distribution, sales, and serving between Halal Product and the haram;
4. Update the Halal Certificate if the validity of Halal Certificate ends; and
5. Report composition of the ingredients change to BPJPH.

The analysis from this article is the Law on Halal Product Guarantee in Article 25 ideally intends to integrate the halal concepts of products to be consumed or used by Muslim consumers according to Islamic law so that the inclusion of halal Label on food products becomes material law and formal law as a sub-system of national law. The halal aspect of a comprehensive product referred to in this Article includes the raw materials used in the processing of products, product processes and product marketing. Raw materials and products under this law adopt a broader approach which includes food, beverage, medicine, cosmetics, chemical and biological products and genetic engineering. The halal products shall be subject to the provisions of the whole series of production which includes equipment, production space, storage, distribution and presentation of halal according to sharia.

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<sup>114</sup> Undang-undang Nomor 33 tahun 1999 tentang Jaminan Produk Halal, Pasal 25.

**Article 27<sup>115</sup>**

1. Business players who do not perform the duty referred in the Article 25 incur the administrative sanctions in the form of:
  - a. A written warning;
  - b. Administrative fines; or
  - c. Halal Certificate Revocation Lists.
2. Business players who do not perform the duty referred in the Article 26 paragraph (2) incur the administrative sanctions in the form of:
  - a. Oral rebuke;
  - b. A written warning; or
  - c. Administrative fines.
3. Further provisions regarding the procedures for the administrative sanctions is regulated in the Minister Regulation.

The Law No. 33 of 2014 on Halal Product Guarantee in Article 27 explains that for Business Actors violating the Rules of Law in Articles 25 and 26 shall be liable to sanctions in accordance with the provisions of the Act and for procedures for imposition of administrative sanctions stipulated in the Ministerial Regulation.

**Article 38<sup>116</sup>**

Business players who have a Halal Certificate are required to put the Halal Label on:

- a. The product packaging;
- b. Certain parts of the Product; and/or
- c. Specific place on the product.

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<sup>115</sup> Undang-undang Nomor 33 tahun 1999 tentang Jaminan Produk Halal, Pasal 27.

<sup>116</sup> Undang-undang Nomor 33 tahun 1999 tentang Jaminan Produk Halal, Pasal 38.

**Article 39<sup>117</sup>**

“Halal Labeling referred in the Article 38 must be easily seen and read and not easily removed, lifted, and destroyed”.

Articles 38 and 39 make it very clear that Business Actors who have obtained Halal Certificates must include Halal Label on product packaging and not easily removed because if the producers put a halal label firmly and not easily loose then the manufacturer has done his obligation. But if the halal label has been lost or removed from the packaging of food products then the producers are no longer allowed to perform their obligations.

**Article 56 (Criminal Provisions)<sup>118</sup>**

Business players who do not keep the halal labelling of products that have a Halal Certificate referred to in Article 25 letter is to be sued by criminal prosecution imprisonment of five years or criminal fine max Rp. 2.000.000.000,00 (two billion rupiahs).

From the explanation of the Act No. 33 in 2014 about halal product warranty above explains in details about the importance of halal labeling on every food product, so that in the regulation of the Act it specifies the criminal provisions for the manufacturer or business players who violate the existing rules in the Act, it asserts that this act requires to be obeyed and carried out.

In Chapter IV Article 30, 31, 32, 33 and 34 Law Number 7 Year 1996 about food it is a legal certainty for Muslims to get halal product in the market and the existence of halal labeled product and the availability of information about the halal product.<sup>119</sup> Then, the analysis from that

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<sup>117</sup> Undang-undang Nomor 33 tahun 1999 tentang Jaminan Produk Halal, Pasal 39.

<sup>118</sup> Undang-undang Nomor 33 tahun 1999 tentang Jaminan Produk Halal, Pasal 56.

<sup>119</sup> Undang-Undang Nomor 7 tahun 1996 tentang Pangan, Pasal 30, 31, 32, 33 dan 34.

article is the legal protection to Muslim consumers especially to get halal product has a strong position in Indonesian legal governance. In relation to regulation of the business with the existence of the Act which has been described above, then each company or business has obligations that must be done in order to protect the interests of the consumption of Islam. This Act liits the rules of business regulations and the code of ethics of the profession and trade.

With the publication of Law Number 8 Year 1999 about Consumer Protection Act No. 18 Year 2012 about Food, Act No. 69 Year 1999 about label and food advertisement, then followed by the rules of the shadow in the Government Regulation Number 33 Year 2014 about the halal product guarantee explains about legal guidelines that regulate and support the Muslim consumer protection from food consumption is prohibited by religion. Then halal labelling food, drink, drugs, cosmetics and other products that previously were only regulated in Fiqh's book are now regulated in the Act and government regulations. It stated that halal labeling on every food products becomes a new paradigm in the arrangement of halal labelling product.<sup>120</sup>

From the articles stipulation above the analysis is that the Acts which regulate the rules a lot in an effort to protect consumers are not just in the Consumer Protection Act but on the food laws, labels and food advertisement and the Halal Product Guarantee. From the whole of the Act, it illustrates that when observed, halal labeling from the consumer protection laws has a very important role status because halal labeling certainty will guarantee automatically the existence of the rules in the protection against consumers, which is in officially written in the law

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<sup>120</sup> Direktorat Jenderal Bimbingan Masyarakat Islam dan Penyelenggaraan Haji, *Panduan Sertifikasi Halal*, p. i-ii.

about rights of consumers, obligation producer, Act that prohibited for producer, the rules for achieving consumer safety in consume food as well as the terms of the punishment specified for business players or manufacturers who violate the rules. In addition, halal labeling has also completed the principles which become motivation in community development among other halal labeling which is useful for Muslims consumers especially, to complete the social and economic justice, set the balance, build security and safety and create legal certainty.

### **3.3 The analysis of Halal Food Product Labeling According to Islamic Business Ethics and Consumer Protection Law**

In human life the Qur'an as a book of guidance for humans distinguishes between truth and falsehood. The Qur'an contains the concepts and ethics principles to produce good attitudes for human action both in political social, economic and especially in trade actions.<sup>121</sup> Halal labeling includes one of the goals for Qur'an concept which are good attitude and human action because Halal labeling is an indicator for halal food products.

In addition to showing the truth, halal labeling also completes the four basic concepts of Qur'an that contain important ideas about human life especially in the social relations and trade. Four of those concepts are faith/Iman, Islam, Ihsan and Taqwa.<sup>122</sup> Faith or *Iman* generally means "believes", Islam generally means "peace", while Ihsan generally means "prosperity". Belief that referred to Qur'an is believing in God and all that God has created and specified, the stipulation is a command and ban. While Islam mentioned in the Qur'an

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<sup>121</sup> Hendar Riyadi, *Melampaui Pluralisme Etika Al-Qur'an tentang Keragaman Agama*, (Jakarta: Graha Pena, 2007), p. 118.

<sup>122</sup> Abdul Aziz, *Etika Bisnis Perspektif Islam*, (Bandung: Alfabeta, 2013), p. 82.

is a doctrine that teaches to try to get a better life in this world and in the hereafter by obeying the terms of God so that life will feel peace and safety from threats and punishment of God. Meanwhile, Ihsan in Qur'an is an effort to improve a good act for the modest welfare and mental or the victory of the world and the hereafter.

To achieve a good life in the world, halal labeling is included in the concept of the faith/Iman of Islam and Ihsan because halal label on food products is a form of human efforts to obtain a good life in the world and fulfill the terms of God by practicing the teaching of Islam as religion from the Qur'an. The terms or the specified command of God has been indicated on the word of God:

إِنَّ اللَّهَ يَأْمُرُ بِالْعَدْلِ وَالْإِحْسَانِ وَإِيتَايَ ذِي الْقُرْبَىٰ وَيَنْهَىٰ عَنِ الْفَحْشَاءِ  
وَالْمُنْكَرِ وَالْبَغْيِ يَعِظُكُمْ لَعَلَّكُمْ تَذَكَّرُونَ ﴿٩٠﴾

That means: “Surely Allah enjoins the doing of justice and the doing of good (to others) and the giving to the kindred, and He forbids indecency and evil and rebellion; He admonishes you that you may be mindful”.<sup>123</sup>

The explanation of this verse is that Allah has sent His slaves to be middle and balanced, sent to relatives in order to stay in touch, prohibited acts that are forbidden, and told to goodness.<sup>124</sup> Halal labeling on food products is also a sholeh charity or good deed for doing justice to the Muslim consumer is which good deeds bring rewards for those who do and bring benefits for Muslim consumers for the creation of the welfare of the birth and the mind. And every pious deeds performed will be rewarded by God, as stated in the Qur'an that Allah said:

<sup>123</sup> Al-Qur'an Surah an-Nahl: 90.

<sup>124</sup> Muhammad Nasib Ar-Rifa'i, Ringkasan Tafsir Ibnu Katsir, Jilid 2, (Jakarta: Gema Insani, 1999), p. 1056.

مَنْ عَمِلَ صَالِحًا مِّنْ ذَكَرٍ أَوْ أُنْثَىٰ وَهُوَ مُؤْمِنٌ فَلَنُحْيِيَنَّهٗ حَيٰوةً طَيِّبَةً  
وَلَنَجْزِيَنَّهُمْ أَجْرَهُمْ بِأَحْسَنِ مَا كَانُوا يَعْمَلُونَ ﴿٩٧﴾

That means: “Whoever does good whether male or female and he is a believer, We will most certainly make him live a happy life, and We will most certainly give them their reward for the best of what they did”.<sup>125</sup>

This verse is God’s promise to those who do good deeds, that is in accordance with the Qur’an and Sunnah of the Prophet, both male and female, both humans and jinn, and their hearts will feel peaceful because of the faith in Allah. The concept of Iman, Islam and Ihsan become a positive role realize the concept of taqwa or plays an important role to improve Muslim personality, where taqwa is the culmination of a true Muslim character or personality. A good Muslim is always conscious to put the interests of helping each other rather than him self because they believe that such actions are the commands and teaching of Islam. In the Qur’an Allah says:

يٰۤاَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِّنْ نَّفْسٍ وَّاحِدَةٍ وَخَلَقَ مِنْهَا  
رَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا كَثِيْرًا وَنِسَاءً ۗ وَاتَّقُوا اللّٰهَ الَّذِي تَسَاءَلُونَ بِهِ  
وَالْاَرْحَامَ ۗ اِنَّ اللّٰهَ كَانَ عَلَيْكُمْ رَقِيْبًا ﴿١﴾

It means: “O people! be careful of (your duty to) your Lord, Who created you from a single being and created its mate of the same (kind) and spread from these two, many men and women; and be careful of (your duty to) Allah, by Whom you demand one of another (your

<sup>125</sup> Al-Qur’an Surah an-Nahl : 97.

<sup>126</sup> Al-Qur’an Surah An-Nisaa’ : 1.

rights), and (to) the ties of relationship; surely Allah ever watches over you”.<sup>126</sup>

وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ وَاتَّقُوا اللَّهَ إِنَّ  
 اللَّهَ شَدِيدُ الْعِقَابِ ﴿٢٠٦﴾

That means: “And help one another in goodness and piety, and do not help one another in sin and aggression; and be careful of (your duty to) Allah; surely Allah is severe in requiting (evil)”.<sup>127</sup>

The explanation of the above two verses is that Allah Almighty is telling His servants who believe in him because Allah created human by himself, that is from Prophet Adam and created from him the other kind which became his soul mate, that is Hawwa. Then from Adam and Hawwa proliferate men and women, and Allah commands them to help in doing good, which is the goodness of abandoning mankind, that is to fear, and forbidding them to help in doing evil and cooperating in doing sin and divinity. So halal labeling on food products is also included in the concept of the taqwa which in his deeds halal labeling has created mental Welfare, provided a common good for other people and as a form of obedience to the commandments of Allah and the effort to avoid His prohibition. The prohibitions are explained in the word of God:

يَأْتِيهَا النَّاسُ كُلُّوا مِمَّا فِي الْأَرْضِ حَلَالًا طَيِّبًا وَلَا تَتَّبِعُوا خُطُوَاتِ الشَّيْطَانِ  
 إِنَّهُ لَكُمْ عَدُوٌّ مُّبِينٌ ﴿١٦٨﴾

<sup>127</sup> Al-Qur'an Surah Al-Ma'idah : 2.

<sup>128</sup> Al- Qur'an Surah Al-Baqara: 168.

That means: “O men! eat the lawful and good things out of what is in the earth, and do not follow the footsteps of the Shaitan; surely he is your open enemy”.<sup>128</sup>

يَا أَيُّهَا الَّذِينَ ءَامَنُوا كُلُوا مِن طَيِّبَاتِ مَا رَزَقْنَاكُمْ وَاشْكُرُوا لِلَّهِ إِن كُنتُمْ  
إِيَّاهُ تَعْبُدُونَ ﴿١٧٢﴾

That means: “O you who believe! eat of the good things that We have provided you with, and give thanks to Allah if Him it is that you serve”.<sup>129</sup>

وَكُلُوا مِمَّا رَزَقَكُمُ اللَّهُ حَلٰلًا طَيِّبًا وَاتَّقُوا اللَّهَ الَّذِي أَنْتُمْ بِهِ ءُمُومِنُونَ ﴿١٧٣﴾

That means: “And eat of the lawful and good (things) that Allah has given you, and be careful of (your duty to) Allah, in Whom you believe”.<sup>130</sup>

فَكُلُوا مِمَّا رَزَقَكُمُ اللَّهُ حَلٰلًا طَيِّبًا وَاشْكُرُوا نِعْمَتَ اللَّهِ إِن كُنتُمْ إِيَّاهُ  
تَعْبُدُونَ ﴿١٧٤﴾

That means: “Therefore eat of what Allah has given you, lawful and good (things), and give thanks for Allah’s favor if Him do you serve”.

<sup>131</sup>

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حُرِّمَتْ عَلَيْكُمُ الْمَيْتَةُ وَالْدَّمُ وَلَحْمُ الْخِنزِيرِ وَمَا أُهْلَ لِغَيْرِ اللَّهِ بِهِ  
وَالْمُنْخَنِقَةُ وَالْمَوْقُوذَةُ وَالْمُتَرَدِّيَةُ وَالنَّطِيحَةُ وَمَا أَكَلَ السَّبْعُ إِلَّا مَا ذَكَّيْتُمْ

<sup>129</sup> Al-Qur’an Al-Baqara: 172.

<sup>130</sup> Al-Qur’an Surah Ma’idah: 88.

<sup>131</sup> Al-Qur’an Surah An-Nahl: 114.

وَمَا ذُبِحَ عَلَى الْأُتْصِبِ وَأَنْ تَسْتَقْسِمُوا بِالْأَزْلَمِ ذَٰلِكُمْ فِسْقٌ ۗ الْيَوْمَ يَئِسَ  
الَّذِينَ كَفَرُوا مِنْ دِينِكُمْ فَلَا تَخْشَوْهُمْ وَاخْشَوْنِي ۗ

That means: “Forbidden to you is that which dies of itself, and blood, and flesh of swine, and that on which any other name than that of Allah has been invoked, and the strangled (animal) and that beaten to death, and that killed by a fall and that killed by being smitten with the horn, and that which wild beasts have eaten, except what you slaughter, and what is sacrificed on stones set up (for idols) and that you divide by the arrows; that is a transgression. This day have those who disbelieve despaired of your religion, so fear them not, and fear Me”.<sup>132</sup>

From the 5 verses of the Qur’an above, the first four verses describe God’s command to human to consume good and lawful food/ halal food, this command is very important because Allah’s commands are not only enough in 1 verse but are found in many other verses also. It proves that God gave us a command that must be obeyed so that in the last verse that is in Surah Al-Maidah verse 3 is explained in detail consuming food products that is prohibited by Allah. And From 5 verse of the Qur’an above if seen from this means that indeed there is no sentence calls or command to paste the halal label on food products, but what we can take from the conclusion of the interpretation or meaning is that of the many verses of the Qur’an and early Hadithic above are

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<sup>132</sup> Al-Qur’an Surah Al-Maidah: ٣: Allah has prohibit the servants to consume as the carcasses of dead animals, ie animals that die on its own without slaughtered or hunted in which there is a dangerous religion of frozen blood and body. So also with the blood flowing, pork which includes all its aspects, including the fat, the animals slaughtered by name other than the name of God, who died strangled intentionally or squeezed, and slaughtered for idols. Muhammad Nasib Ar-Rifa’i, Ringkasan Tafsir Ibnu Katsir, Jilid 2, (Jakarta: Gema Insani, 1999), p. 16.

calling people to always consuming the halal and good food even in the Qur'an it mentioned anything unhalal food or cannot be consumed. It means that if we do Halal Labeling on food products then we have followed the exclamation and the command of Allah in the Qur'an above because we have made ourselves and our consumers consuming the halal and good food. Besides, we also have removed the consumers from consuming unhalal food or the food that cannot be consumed and prohibited by Allah. And the presence of Halal labeling in food product has created human consciousness to pious as concerned with the safety of consumers by protecting consumers from consuming a prohibited food product and manufacturers who set halal labeling on the product means that they has given a correct statement and account of what he has produced and sold and not reviling or mislead consumers. Because if someone cannot be responsible for his deeds by doing cheating and misleading, it mean he has violated God's verses with the provisions to oppose God, and is ready to receive God's torment and torture. In the Qur'an Allah says:

وَلَا تَقْفُ مَا لَيْسَ لَكَ بِهِ عِلْمٌ إِنَّ السَّمْعَ وَالْبَصَرَ وَالْفُؤَادَ كُلُّ أُولَئِكَ كَانَ عَنْهُ مَسْئُولًا ﴿٣٦﴾

That means: "And follow not that of which you have not the knowledge; surely the hearing and the sight and the heart, all of these, shall be questioned about that".<sup>133</sup>

In the explanation of the Qur'an in Surah Al-Isra' verse 36, it explained that Muslims were prohibited to consume or use the products of unknown origin in terms of the unknown source so it is not clear from halal status. When a product is not stated as "halal", Muslims are

<sup>133</sup> Al-Qur'an Surah Al-Isra ' : 36.

commanded to be abstain and to avoid them because when a haram's thing has entered into a Muslim body then their prayer will not be granted by Allah and he will get the misery of life in the world and the punishment in the hereafter as a scourge from Allah as a result of violations that they do against the laws of God.

So by Abu Hurairah, Prophet Muhammad shallallahu 'alaihi wa sallam said:

أَيُّهَا النَّاسُ إِنَّ اللَّهَ طَيِّبٌ لَا يَقْبَلُ إِلَّا طَيِّبًا وَإِنَّ اللَّهَ أَمَرَ الْمُؤْمِنِينَ بِمَا أَمَرَ  
 بِهِ الْمُرْسَلِينَ فَقَالَ ( يَا أَيُّهَا الرُّسُلُ كُلُوا مِنَ الطَّيِّبَاتِ وَاعْمَلُوا صَالِحًا إِنِّي بِمَا  
 تَعْمَلُونَ عَلِيمٌ ) وَقَالَ ( يَا أَيُّهَا الَّذِينَ آمَنُوا كُلُوا مِن طَيِّبَاتِ مَا رَزَقْنَاكُمْ )  
 . ثُمَّ ذَكَرَ الرَّجُلَ يُطِيلُ السَّفَرَ أَشْعَثَ أَغْبَرَ يَمُدُّ يَدَيْهِ إِلَى السَّمَاءِ يَا رَبِّ  
 يَا رَبِّ وَمَطْعَمُهُ حَرَامٌ وَمَشْرَبُهُ حَرَامٌ وَمَلْبَسُهُ حَرَامٌ وَغَدَى بِالْحَرَامِ فَأَنَّى  
 يُسْتَجَابُ لِذَلِكَ

That Means: “O people, Allah is thoyyib (good). Allah will not accept anything but from the thoyyib (good). And verily Allah has commanded the believers as He commanded the Apostles. His Word: ‘O Messengers! Eat good food (halal) and do good deeds. Verily I am all knowing what ye do. ‘And Allah also says:’ O you who believe! Eat the good sustenance we have provided for you. ”Then the Prophet sallallaahu’ alaihi wa sallam narrated about a man who has traveled so far, so that his hair is tangled, masai and dusty. The man raised his hand to the sky while praying: “O my Lord, O my Lord.” In fact, his food is of illicit goods, his drink is from the haram, his clothes are

from the unlawful and fed from the haram, then how will Allah allow his pray? “(HR Muslim No. 1015)<sup>134</sup>

So the next Allah says:

يَا أَيُّهَا الَّذِينَ ءَامَنُوا لَا تُحَرِّمُوا طَيِّبَاتِ مَا أَحَلَّ اللَّهُ لَكُمْ وَلَا تَعْتَدُوا إِنَّ  
 وَكُلُوا مِمَّا رَزَقَكُمُ اللَّهُ حَلَالًا طَيِّبًا وَاتَّقُوا اللَّهَ اللَّهُ لَا يُحِبُّ الْمُعْتَدِينَ ﴿٨٨﴾  
 الَّذِينَ أَنْتُمْ بِهِ ءَمُّونُونَ ﴿٨٩﴾

That means: “O you who believe! do not forbid (yourselves) the good things which Allah has made lawful for you and do not exceed the limits; surely Allah does not love those who exceed the limits. And eat of the lawful and good (things) that Allah has given you, and be careful of (your duty to) Allah, in Whom you believe. “. <sup>135</sup>

And in Surah Al-Ma'idah, verse 87-88 describes the prohibition of human beings telling wrong or dishonest information which is a prohibition to the believer that it should not forbid what is permitted by Allah and justify what is prohibited by Allah.

وَإِذَا قُلْتُمْ فَاعْدِلُوا وَلَوْ كَانَ ذَا قُرْبَىٰ وَبِعَهْدِ اللَّهِ أَوْفُوا ذَٰلِكُمْ وَصَّوْكُمْ بِهِ  
 لَعَلَّكُمْ تَذَكَّرُونَ ﴿١٥٢﴾

That means: “And when you speak, then be just though it be (against) a relative, and fulfill Allah’s covenant; this He has enjoined you with that you may be mindful”. <sup>136</sup>

Then on Surah Al-An'am verse 152 lets the people to always uphold justice that is righteousness because of Allah and be a fair

<sup>135</sup> Al-Qur'an Surah Al-Ma'idah: 87-88.

<sup>136</sup> Al-Qur'an Surah Al-An'am: 152.

witness and fill the will of Allah which has commanded you to obey what he has commanded and forbidden to you and the book (Al-Qur'an) and the Sunnah of His messenger. That is what is meant by the fulfillment of God's promise that Allah commands people to take lessons and stop the ugliness that is being done.<sup>137</sup>

وَلَا تَقُولُوا لِمَا تَصِفُ أَلْسِنَتُكُمُ الْكَذِبَ هَذَا حَلَالٌ وَهَذَا حَرَامٌ لِّتَفْتَرُوا  
مَتَاعٌ عَلَى اللَّهِ الْكَذِبَ إِنَّ الَّذِينَ يَفْتَرُونَ عَلَى اللَّهِ الْكَذِبَ لَا يُفْلِحُونَ ﴿١١٧﴾  
قَلِيلٌ وَلَهُمْ عَذَابٌ أَلِيمٌ ﴿١١٧﴾

That means: "And, for what your tongues describe, do not utter the lie, (saying) This is lawful and this is unlawful, in order to forge a lie against Allah; surely those who forge the lie against Allah shall not prosper. A little enjoyment and they shall have a painful punishment".<sup>138</sup>

And last deals in Surah an-Nahl verse 116 until verse 117 explained that in a business or trade do not be a fraud in giving status on products information. The demands of being Muslims who obey God's command is to pay attention to our food products which enter our body had been warned explicitly by the Prophet in his saying:

<sup>137</sup> Muhammad Nasib Ar-Rifa'i, Ringkasan Tafsir Ibnu Katsir, Jilid 2, (Jakarta: Gema Insani, 1999), p. 318.

<sup>138</sup> Al-Qur'an Surah An-Nahl: 116-117: In the past period there are some people who do not like to eat camel meat, on the grounds that camel meat is provided for the idols of their sacrifices, then Allah sent this verse as an explanation that camel meat is lawful to eat. And it happens also in the present day, there are still not willing to eat beef, because the cow is considered as a sacred animal. Moh. Rifa'i, Terjemah / Tafsir Al-Qur'an, Volume 3, (Semarang: CV Adi Grafika, 1997), p. 71 God forbids the path of idolaters who justify and forbid food only on the basis of their explanations alone. therefore, God threatened such actions with little pleasure and a painful penalty. Muhammad Nasib Ar-Rifa'i, Summary of Tafsir Ibn Kathir, Volume 2, (Jakarta: Gema Insani, 1999), p. 1074.

قال النبي صلى.م.: كل ذئ ناب من السباع فأكله (رواه مسلم)

Meaning: The Prophet Muhammad said: “Any animal that has fangs, then eat them haram.” (H.R.Muslim)<sup>139</sup>

أحل لنا ميتتنا ودمان: أما الميتتنا فالحوت والجراد واما الدمان فالكبد

والطحال (رواه احمد)

Meaning: “It has been made lawful for us two kinds of dead bodies and the two kinds of blood. Now the two bodies is dead fish and locusts, while two kinds of blood is the heart and the spleen”. (H.R. Ahmad)<sup>140</sup>

From both the early Hadithic, they explain and determine somethings that we must avoid things we cannot consume. From the early Hadithic Messenger it was aimed to prevent Muslims to do a deed that is outlawed by God. Early Hadithic has become an emphasis and confirmation of the existing ban on the Qur'an over consuming food or certain food that is a form of attention and as protection for the people of Islam in order to avoid from all manner of diseases and all things that cause losses. The existence of the early Hadithic becomes a warning for all mankind to always obey the commands of Allah SWT which is written on the Qur'an.

In addition, there are also some early Hadithic which explained

<sup>139</sup> Jalal Ad-Din As-Suyuti, *Jami As-Shaghir*, Juz II, Dar Ihya' Al-Kutub Al-Arabiyyah. Indonesia, p. 93.

<sup>140</sup> *Ibid.* p. 13.

about the ban on business players in the business activity, among others:

وسمعت رسول الله - صلى الله عليه وسلم - يقول: «إن التجار هم الفجار». قالوا:  
قال: «بلى, ولكنهم يحدثون فيكذبون ويحلفون ? يا رسول الله, أليس قد أحل الله البيع  
ويأثمون

That means: I heard He the Holy Prophet said: “behold the traders are the people who do the disobedients”, then the friend also asked: Does not Allah allow buying and selling, Prophet Muhammad answered: “true, but they said while lying and swearing until sin”.

قال رسول الله صلى الله عليه وسلم: لا تستبطئوا الرزق, فإنه لم يكن  
عبد ليموت حتى يبلغ آخره, فأجملوا في الطلب: أخذ الحلال, و ترك  
الحرام - السلسلة الصحيحة, الألباني

That means: Rasulallah SAW said: “You must not slow down in asking for sustenance, there shall not die a slave until he received his last sustenance, then improve in seeking sustenance: take the lawful and leave the haram”.<sup>141</sup>

Meanwhile, from both the early Hadithic it explained that the Messenger of Allah prohibited us to do fraud or give false or dishonest news about halal labelling product in trade activities. So the analysis is that the presence of halal labeling is to make Muslims avoid unlabeled food products as indicated on the previous early Hadithic and make business players honest in trade.

<sup>141</sup> Qardhawy, Muhammad Yousef. *Recycling Al-Qiyam wa Al-Akhlak fie Al-Iqtishad Al-Islamy*, 1995.

In addition, the analysis about halal Labeling according to Islamic Business ethics and consumer protection laws is that the halal label as a guarantee for the existence of legal certainty cannot just be reviewed from the Consumer Protection Law but can also be reviewed from Stipulation Instruction of Indonesian Ulema Council (MUI) which reveals Instruction of MUI on Halal Certificate and important thing in determining the laws of Islamic contemporary which is valid until today. In the statutes of inclusion of MUI which is based the Qur'an and Al-Hadist about obligations of Halal food consumption, on it can be concluded that the MUI supports halal label as guaranteed halal labelling product. This is proven by the existence of the case concerning the unclean food in the consumption of Muslim community so that MUI and the Ministry of Religion in realizing the legislation about halal product that will protect Muslim consumers especially. Thus the environmental conservation Act on Halal Product Warranty (JPH) is continued by Halal Assurance System (SJH) to protect Muslims consumers. Halal labeling is one of Halal Product Assurance System which aims to protect consumers from consuming food, medicines and cosmetics unlawful because it makes consumers safe from unlawful food, medicines and cosmetics that are not lawful and provide certainty and protection to Muslim consumers especially.

The presence of halal label is helping Muslims and business players in performing its obligations as a servant of God by making the other Muslims to avoid food products that were prevented from God to eat them. It provides news on honesty about halal labeling in the products in its production or in the entire stock. Thus halal labeling also becomes very helpful for Indonesian Ulema Council (MUI) which they can realize the implementation inclusion of MUI about the determination of halal product that considers food, beverages, medicines, cosmetics, and others to be consumed or used by the people of Islam. It must be

noted and believed to be halal labelling and purity on processed products which is often doubted its halal labeling or purity. Therefore, processed products have to be checked, investigated, discussed, and inspected by the Inclusion Commission meeting of MUI Inclusion Commission sees that it is necessary to specify halal labeling and purity to make the guidelines by the people of Islam.<sup>142</sup> Therefore the announcement of halal product written on the halal label which is issued by the inclusion of Indonesian Ulema Council Assembly in Halal Certificate is a sign of halal labeling and permission letter in the sales of Halal product. This is not only done by MUI but is also supported by the Minister of Religion and Food Studies Institutions Drugs and Cosmetics (LPPOM) Indonesia LPPOM MUI plans Mandatory Halal Certification in 2019 through the body of the organizer of the product warranty lawful (BPJPH) as the regulator and LPPOM MUI as executors. Hopefully the cases about halal label is lawful regarding halal labeling product and harms to consumers will not happen again so that consumers will start to be consistent about halal product from now and soon.<sup>143</sup>



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<sup>142</sup> Keputusan Fatwa, Komisi Fatwa Majelis Ulama Indonesia, tentang “Penetapan Produk Halal”, 23 December 2006.

<sup>143</sup> [www.detikhealth.com](http://www.detikhealth.com) Accessed on 5 February 2018.



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## CHAPTER IV

### CLOSSING

#### 4.1 Conclusion

1. Halal labeling on food products is the ethics which is related to the values of Islamic business ethics in which the values of this business will produce a producer's behavior which is in accordance with the concept of Islamic values. The businessmen who apply Islamic Business Ethics through Halal labeling means that they have been doing their activities based on Islamic principles. Halal labeling is demands changes in the behavior of businesses to be more responsible and trustworthy and to always follow the guidelines and apply the Prophet's behavior in any business. With the awareness of halal labeling food product, the effort will protect the consumers from bad things both in terms of physical health or safety in performing worship. Halal labeling is a instrument of worship because Halal labeling can be used as a barometer to measure the faith of a servant to his Lord so that he will always try to get a blessing and good pleasure of Allah in every business.
2. Halal labeling obligation on every food product has been regulated in Law No. 8 year 1999 on Consumer Protection, Law No. 18 Year 2012 on Food, Law No. 69 of 1999 on the Labeling and Advertising of Food, Law No. 33 of 2014 on Halal Product Guarantee and the Instruction of Indonesian Ulema Council (MUI) on Halal Product Guarantee which is based on the Qur'an in Surah Al-Baqarah verse 168 and 172, as well as Al-Ma'idah verse 88 that obligatory to consume Halal food. Halal labeling is also paramount to do and obeyed because the rules specified in the Act already contained penalties for businesses or manufacturers who violate the rules of

the Act. Rules regarding obligatory halal labeling food products is an implementation of the law of the Constitution of the Republic of Indonesia Year 1945 which regulates the guarantee of freedom of religion and to worship according to the belief of each in Chapter XI of Article 29 paragraph (2) which reads “*state guarantees the freedom of each citizen to profess his own religion and to worship according to his religion of belief*”. Halal Labeling which fulfils the objectives of the government and society to implement a fair and prosperous society are evenly materially and spiritually based on Five Pillars of Indonesia (Pancasila) and the Constitution of 1945.

3. Halal labeling on food products is not something which denies the food substance that has Halal status, but Halal labeling has a purpose and values. The values will apply good ethical business conduct, noble morals and professionals in the business who notice an care about spiritual values and social interests that will protect consumers. Business Players who do Halal labeling on the product indicates that the business performer is aware of his obligations as a manufacturer and as a caliph in the world. As bearers of social values and spirituality, halal labeling must be able to provide halal assurance of a product as the protection of consumers in serving the food, convenience consumptions, both physical and spiritual safety and legal protection both legal value positive messages as well as Islamic law since Halal labeling is a form of legal guarantee which will protect consumers both physically and mentally, it means to protect consumers with regard to physical health and observance of Muslims in carrying out the commands of Allah.

## 4.2 Advice

1. Ethics in business is one of the foundations that should be owned by business players. Therefore, every manufacturer of food or beverages should include the Halal label in every product as evidence that the manufacturer has ethics or business conduct to fulfil the goals and values of social and spiritual, as well as providing benefits for both consumers and producers themselves. Producers who have included the Halal label on food products will get two advantages, worldly and hereafter, so the more producers ensure Muslim consumer's safety by Halal label, the more trust the producers will get from customers that provide the benefits for economic profits, contentment and blessings of Allah.
2. Provisions of the Labeling Halal in any food product has been laid down in Article 8 of Law No. 8 Year 1999 on the consumer protection, Article 97 paragraph 3 points (e) Act No. 18 of 2012 on Food, Article 4 of Law No. 33 2014 on Halal Product Guarantee, and in Article 3, paragraph 2, Article 10 and Article 11 of Law No. 69 of 1999 on Food Ads and Labels. Therefore, manufacturers of food or beverages must comply with these regulations because this legislation is the manifestation of the values in the Universal Islamic law that should be supported. As a country with the largest Muslim base in the world it is entitled for the producers to be more concerned with the achievement of safety and convenience to Muslim consumers on Halal labeling. The labelling of Halal becomes a provision which is absolute to be obeyed because it involves the observance of the law and religious orders for producers who do not comply with the provisions of the Law on obligatory Labeling Halal in every product they will be subject to sanctions or penalties in accordance with the regulations of Law and punishment from Allah as the Creator.



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