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Halal Lifestyle in Indonesia: escalation from a religious mission into a national mission

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Abstract

The purpose of this study is to find a common thread between the phenomenon of halal lifestyle and the birth of halal regulations in Indonesia. The state, as the holder of the mandate of popular sovereignty, has the authority to fulfill the right to halal and safe consumption of the people. Since the enactment of Law Number 33 of 2014 concerning Product Halal Guarantee, the government has required halal certification (mandatory) for all goods and services that enter and circulate in Indonesian territory. This research uses a qualitative method with a socio-legal research approach because the object of this research is halal lifestyle and its relation to the application of Law No. 33 of 2014 concerning Halal Product Guarantee. The results of this study indicate that the halal lifestyle is one of the important reasons for halal certification in Indonesia because this halal regulation triggers changes in people's consumption styles, not only for Muslims but is a necessity for all Indonesian people.

Keywords:

Escalation; Halal Lifestyle; Law; Mission

Abstrak

Tujuan penelitian ini untuk menemukan benang merah antara fenomena gaya hidup halal dan lahirnya regulasi halal di Indonesia. Negara sebagai pemegang amanah kedaulatan rakyat mempunyai kewenangan memenuhi hak atas kehalalan dan keamanan konsumsi rakyat. Maka sejak berlakunya Undang-Undang Nomor 33 Tahun 2014 tentang Jaminan Kehalalan Produk, pemerintah telah mewajibkan sertifikasi halal (wajib) terhadap seluruh barang dan jasa yang masuk dan beredar di wilayah Indonesia. Penelitian ini menggunakan metode kualitatif dengan pendekatan sosio legal (socio-legal research), karena Obyek dari penelitian ini adalah halal lifestyle dan kaitannya dengan penerapan Undang-Undang No 33 Tahun 2014 tentang Jaminan Produk Halal. Hasil penelitian ini menunjukkan bahwa gaya hidup halal menjadi salah satu alasan pentingnya ada sertifikasi halal di Indonesia, karena regulasi halal ini memicu terjadinya perubahan gaya konsumsi masyarakat, tidak hanya bagi umat islam tetapi menjadi kebutuhan bagi seluruh rakyat Indonesia.

Kata Kunci:

Eskalasi; Gaya Hidup Halal; hukum; misi

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Introduction

The trending halal lifestyle phenomenon (Nirwandar, 2018) is currently seen as a new pattern for a portion of the Muslim population in Indonesia. Muslim spending on these sectors is huge and is expected to continue to increase due to several key drivers such as demographic growth, Islamic economic growth, lifestyle, and business practices focusing on the implementation orientation of the halal paradigm (Murti, 2017).

Data presented by the Global Islamic Economy Report 2017-2018 (Thomson Reuters, 2017) states that Indonesia is the world's largest consumer of halal food and beverage products, with an economic value of \$169.7 billion. Turkey is in second place with a monetary value of \$121.1 billion Field (Baladina, 2013). Hence, this is an opportunity and a challenge, especially for Indonesians, as the halal lifestyle has become more mainstream globally. Halal lifestyle also requires strengthening various policy regulations that can guarantee the production chain process is ensured to be halal so that, in the long run, it can be an indication of the fulfillment of the achievement of social welfare conditions in society.

With these halal-conscious demands, state regulations were born to regulate halal law in Indonesia, namely Law Number 33 of 2014 concerning halal product guarantees. This regulation is a legal product that is expected to be a pioneer of changes in public consumption behavior whose primary purpose is to protect consumers, especially Muslims, and provide quality assurance for products in circulation while maintaining public health, creating welfare (welfare State) (Ayunda & Kusuma, 2021) and protection (protection)(Silfiah, 2020) for Muslim consumers as a manifestation of the mandate of the 1945 constitution article 29 paragraph 2. (Lili Rasjidi, 2007)

This halal regulation was established on October 17, 2014. Still, it has not been able to be implemented optimally because various derivative rules are not ready, in addition to the tug of interest between the halal certification management institutions. Likewise, public perceptions are still diverse regarding responses to this regulation's urgency for Indonesia's Muslim-majority

For the state, this legislation is a legal product that is expected to function as an agent of change and pioneer changes in public consumption behavior with the primary objective of protecting consumers, especially Muslims, and providing quality assurance of products in circulation while maintaining general health. Likewise, this regulation is a political representation understood as the state's response to the development of demands for halal product guarantees (IPH) as a guarantee of legal certainty and justice with the dimensions of legal *enactment* policy.

This research aims to see the relationship between awareness of halal law (halal awareness) in the hijrah community and the state halal legal regulations in UUJPH No. 33 of 2014 and observe its application in their lifestyle (halal lifestyle). Likewise, this research will also examine the da'wah model developed by the community.

Methods

This research is a qualitative study with a socio-legal research approach, which is an approach that is a combination of courses in the social sciences, including political science, economics, culture, history, anthropology, communication, and several other sciences, combined with methods known in law, such as principles, doctrines and hierarchy of legislation (Agus Salim, 2006) The object of this research is halal lifestyle in the Solo hijrah community and its relation to the application of Law No. 33 of 2014 concerning Halal Product Guarantee.

This research was conducted in three stages: description, reduction, and selection. The description stage is in the sense of entering the social situation. The reduction stage is carried out to determine the focus (choosing among those described), and the selection stage decomposes the guide into more detailed elements. The research location is the Solo Hijrah Community, including the Humaira Community, Yuk Ngaji, Jaga Sesama, and Salafi.

Results

Significance of Halal Certification in Indonesia

Indonesia is one of the countries with the largest Muslim population in the world, which is around 87.18% of the total population of Indonesia, based on statistical data totaling 237,641,326 people (BPS, 2020). Devid Frastiawan et al., "The Dynamics of Halal Certification Regulation in Indonesia," JESI (Indonesian Journal of Sharia Economics) 2020. As Muslims are required to consume halal food, ensuring the halal and haram of food is very important because this is a consequence of faith for Muslims. As a theological religion, Islam is a system of values and teachings that are divine, transcendent, and absolute. Still, from the sociological side, it is a cultural phenomenon and social reality in human life. In social fact, Islam is no longer just a collection of universal doctrines but also manifests itself in social institutions influenced by the situation and dynamics of space and time. (Abdul Halim Nasution, 2008)

Questioning the issue of halal and haram food and drink in everyday life is very important. This includes the consequences of faith for Muslims. As the Qur'an explains:

"And eat lawful and good food from that which Allah has bestowed upon you, and fear Allah in whom you believe" (Al-Maaidah: 88).

The above verse tells us to eat only halal and good food. These two inseparable entities can be interpreted as halal in terms of sharia and good in terms of health, nutrition, aesthetics, and others. The Prophet said in a Hadith narrated by Bukhari and Muslim, which explains that what is halal is clear, and what is forbidden is also evident. And between the two, there is something vague that most people do not know. So, whoever guards himself against the ambiguous (*shubhat*) has cleaned his religion and honor. Whoever falls into that which is ambiguous has fallen into that which is forbidden. It is like a shepherd around a forbidden land, fearing that he will eventually enter it. Remember that every ruler has a forbidden land. Remember that Allah's prohibitions are forbidden. Remember that there is a piece of meat in the body, which, if it is good, the whole body is good, and if it is damaged, the entire body is damaged. Remember that what is meant is the heart.

However, in an era where technology has become an inseparable part of humans, the issue of halal food and beverages has become relatively complex. The prohibition of a food ingredient is not only due to something that has been expressly determined in sharia but can also be caused by the origin of the ingredient's forbidden root, such as (pork and its derivatives, wild animals, carrion), its nature (intoxicating), and the way halal animals are slaughtered (not following Islamic law). Regarding technology, the critical point that must be considered about halal food and beverages is the type and origin of the ingredients and the method of slaughter. (Mutmainah, 2018)

Likewise, the development of food technology today has reached a condition where many raw materials and additives are used to produce processed food. For example, dozens of ingredients are required to make instant noodles, ranging from flour, cooking oil, spices, flavorings, salt, yeast extract, etc. If we investigate further, one of the ingredients, shielding (primarily synthetic), also contains dozens of ingredients, either pure chemicals or the result of a reaction. Therefore, examining the halalness of instant noodles alone is not easy as it requires checking various sources of ingredients in addition to the noodle manufacturer. It often takes quite a long time and stage to find out an element's origin. So the job of a halal food and beverage auditor is not easy because, in addition to requiring high accuracy, it also requires in-depth knowledge of the problem at hand, from inside of the ingredients, how to produce them to various possible origins of elements and ways of synthesizing or formulating them.(Hasriani & Aisfar, 2020)

The history of halal certification application in Indonesia is that in 1988, there was a horrendous case where the January edition of the Canopy bulletin published by the UB Faculty of Animal Science student senate contained a research report by Ir. Tri Susanto M.App. Sc stated that several food and beverage products were indicated to have lard. The article caused panic among Muslim consumers and producers of food products. Several producers, such as PT, experienced a

drastic decrease in turnover. Sanmaru food manufacturer, an Indomie producer, admitted that its sales fell by 20-30 percent, and ABC soy sauce slipped by 20 percent. (Nurhayati & Hendar, 2020)

This phenomenon has made various parties realize that the existence of halal guarantees for consumption products is an urgent need for Muslims, so a regulating policy is needed. However, the government at that time did not immediately take a quick procedure, so MUI took the initiative to carry out halal certification by forming an institution for the study of food, medicine, and cosmetics MUI (LPPOM MUI), which was established on January 6, 1989, based on MUI Decree Number: Kep/18 / MUI / 1989 with the main activity of conducting halal product inspection which was later called halal certification. Halal certification was only implemented in 1994, after LPPOM MUI obtained approval from the minister of religion, with a memorandum of cooperation between the Ministry of Religion, the health department, and MUI. The message of understanding was then issued with the approval of the minister of a religion (KMA) 518 of 2001 and KMA 519 of 2001, which strengthened MUI as a halal certification institution and conducted examinations/audits of fatwa determination and registration of halal certification.

Dynamics of Halal Regulation in Indonesia

Religion, when interacting with the development of human civilization, will be faced with two sides of view that are resistant to each other because in addition to the primordial nature of religion as a divine order (al-hukm al Ilahy) that is eternal. Still, religion must also always be compatible with space and time without limits (salih li kulli zaman wa makan) for human life. As a theological religion, Islam is a system of values and teachings that are divine, transcendent, and absolute. Still, from the sociological side, it is a cultural phenomenon and social reality in human life. In social fact, Islam is no longer just a collection of universal doctrines but also manifests itself in social institutions influenced by the situation and dynamics of space and time. (Azra Azyumardi, 1996)

Indonesia has ten economic and business sectors that contribute significantly to the halal industry, such as food, travel and tourism, fashion, cosmetics, finance, pharmaceuticals, media, fitness, education, and cultural arts. Regarding Legislation, regulations relating to halal product guarantees continue to experience dynamic changes and updates. Starting from the Regulation of the Minister of Health of the Republic of Indonesia Number: 280 / Men.Kes / Per / XI / 1976 concerning Provisions for Distribution and Marking on Foods Containing Ingredients Derived from Pigs, to Government Regulation of the Republic of Indonesia Number 31 of 2019 concerning Implementation Regulations of Law Number 33 of 2014 concerning Halal Product Guarantee.

Initially, MUI was strengthened by issuing the Minister of Religion Decree (KMA) 518 of 2001 and KMA 519 of 2001, which was mandated as a halal certification institution to conduct examinations/audits, determine fatwas, and issue halal certificates. Then, there was a change in authority through Law No. 33 of 2014 concerning the Halal Product Guarantee. The mandate of the halal certification agency was transferred to BPJPH, which then had duties and functions, namely regarding halal registration, halal certification, halal verification, providing guidance and supervising the halalness of products, collaborating with all relevant stakeholders, and setting product halal standards.(Frastiawan et al., 2020)

The government passed the JPH Law No. 33 of 2014, which came into effect on October 17, 2019, and the government will also issue PP No. 1 of 2019 concerning implementing regulations for Law No. 33 of 2014 concerning JPH. That way, there is a change in the rules of halal certification in Indonesia from Voluntary (voluntary) to Mandatory (mandatory).

Discussion

Law Number 33 of 2014 concerning halal product guarantee is a legal product that functions as an agent of change (Ira Thania Rasjidi Lili Rasjidi, Basics of Philosophy and Legal Theory (Bandung, Citra Aditya Bakti, 2007) and is expected to be a pioneer of changes in public consumption behavior towards halal lifestyle because halal certification has the main objective of protecting consumers, especially Muslims and providing quality assurance for products in circulation while maintaining general health.

Halal Product Guarantee Regulation (JPH) is a state effort to create a *welfare (welfare State)* (Mahmudah, 2012) and a protection (*protection*) (Khan et al., 2022) for Muslim consumers as a manifestation of the mandate of the 1945 introductory law article 29 paragraph 2. Likewise, this regulation is a political representation that is understood as the state's response to the development of demands for halal product guarantees (JPH) as a guarantee of legal certainty and justice with the dimensions of legal *enactment policy* (Mahfud MD, 2014) so that this regulation is believed to provide benefits (*utility*) and benefits for the people of Indonesia, for that policy must be responsive/populist.(Mahfud MD, 2014)

In the Indonesian legal system, the regulation of halal products is related to consumer protection. Certification and labeling are needed to ensure that products are not offered or marketed in a way that *misleads* consumers. (Lowry, 1997) There are at least three required requirements for labeling and certification, namely: 1) Product Identification, 2) Consumer information, and 3) Product marketing. So, it is clear here that labeling is essential in conveying information to consumers about products. (Raymond O' Rourke, 2000)

The state is an institution needed to regulate all the needs of society. (A.A. Islahi, 1997) including food needs. The state's role in monopolizing functions is related to the state as a political organization of society that aims to create order and order in the community. (Hans Kelsen, 1961) Regulations that intervene in the market are seen as essential to correct or save the market from *failure*. (Siti Nur Aafifah Hashim & Shereeza Mohammed Saniff, 2020)

Public interest theory is one of the reasons for state intervention in regulation making. Croley explains that from a public interest perspective, the decision-making process to make regulations is based entirely on wisdom for the community's benefit (utility) and welfare (welfare). (StevenP.Croley, 2008) For this reason, the arguments concerning legal politics at the level of legislation and praxis must refer to the context of consumer protection as written in Article 8 paragraph (1) letter h of Law Number 8 of 1999 concerning Consumer Protection (UUPK 1999), and should be the primary reference for determining the substance regulated by Law Number 33 of 2014 concerning Halal Product Guarantee (2014 JPH Law).

The Halal Product Guarantee Law (UUJPH) can be referred to as the formalization of Islamic law that enters and permeates national law through the legislative process (Silfiah, 2020)as well as rules that were first codified because they were 'inspired' by Islamic law such as the Zakat Law, Marriage Law, Waqf Law, Hajj Management Law, Religious Courts Law, and Sharia Banking Law. (Siddiqi N. Muhammad, 1981) (Ija Suntana, 2014) The religious nature of Indonesian society and its solid religious beliefs influence its adherents' norms, values, culture, and behavior. The Constitution of the Republic of Indonesia recognizes this religiosity, as stated in Article 29 of the 1945 Constitution, which is based on God. (Masdar Farid Masudi, 2010) So, JPH regulations in Indonesia currently strengthen the formalization theory of Islamic law. It supports the prophetic legal paradigm in the national legal system. (Ayunda & Kusuma, 2021)

Likewise, halal certification is no longer seen only from a religious point of view. However, halal certification has become a trade commodity for producers worldwide and a value-added (added value) (Perlindungan et al., 2020) for increasing value. This can be seen in the rise of several countries where Muslims are still a minority, have imposed halal certification on their products, such as France, Thailand, the United States, Japan, Canada (Aida Loussaief dan Ahsanul Haque, 2018), and several other secular countries. This is a concrete fact that the issue of halal certification has now become an economic necessity.

In international trade, the halalness of products is recognized internationally to protect Muslim consumers around the world with halal provisions in the Codex Alimentarius Commission; general guidelines for the use of the term "halal" (CAC / GL 24-1917), which is supported by international organizations world health organization (WHO), Food and Agriculture Organization (FAO) and World Health Trade Organization (WTO). In international trade, the halal label is one of the essential instruments to gain market access and strengthen the competitiveness of domestic products in the global market.(Lestari & Wijayanti, 2020)

The doctrine of halalan thoyyiban (halal and good) does not only touch food products but has penetrated various products. Article 1 of the Halal Product Guarantee Law No. 33 of 2014 states that products are goods and services related to food, beverages, medicines, cosmetics, chemical products, biological products, genetically modified products, and goods used, used, or utilized by the public. O'Rourke (Raymond O' Rourke, 2000) For this reason, providing halal products with adequate facilities and infrastructure is essential to inform and socialize the Muslim community effectively and operationally. One of the essential means to guard the doctrine of halalan thayyiban is the presence of established, central, humanist, progressive, accommodative, and nondiscriminatory legal institutions. (Wiludjeng & Hendayana, 2021)

The regulation of halal food is a crucial matter for Indonesian society. According to the Global Islamic Finance Report 2013 (Boediman, 2017), there are four phases of the evolution of halal behavior in society. The first is the phase where the guarantee of the halalness of a product is based on trust alone. The second phase of halal assurance is based on the label affixed to the product. The third phase states the importance of product guarantees that the entire product supply chain is by Islamic sharia, which is audited and certified by the authorized certification authority, and the fourth phase is the halal value chain, namely the demand for halal certification from Islamic multinational companies that can guarantee the entire supply chain from processing essential ingredients to ready-to-eat products.

Indonesia is currently trying to enter the third phase based on the stages of halal evolution described above. The issuance of Law Number 33 of 2014 concerning Halal Product Guarantee (JPH Law) indicates that Indonesia is now entering the third phase. The JPH Law regulates the guarantee of halal products to consumers by ensuring that the entire process of halal products has been guaranteed halal (Wati & Ridlwan, 2020).

Currently, the UUJPH should be in full effect. However, some homework needs to be more manageable about the implementation readiness of the JPH Law. One of the problems with the implementation of the JPH Law is the incomplete derivative regulations that are technical in nature related to the performance of JPH. Indeed, the Government Regulation related to JPH was just promulgated on May 3, 2019, but the JPH Law is considered unable to take effect optimally in October 2019. The problems of the IPH Law continue beyond there. Law Number 33 of 2014 concerning the Halal Product Guarantee is considered to hamper the ease of business. Including the JPH Law in structuring the Job Creation Law should be momentum to solve the problem of the non-implementation of the Halal Product Guarantee.

In the Job Creation Law, several provisions in the UUJPH that are problematic points are changed, including requirements for certification for products from MSEs, authority for LPH accreditation and certification of Halal Auditors, involvement of Islamic organizations with legal entities in the Halal certification process, simplification of bureaucracy and time for issuing halal certification as well as changes in sanction norms/law enforcement. On the one hand, changes in the provisions of these articles show significance in simplifying the bureaucracy and time efficiency in organizing halal certification. Still, on the other hand, it raises provisions that eliminate the originality or change the sharia values of the JPH Law itself. This has the potential to hinder the implementation of Halal Product Guarantee. Thus, it is necessary to find the ideal form of JPH implementation by considering Indonesian society's philosophical, sociological, and juridical aspects.

Conclusion

From the results of research and discussion, it can be concluded that: (1) It is essential to maintain the certainty of halal products circulating in Indonesia, as well as the existence of halal certification. Certification is a process to obtain a halal certificate for products circulating in Indonesia. This certification has the main objective of protecting Muslim consumers and providing assurance of the quality of products in circulation while maintaining public health; (2) The state, as the mandate holder of people's sovereignty through its various institutions, has the authority and obligation to fulfill the right to safety of consumption of its people. This has been realized in several regulations that continue to be developed and effective such as the Decree of the Minister of Religion of the Republic of Indonesia No. 518 of 2001 which has been stipulated since November 30, 2001, even the MUI fatwa through MUI Decree Number: Kep/18 / MUI / 1989 concerning halal food, beverage and medicine products has issued halal certification, as well as the passing of Indonesian law Number 33 of 2014 concerning halal product guarantees, so the government requires (mandatory) halal certification of all goods and services circulating in the territory of Indonesia with a time limit for implementation until October 17, 2019; (3) Certainty regarding the halal and haram of a food product is in line with the objectives of consumer protection regulated in Article 3 of Law No. 8 of 1999 concerning Consumer Protection, as well as for the optimization of the UUJPH which does not apply sanctions for food producers who do not have halal certificates, explicitly criminal sanctions already exist in consumer protection law No. 8 of 1999 articles 60-63 concerning consumer protection.

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