

**MUI'S ROLE REGARDING HALAL CERTIFICATION VIEWED FROM LAW
NUMBER 33 OF 2014 CONCERNING HALAL PRODUCT GUARANTEES (CASE
STUDY OF MEDAN BRANCH MIXUE DRINK COMPANY)**



Afif Syahputra
Universitas Islam Negeri Sumatera Utara, Medan, Indonesia
afifsyahputraa542@gmail.com

Syafruddin Syam
Universitas Islam Negeri Sumatera Utara, Medan, Indonesia
syafruddinsyam@uinsu.ac.id

Abstract

Mixue Ice Cream & Tea is a Chinese franchise that has been around since June 16th, 1997. Mixue has been in Indonesia since 2020, first in the city of Bandung, and now has more than a thousand locations throughout the country, with the majority in the city of Medan. Since Medan City is home to a sizable Muslim population, it offers several possibilities for economic expansion. The purpose of this analysis is to examine the function of the MUI in relation to halal certification based on the JPH Law (No. 33 of 2014). This research relies on qualitative research techniques. Taking a normative legal approach to the pressing problem of research by analyzing the steps used to obtain halal certification of Mixue drinks. The findings of this study led to a request from the Indonesian Ministry of Religion BPJH that Mixue refrain from using the halal symbol on its packaging before the halal certificate is issued. Mixue Ice Cream & Tea has been declared Halal by the MUI. After a hearing regarding halal products was conducted by the Fatwa Commission on 15th February 2023, the MUI issued a Halal Decree. The head of the Halal Inspection Agency, the Food, Drug, and Cosmetic Review Institute, presented an audit report on halal certification to the MUI, and after careful deliberation, the organization issued a Halal Decree. MUI issues Halal Decree. The Head of the Halal Inspection Agency of the Food, Drug, and Cosmetic Review Institute presented the audit report on halal certification to the MUI, and after careful consideration, the organization issued a Halal Decree. MUI issues Halal Decree. The head of the Halal Inspection Agency, the Food, Drug, and Cosmetic Review Institute, presented an audit report on halal certification to the MUI, and after careful deliberation, the organization issued a Halal Decree.

Keywords: Halal Certification, MUI, Halal Product Guarantee, Mixue Drinks

INTRODUCTION

Most Indonesians are Muslim, and they may have moral concerns about purchasing products made in countries that do not practice Islam. For many Muslims, the subject of whether a particular food or drink is considered halal remains an important one. The JPH Law (No. 33 of 2014) was enacted by the Indonesian government to provide legal protection to consumers when using food ingredients made in Indonesia and abroad (Hartati 2019).

The emergence of consumer protection laws has resulted in a shift towards more ethical corporate practices (*Caveat Venditor*). This kind of accountability is crucial to ensure that all parties involved in the market do their part to keep consumers safe. The city of Medan, where the majority of the population is Muslim, has overcome problems with food supplies. This is related to his anxiety about performing his religious duties properly.

MUI, which has been running since January 6th, 1989, and is respected throughout the world, was responsible for halal product certification before the inauguration of Law No. 33 of 2014 concerning JPH. In a market where few companies bother to have their goods certified as halal when they first enter, are produced, or are sold on the market. As evidence, consider the number of Muslim customers who express reservations about purchasing foreign-made goods due to doubts about their halal status (Arifin 2017).

Due to the city's sizable Muslim population, business owners in the Medan area have ample opportunities to expand their operations. Chinese, Thai, Korean and other Asian cuisine and drinks serve as jumping-off points. As Medan City continues to grow, there are concerns that residents may make bad choices when it comes to buying and eating the food and drink under consideration. Drink Mixue is one of them.

The Zhang brothers started Mixue Ice Cream & Tea on June 16th, 1997, in China as a franchise business offering tea drinks and soft-serve ice cream. There are already more than 21,000 Mixue locations in China and a dozen more in the Asia-Pacific region. Starting in Bandung City in 2020, Mixue now has more than a thousand locations in Indonesia, with the majority concentrated in and around Medan City.

In this analysis the researcher tries to review the MUI's position regarding halal certification of Mixue drinks in terms of Law No. 33 of 2014. The purpose of this research

is to look at the role of the MUI regarding halal certification in terms of Law No. 33 of 2014 regarding JPH.

REVIEW OF LITERATURE

Indonesian Ulema Council (MUI)

The Indonesian Ulema Council (MUI) is a non-governmental organization that brings together Muslim scholars, *zu'ama* and intellectuals to guide, develop and protect Muslims. The Indonesian Ulama Council (MUI) is considered the most experienced organization in providing answers to social religious problems (*ifta*) that always arise and are faced by Indonesian people (Compiler, 2010).

Since the Indonesian Ulema Council (MUI) was founded in 1975 until 1990, this institution issued 49 fatwas covering various fields. Such as matters of worship, *ahwal al-syakshiyah*, family structure, food and drink, culture, relationships. between religion and others.

Halal Certification

Halal certification is a fatwa written by Indonesian ulama (MUI) which states halal identity in accordance with Islamic Sharia. This Halal Certificate is required to obtain permission to apply the Halal Label on product packaging from permitted government agencies. Every company or business engaged in the food and beverage sector cannot be separated from halal certificates, the aim of which is to obtain product halal status and ensure consumer peace of mind, so that halal certification is very good.

Halal certification is the process of obtaining halal certification through several processes to ensure that raw materials, production processes and halal product guarantee systems are available in companies that meet the basic principles (LPPOM MUI 2008). Certification is carried out through an audit process carried out by auditors who meet the requirements in their field and determine their halal status to produce a written fatwa that proves the product's halalness in the form of a halal certificate. Halal certification is valid for four years. Then it can be extended. Companies must provide halal guarantees that maintain product sustainability at all times. Periodically, every six months it is necessary to report on the implementation of the Halal Insurance System.

RESEARCH METHOD

This research relies on qualitative research techniques. Independent of a particular field or field of study, qualitative studies can explore a variety of topics (Denzin K 2009). Taking a normative legal approach to pressing research issues by analyzing the steps used to obtain Mixue drink halal certification (Soekanto and Mamudji 2003) Law Number 33 of 2014 concerning JPH serves as the main source material for this analysis because it contains important elements of normative law. Use books, journals, newspapers, websites, and other materials written on or related to the issue as a kind of secondary data collection. Tertiary Legal Materials include research aids such as legal and Indonesian dictionaries, as well as media content obtained from the internet.

RESULTS AND DISCUSSION

Halal Product Guarantee

In Al Qur'an Surah Al-Baqarah 168 states that Allah, the Highest, said the Sharia requires Muslims to eat Halal food, which is superior to most of the food available on Earth. Blood, carrion, pigs and animals slaughtered without mentioning the name of Allah SWT are all explicitly prohibited in QS. Al-Baqarah verse 173 (Suma 2022, Hosen 2022, dan Hutagalung 2022). Given these provisions, Muslims will be more inclined to scrutinize the halal status of the things they buy and eat (L.Tanya 2010).

Cosmetics, food, medicines, drinks and other items are guaranteed halal according to law thanks to JPH. Having a halal guarantee is really needed by customers, especially Muslim consumers. Based on the Word of Allah SWT. QS. Al-Maidah Verse 88

وَكُلُوا مِمَّا رَزَقَكُمُ اللَّهُ حَلَالًا طَيِّبًا, وَ اتَّقُوا اللَّهَ الَّذِي أَنْتُمْ بِهِ مُؤْمِنُونَ.

“And eat of what Allah has given you as lawful and good sustenance, and fear Allah in whom you believe” (Ministry of Religion 2019b). From this verse it is clear that Allah SWT has ordered Muslims to eat halal and good food.

Halal guarantees for all food products, medicines, drinks, cosmetics and other goods traded and eaten by Muslims must be halal and may not be said to be halal by the producer but must be inspected and tested directly by the Halal Examination Agency and then decided by the MUI Fatwa Commission to issue a certificate halal that the products

produced are halal. If you already have a halal certificate, the producer must inform the consumer that the product is halal for consumption.

Consumption is an integral element of human activity because it allows us to obtain basic needs such as food, clothing and a safe place to live. When narrowed down, consumption habits include only what people put in their mouths. While using the washing machine and putting on clothes are examples of consumption, the term can be expanded to include any activity involved in enjoying the use of a product, thereby reducing the utility of the product. Allah says in QS. Al-A'raf verse 31 "O posterity of Adam! Wear your fine clothes every time (entering) the mosque, eat and drink, but don't overdo it. Truly, Allah does not like people who are extravagant" (Ministry of Religion 2019a). This verse is clearly addressed to all mankind to wear beautiful clothes when in the mosque, with beautiful clothes you will feel comfortable so as to facilitate activities in the mosque and dress beautifully as a form of decency towards fellow human beings. If in other ways you have to be polite, then when eating and drinking you also have to be relevant to your needs and not exaggerate just to satisfy your lust and don't go beyond what is forbidden because Allah SWT does not like people who are excessive in dress, drink and food.

Products that enter trade in the territory of Indonesia must be halal certified, based on article 4 of Law No. 33 of 2014 concerning JHP. Then, halal production requirements, as stated on the label, must be complied with by all producers of products and services, as confirmed by article 8 paragraph (1) letter h of Law Number 8 of 1999 concerning Customer Protection. These rules imply that a law should be passed that stipulates that all food products carry a halal label (Tri 2020). Many foods distributed in general have not received Halal certification, therefore it is not known whether they comply with Islamic dietary guidelines (halal or haram) (Majduddin 2020). People are primarily concerned with consuming a healthy and wholesome diet.

The institution with authority to carry out halal inspection of a product is LPPOM MUI which is assisted by the Halal Inspection Institute (Erliani and Sobiroh 2022). This institution was founded in January 1989 as an effort to ensure the halalness of medicinal, food and cosmetic products (MUI 2021).

MUI's Role Regarding Halal Certification in terms of Law Number 33 of 2014 Concerning JPH

The law protects individual interests by empowering them to pursue them. This conferment of authority, or what is more commonly known as privilege, is carried out with deliberate precision, scope and detail (Rahardjo 2000). In Islam, the difference between what is considered halal and haram is not something to be taken lightly. This is because the problem faced is ultimately the relationship between humans and God and not just humans and humans. Before something can be shown to be kosher, nothing has to be eaten.

Due to the increasing prevalence of food technology, genetic engineering, irradiation, and biotechnology, and because it is difficult to regulate the production and circulation of products, Indonesia does not yet have official halal standards and labels for its halal production systems. As a result, manufacturers started adapting their labels to suit their own preferences, leading to the proliferation of counterfeit halal products (Sukri 2021).

Regarding determining the halal status of a product, the Indonesian government has regulated this matter in Law no. 33 of 2014 concerning in accordance with Islamic law, the MUI can hold a halal fatwa trial to determine whether a product is halal or not. The procedure for certifying products as halal is not limited to the Muslim Consumers Union (MUI). Legal and Human Rights Agency (BPJHP) and Halal Inspection Institute (LPH). The Halal Certification Agency (BPJH) is an independent government agency responsible for regulating the halal industry, accepting and examining manufacturers' applications for halal certification, and providing halal certification and halal branding. Products seeking halal certification must pass inspection and/or testing by LPH (Mibawana 2023).

Although various rules and regulations governing halal labels which are a guarantee for goods circulating in the community existed before the introduction of Law Number 33 of 2014, a special law is needed to regulate the halal network system. There are a number of laws and regulations that regulate halal, including Law Number 7 of 1997 concerning Food, Law Number 8 of 1999 concerning Customer Protection, Law Number 36 of 2009 concerning Health, and Government Regulation Number 69 of 1999 concerning Food Labels and Advertisements. In addition, Minister of Religion Decree No. 982 of 2019, as well as PP No. 31 of 2019 concerning Implementing Regulations of Law no. 33 of 2014

concerning JJPH. These two laws were drafted by the Government and the People's Representative Council.

With an emphasis on legal substance in particular, Law no. 33 of 2014 was implemented to re-establish the legal substance that had been managed in the previous PERPPU (Government Regulations in Lieu of Laws), thereby providing legal protection and guarantees for the Islamic community, for products available in society (Konoras 2017).

The contents of the Product Warranty Act The law ensures that customers are protected, and the existence of the law also offers legal provisions, ensuring that the legal relationship between customers and manufacturers is bound and expressed in regulations. JPH is stated by law, as stated in article 3 of the JPH Law (RI 2014): a) Optimizing value for sellers to make and sell halal goods; b) Providing peace of mind to the public knowing that halal options are available for consumption and use.

First, the business collects the necessary documents, then LPPOM MUI verifies the documents, then auditors from LPPOM MUI conduct an audit, then MUI checks and assesses whether the procedures are halal or not, and finally, a halal certification is issued. Additional aspects of BPJPH's halal certification are as follows (Saan 2018): a) Entrepreneurs are required to submit an application for halal certification to BPJPH. Applications must be completed with all required documents and uploaded via the BPJPH website; b) BPJPH will check the application documents/files within a maximum of 10 working days; c) The LPH will be determined by BPJPH based on the decision of the party submitting the application; d) After the LPH is determined, the LPH will carry out product halal testing within a period of around 40-60 working days; e) The findings from the auditors at the LPH will be submitted to the MUI Fatwa Commission. The MUI Fatwa Commission will conduct a discussion based on the data provided by the auditor regarding the halal status of the product for 30 working days. If the product meets the halal criteria, the fatwa commission will issue a Fatwa Determination Letter which will be forwarded to BPJPH; f) BPJPH will issue a halal certificate based on a recommendation or determination of product halalness from the MUI Fatwa Commission.

The product is said to be halal if it fulfills the halal requirements in accordance with Islamic law, namely (Depag 2015b): a) Halal substance; b) Halal way to get it; c) Halal in the process; d) Halal in storage; e) Halal in transportation; f) Halal in serving.

Then the provisions regarding halal certificates for beverage and food products include (Depag 2015b):

1. The halal certificate acts as a written declaration from the MUI which states that the product has been confirmed as halal in accordance with Islamic teachings. This certificate is a prerequisite for the installation of a halal label.
2. Halal products refer to products that meet the legal requirements in accordance with Islamic rules:
 - a) Without pork elements or originating from pork.
 - b) Without possessing prohibited substances, such as materials originating from the human body, blood, and other dirty elements.
 - c) All materials come from halal animals slaughtered according to Islamic rules.
 - d) All facilities, sales halls, processing areas, processing locations and their transportation must never be used for pork products. If previously used for non-halal items, they must be cleaned legally according to Islamic guidelines.
 - e) All drinks and food that are free from *khamr*.
3. The responsibility for maintaining the halal status of products produced by the owner of the MUI halal certificate lies with himself, and this certificate is not transferable.
4. Once the validity period has expired, including photocopying, the certificate is not permitted to be used or applied for any purpose.

In order to implement halal certification to determine whether a product is haram or halal, MUI inaugurated LPPOM MUI, which is responsible for determining whether food, medicines and personal care products are suitable for human consumption from a religious and health perspective (Zulham 2020).

LPPOM MUI is a semi-independent organization with a mandate to protect Muslim consumers from artificial ingredients in food. The position of LPPOM MUI can be generated either at the global MUI or local MUI level. However, the position of LPPOM MUI is now only at the central and provincial MUI because the procedure for realizing

halal certification requires specialist doctors and laboratory assistance to carry out the legal process. After an audit by LPPOM MUI, the MUI Fatwa Commission issued a fatwa regarding the halal status of various foods, beverages, pharmaceuticals and commercial goods. The results of the LPPOM MUI investigation were submitted to the fatwa commission. Based on the minutes of the study conducted by LPPOM MUI, the MUI fatwa committee will make a decision whether the product is halal or not.

The MUI fatwa is a religious view, not a positive law that can be obeyed and cannot be ignored, so individuals who violate the MUI fatwa cannot be sanctioned or punished, according to Mahfud MD. The fatwa has no legal force but is obligatory of one's own will (MD 2017) then it cannot ignore the importance of the fatwa from the MUI. The MUI fatwa is widely supported by the Muslim community (Zakirman, 2016). Collective ijtihad produces fatwa, but fatwa is not the same as ijma. Fatwas are not legally binding under the positive law system, and to become such, they must go through a legislative process (Riadi 2010).

PT. Zhisheng Pacific Trading, the company responsible for bringing Mixue to Indonesia, claims that the company has been working on a halal certification procedure since 2021 to assure Muslim customers that their goods are safe for consumption. Because 90% of raw materials are imported, sources of raw materials are not all concentrated in one place, and the Covid-19 epidemic has also caused delays in the management process, the halal consultation steps must be carried out first in the country of origin. The JPH Organizing Body under the Ministry of Religion of the Republic of Indonesia requested that Mixue not include the halal logo after the issuance of the halal certificate for this reason (Mardrib 2023).

Mixue Ice Cream & Tea has been declared Halal by the MUI. After a hearing regarding halal products was conducted by the Fatwa Commission on 15th February 2023, the MUI issued a Halal Decree. After conducting a thorough assessment of the halal audit report provided by the director of LPPOM MUI, MUI issued a Halal Decision (Aliyudin 2022).

Mixue products are considered in accordance with Islamic law, according to the MUI Fatwa KH. Asrorun Niam Sholeh. The procedures are transparent and verified, and the components are sacred. All locations and menus are subject to MUI Halal inspection of

these items. For restaurants with various dishes, MUI has set new halal criteria. BPJPH Ministry of Religion of the Republic of Indonesia provides Halal Ice Cream & Tea Mixue Certificates immediately after the issuance of the MUI Halal Decree (Junaidi and Azhar 2023) and on February 17th, 2023 that all Mixue outlets in Indonesia have received Halal certificates, especially Mixue outlets in Medan City, the halal certificate is valid until February 16th, 2027 (Hasibuan 2023).

Mixue stores can get their products recertified as halal by following the Ministry of Religion's protocol, which includes manufacturers filling out a registration form to notify LPPOM MUI of their intention to renew their certificate and provide details about the product's latest developments, as well as any changes to raw materials, additives, or his assistant. In this scenario, the manufacturer is responsible for completing all required documents, including the latest specification papers and halal certification (Pradana 2019). Halal certification can be revoked by the MUI if it is determined that a product contains ingredients prohibited by Islam (Chairunnisyah 2017).

CONCLUSION

To implement halal certification to determine whether a product is haram or halal, MUI inaugurated LPPOM MUI, which is responsible for determining whether food, medicine and personal care products are suitable for human consumption from a religious and health perspective. PT Zhisheng Pacific Trading, the company responsible for bringing Mixue to Indonesia, claims that the company has been working on a halal certification procedure since 2021 to assure Muslim customers that their goods are safe for consumption. Because 90% of raw materials are imported, sources of raw materials are not all concentrated in one place, and the Covid-19 epidemic has also caused delays in the management process, the halal consultation steps must be carried out first in the country of origin. Mixue was urged by the Indonesian Ministry of Religion's BPPH to postpone adding the halal logo until after the certificate was granted. Mixue Ice Cream & Tea has been declared Halal by MUI. After a hearing regarding halal products conducted by the Fatwa Commission on February 15th 2023, the MUI issued a Halal Decree. The Head of the Halal Inspection Institute for the Food, Drug and Cosmetic Assessment Institute presented the audit report on halal certification to the MUI, and after careful consideration, the

organization issued a Halal Decree. Mixue products are considered in accordance with Islamic law, according to the MUI Fatwa KH. Asrorun Niam Sholeh. The procedures are transparent and verified, and the components are sacred.

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