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### #10467 SUMMARY

**SUMMARY** REVIEW EDITING

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## Legal Awareness of East Java Business Operators and Society About Halal Products Certification

**Abstract:** Realizing halal products in the food and beverage industry sector in East Java requires good coordination between the government and business operators, and the society. The need for halal and healthy products is not only for Muslim communities but also for non-Muslim communities because halal products certainly guarantee cleanliness and safety of their products. Consuming halal products is automatically guarded complete of religion, soul, Intellect, Heredity, and Property. Improving an excellent legal culture includes guidance and supervision from the government and legal awareness to increase efforts to maintain the five elements of the maqashid. This research method uses field research with interviews and disseminating questionnaires in several regions in East Java. The results showed that judging from the theory of legal effectiveness, legal awareness of business actors and the people of East Java is still relatively low on the importance of marketing and using certified and labeled halal products. Reviewed the theory of sharia maqashid, the understanding of business operators and the public about the obligation to use halal products has not all been understood. The strategy of government agencies, Provincial BPJPH, and District Religious Affairs, campus halal institutions is to facilitate the management of halal certification, free halal certification, socialization, seminars, and mentoring. The solution is a synergy from various parties, simplifying halal certification procedures, increasing sharia-based capital, and socialization of halal lifestyle to the society.

**Keyword:** Certification, halal product, *maqāsid al-sharī'ah*, businessmen, public

### Introduction

Muslim communities around the world view halal as an order of obedience to Islam (Mahardiyanto et al, 2022). Consuming halal food is an obligation to fulfill the command of Allah SWT, where it's written in al-Qur'an surat al-Maidah verse 88 which means "Eat food that is halal and good" (Nur, 2021). Aspect *religiosity* become an important factor in determining product decisions (Mahardiyanto et al, 2022). This is different from the view of non-Muslim communities globally that they see the halal lifestyle is not always a symbol of *religiosity* but as a guarantee for the quality of a product, safe, guaranteed service and a choice for the product itself (Rezai et al, 2010). However, in the era of globalization, determining the halal status of a food product isn't as easy as when technology was not yet developed (Apriyantono, 2003). Thus, it's necessary to have a guarantee and certainty of the halal food products consumed by Muslims. The halal guarantee of a food product can be realized in the form of a halal certificate that accompanies a food product so that producers can include the halal logo on the packaging (Arifin, 2011).

One more step, Indonesia will be a country with export and import trade data halal products that are integrated with the goods traffic reporting system. Codification system Halal products initiated by the National Sharia Economic and Finance Committee (KNEKS). It's being developed together with the Director General of Customs and Excise, Institution *National Single Window (LNSW)* and the Halal Product Assurance Organizing Agency (BPJPH). Initiatives already started been processed since the end of 2020 and is the answer to the vision proclaimed by the Deputy President K.H. Ma'ruf Amin who wants to make Indonesia the Center for World Halal Producers and leader of the global sharia economy (Aliasar, 2021). Strengthening the halal chain continues to be intensified as an acceleration of Indonesia's vision to become *Global Islamic Economy* (Safira et al, 2019).

As an effort to realize the vision of Indonesia to be *Global Islamic Economy*, then Indonesia began to develop a national halal ecosystem which includes halal food products, halal services and halal tourism. The enactment of Law Number 33 of 2014 concerning Guarantees for Halal Products (UUJPH) emphasizes how urgent the issue of halal and haram is in the production chain from business operators to the hands of consumers and consumed by consumers (May Lim, 2017).

This law mandates the establishment of the Halal Product Assurance Management Agency (abbreviated as BPJPH) which was legally formed in 2019. This institution is tasked with managing and developing the national halal ecosystem, under the Ministry of Religion this institution continues to innovate with various existing parties under its coordination such as LPPOM MUI, Government, private sector and Universities (Mahardiyanto et al, 2022). The definition of halal products is regulated in Article 1 point (2) UUJPH, namely: "Halal products are products that have been declared halal in accordance with Islamic law". For Muslim consumers, consuming and using halal and guaranteed products is non-negotiable, except in emergencies (Sulaeman, 2017).

East Java has a variety of regional culinary specialties spread across all regencies, such as Jember proll tape, Banyuwangi clogs, Madiun pecel sauce, Gresik pudak cake, Lamongan Soto, Ponorogo Chicken Sate, Madura Soto, Malang apple cider vinegar and many more. This is an opportunity to increase tourism and culture in East Java. Head of the East Java Province Industry and Trade Office, Drajat Irawan said that East Java has brilliant potential as a center for the halal industry or an integrated halal industry center based on superior commodities/products/services. East Java has a fairly large Micro, Small and Medium Enterprises (UMKM), with a percentage of 60% being the food and beverage industry (Disperindag Prov Jatim, 2020).

Data for 2020 to 2021 for food and beverage producers has increased dramatically to 80%, even in the midst of the Covid-19 pandemic. From the overall data, 40% of UMKM have halal certification and are dominated by the food and beverage sector. Based on MUI data, East Java industries that have received Halal certificates from MUI (before issuance by BPJPH) totaled 2039 certificates and those issued by BPJPH totaled 184. Meanwhile, the Department of Industry and Trade East Java Province during the period 2017 to 2019 has provided halal facilitation to 385 East Java Small and Medium Industries (IKM) (Disperindag Prov Jatim, 2020). BPJPH has issued halal certificates since October 17 2019 a total of 184 certificates for East Java. The plan for 2021 is to get a facilitation quota for UMKM of 428 business units for halal product certification (Hakim, 2020).

In 2022 to 2024 the Governor of East Java is targeting 1,5 million UMKM with halal certification (Ibrahim, 2022). In 2022 to 2024 the Governor of East Java is targeting 1,5 million UMKM with halal certification (Ibrahim, 2022). This is a serious concern for the regency and municipal governments in East Java to support the aspirations of the Governor of East Java. But the facts on the ground, from several areas that were used as research objects, such as Ponorogo which targeted 3,500 UMKM, only 250 had halal certificates. Malang City has a target of 30,000 UMKM, only 378 of which are halal certified. The city of Madiun is targeting 4,000 UMKM, 200 of which are halal certified. Then Jember, of the target of 5,000 UMKM, only 393 are halal certified (Data obtained from distributing questionnaires to the heads of IKM forums in Ponorogo, Malang, Madiun, Jember and Lumajang on 20 July 2022).

Based on the background above, the problem can be formulated as follows, *firstly* the level of legal awareness of business operators and the public in East Java regarding halal product certification in terms of legal effectiveness. *Second*, concept review *maqāṣid al-sharī'ah* towards the awareness of business operators and the people of East Java towards food products that are certified and labeled halal. The *three* strategies of the government in East Java are in increasing legal awareness of business operators and the public to manage and use products that are already certified and labeled as halal.

## Literature Review

Halal is a term used to mean something is legal, permissible and in accordance with Islamic law. If this is related to pharmaceutical, food and beverage products, it can be said that these products are permissible for consumption by a Muslim (Sayekti, 2014). Every Muslim is

allowed to consume the food, drink and pharmaceutical products he likes as long as the product is not haram. Everything that is forbidden by Allah Swt to be eaten, even if it's only a small amount, is still haram. As it has been expressly stated in the Qur'an that forbidden food and drink are carrion, blood, pork, and the meat of slaughtered animals without mentioning the name of Allah Swt and *khamr* and intoxicating drinks. This provision is then used as a reference for defining halal products in the Halal Product Guarantee Law Number 33 of 2014.

In general, it can be interpreted that halal is a product that meets halal requirements in accordance with Islamic law, namely (Sayekti, 2014):

- a. Nothing pig content or using ingredients derived from pigs;
- b. Doesn't contain prohibited substances such as human organs, blood, dirt, etc.;
- c. Slaughtered in accordance with the provisions of Islamic law (for ingredients originating from halal animals);
- d. Places of sale, processing, storage and distribution are not mixed with unclean animals (swine). If it is known that it has been used for pork or other non-halal goods, it must be purified according to the provisions of Islamic law;
- e. Does not contain *khamr* or other intoxicating drink.

The halalness of a product is a must (*dharuri*) in science maqoshid sharia. As goal of *maqāṣid al-sharī'ah* achieve benefit and reject haram. Because by consuming halal products, then the five objectives of the elements *dharuri*, like taking care of religion (*hifz al-dīn*), soul (*hifz al-nafs*), intellect (*hifz al-'aqlī*), descendants (*hifz al nas*) and property (*hifz al-māl*) will come true.

Every product that is declared halal must be accompanied by a certainty or guarantee as evidenced by a halal certificate. The existence of halal legalization will provide convenience, security, safety and certainty of the availability of Halal Products for the public in consuming and using Products while increasing added value for business operators to produce and sell Halal products.

Accelerating the realization of halal certification in Indonesia requires synergy between government agencies, business operators and halal product assistants (PPH). Legal awareness of business operators regarding applicable regulations is urgently needed, for this reason it's necessary to conduct further studies on legal awareness in order to understand the law and it's nature in society. Legal awareness is the value contained in humans (Muttaqin, 2019), regarding existing laws or about laws which include legal knowledge, legal understanding, appreciation/legal attitude, and obedience/patterns of behavior towards the law (Chua, 2019). Legal awareness refers to the way people interpret laws and legal institutions, namely understandings that give meaning to one's experiences and actions (Aprita, 2021). It can also be called as every action and legal practice that someone studied empirically. In other words, legal awareness can be interpreted as legal issues as behavior and not law as rules, norms or principles (Rogers, 2018).

## Method

The method used in this study is a qualitative descriptive method. Where, qualitative descriptive involves the conceptualization process and results in the formation of a classification scheme. A part from describing the characteristics of a phenomenon or problem under study, this study also focuses on the basic question of 'how' by trying to obtain and convey facts clearly, thoroughly, and completely without too many unnecessary details (Silalahi, 2009). This type of research is field research, namely by using observation and interview techniques.

The data used are primary data and secondary data. Primary data sources were obtained from interviews with the East Java Regional Office of Industry and Trade, BPPH, UMKM business operators consisted of 20 large companies, 30 medium companies and 50 micro and small companies in East Java which samples were taken from several cities, namely Surabaya, Pasuruan,

Ponorogo, Madiun, Malang and Jember which were carried out by direct interviews or through questionnaires via *google form* which was distributed to the UMKM forum in East Java. Then a sample of the people of East Java as well as from these cities, approximately 500 people distributed questionnaires through *google form*. Then analyzed with explorative descriptive of the problems studied. Meanwhile, secondary data comes from publications, namely books, journals, newspapers, websites, and policy documents related to the issues discussed. Data analysis uses an inductive approach, namely with apply an approach or reasoning with a step of thinking that moves from observation specific to broader generalizations and theories, so that it is an informal approach in research this is known as approximation *bottom up*, that is, from bottom to top (Hardani et al, 2020).

## Results and Discussion

### Overview of Legal Awareness of East Java Business operators and Society Regarding Halal Certification

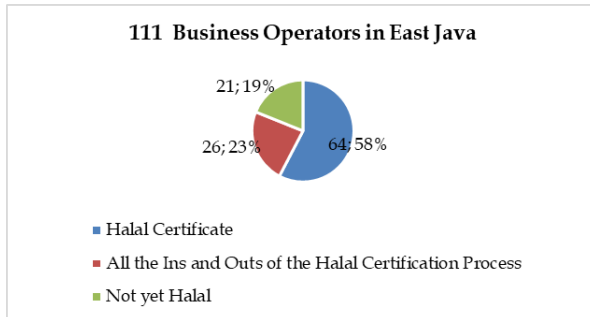
Researchers conducted interviews and observations of business operators and society in East Java. Against business operators in East Java, 111 business operators were obtained spread across several cities in East Java, namely Jember obtained 15 business operators studied, Malang and Batu obtained 23 business operators, Surabaya 35 business operators, Sidoarjo as many as 10 business operators, Pasuruan as many as 13 business operators, Madura as many as 5 business operators, Ponorogo as many as 17 business operators and Madiun as many as 11 business operators. The criteria for the business operators studied included 35 large business operators, 37 medium business operators and 39 small and micro business operators. The research technique used direct interviews and observation of 90 business operators and 21 business operators was carried out through questionnaires with applications *google form*. Of the 111 business operators in East Java studied, the types of business products include:

- a. Producers and distributors of packaged food and beverages, 28 large business operators, 74 medium, small and micro business operators.
- b. Manufacturers and distributors of medicinal products 4 large business operators.
- c. Manufacturer and distributor of cosmetic products 2 large business operators.
- d. There are 3 middle entrepreneurs for regional batik cloth products, namely in Ponorogo, owners of Lesung batik, Malang, owners of Garuda Kencana premium batik, and Jember, Rumah Batik Rolla.

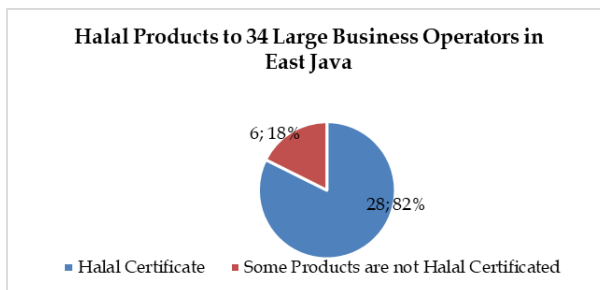
Regarding public legal awareness of halal products in East Java, data were obtained from 450 respondents in East Java who filled out a questionnaire through the application *google form* distributed via grub-grub chat WhatsApp. Respondents came from Jember, Surabaya, Malang, Pasuruan, Madiun and Ponorogo. The 450 respondents consisted of 171 housewives, 180 students (high school students and college students), and 99 others (Teachers, Lecturers, ASN, Private Employees). The level of education of 450 respondents includes junior high school graduates, high school graduates, bachelor graduates, master graduates and doctor graduates.

#### 1. Processing of Legal Awareness Data from 111 Business operators in East Java in the Halal Certification and Labeling of Their Products.

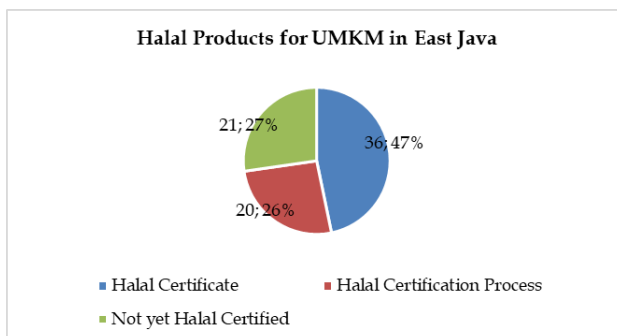
Based on the results of data processing from 111 business operators in East Java who were respondents in this study, it was found:



Of the 34 large business operators, there are 28 business operators who already have halal certificates and labels. While the 6th includes medicines and cosmetics, not all of the products they market have halal certification.



Whereas for UMKM there are 77 business operators, of which 36 UMKM actors already have halal certification, 20 UMKM actors admit that they are still in the process of halal certification and 21 business operators have not yet taken care of halal certification.

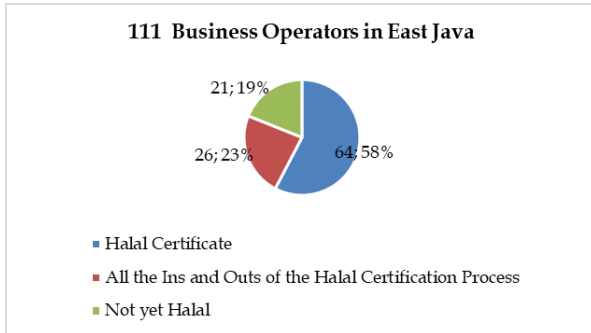


So from all respondents, namely 111 business operators in East Java, it can be seen from the data that 58% or as many as 64 business operators are halal certified. While those who are in the process and who have not taken care of halal certification at all are 42% or as many as 47 business operators.

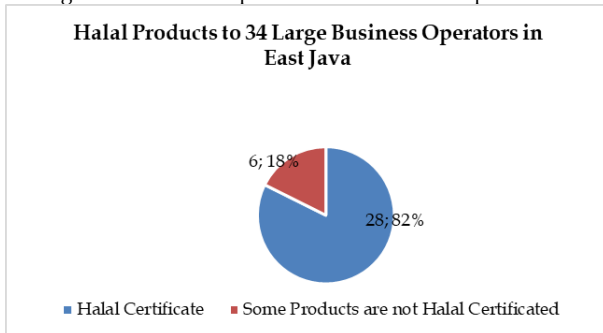
Other data related to halal certification and or labels include:

- a. Reasons from 84 business operators (64 already and 20 in process) are based on:

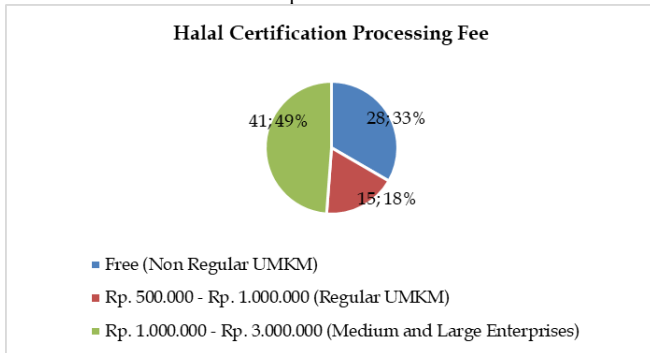




b. The process of obtaining halal certification from 84 business operators who already have halal labeling and is still in the process of 111 business operators:

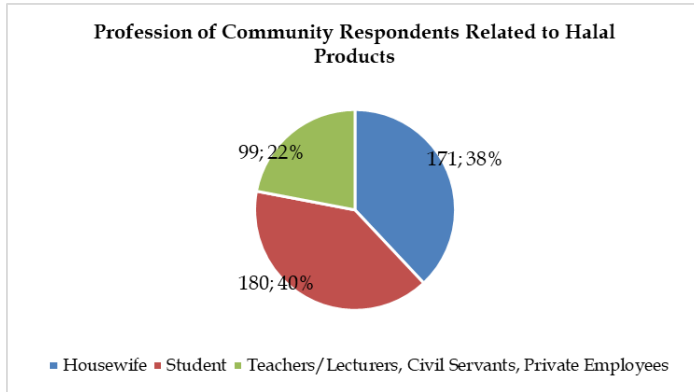


c. The cost of obtaining halal product certification from 84 business operators who already have certification and are still in the process of:

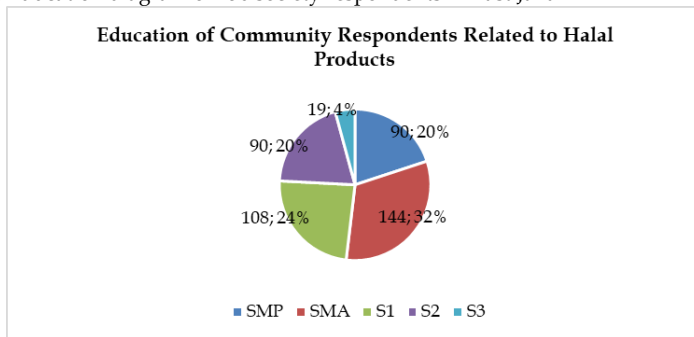


**2. Processing of Legal Awareness Data from 450 Society Respondents in East Java in Product Halal Certification and Labeling**

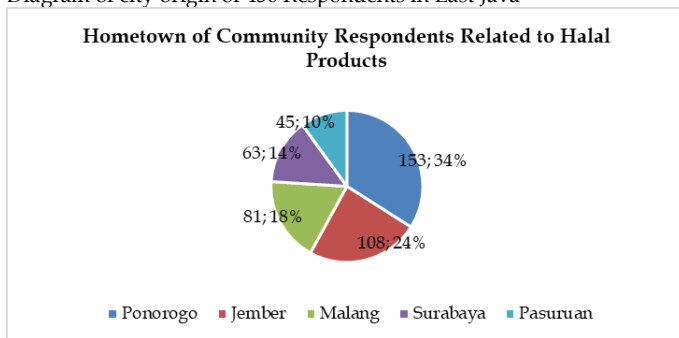
a. Professional diagram of 450 society respondents in East Java



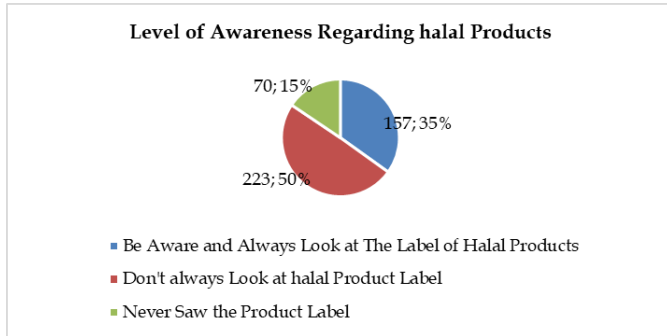
b. Education diagram of 450 society respondents in East Java



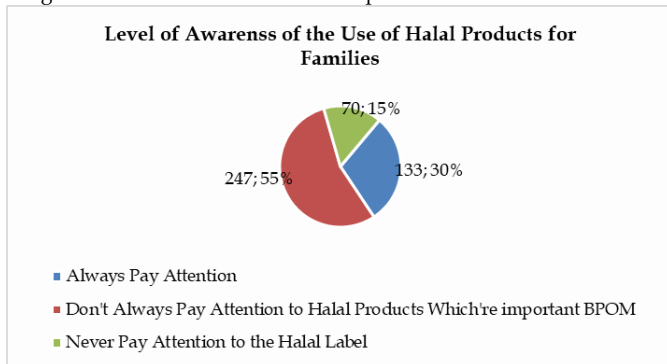
c. Diagram of city origin of 450 Respondents in East Java



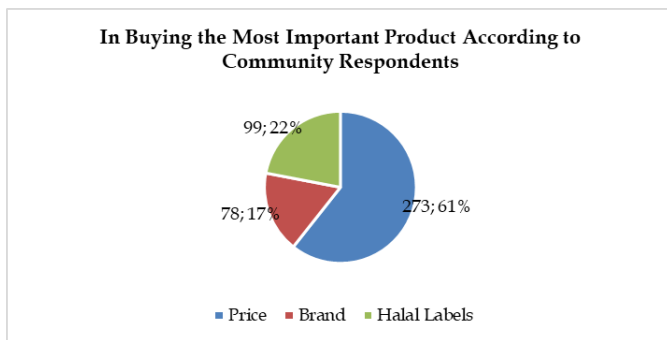
d. Diagram of the level of awareness in the use of halal products 450 respondents



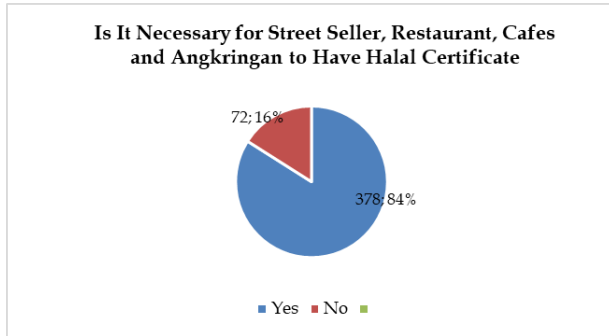
e. Diagram related to education of halal products for families



f. In buying a product, 450 people always pay attention to the product halal label, including:



g. Opinions of 450 people regarding the requirement for street vendors, restaurant owners, food stalls, cafes and angkringan to have halal certification



### Level of Legal Awareness of East Java Business operators and Society Regarding Halal Product Certification in terms of Legal Effectiveness

Legal awareness is more of a formulation from legal circles regarding the assessment of a matter, which has been carried out through scientific interpretations (Sepnelfia, 2017). Indicators of legal awareness are concretization of the system of values prevailing in society. A condition that is aspired to is the compatibility between the law and the value system. The consequence is that changes to the value system must be followed by changes in the law or on the other hand the law must be used as a means to make changes to the value system (Zuhraini, 2017).

So the indicators to achieve legal awareness, according to Soerjono Soekanto (Soekanto, 1982) include:

1. Legal knowledge  
If a law has been promulgated and published, then legally the law and regulation shall apply. And it is assumed that people know.
2. Legal understanding  
Through legal understanding, the public is expected to understand the purpose of laws and regulations and their benefits.
3. Observance of the law  
A citizen obeys the law for various reasons. For example, a) Fear of negative sanctions b) maintain good relations with the authorities c) maintain good relations with fellow colleagues d) Because the law is in accordance with the values espoused, so that their interests are guaranteed (Puspandari et al., 2021, pp. 11-12).
4. Expectations of the law  
A legal norm will be respected by members of the public if he already knows, understands and obeys it (Zainuddin, 2013).
5. Increased legal awareness  
Increasing legal awareness should be carried out through regular legal information and counseling on the basis of solid planning (Hutabarat, 2022).

Based on 111 respondents from business operators in East Java including large, medium, small and micro business operators, it was found that 64 business operators were certified and/or had product halal labels. Meanwhile, there were 47 business operators who were in the process and who had not taken care of certification and/or product halal labels at all. This can be seen in the following table:

*Table 1. Recap of Business Actors Related to Halal Products*

No.	Business operators	Percentage
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1.	Already have product halal certification	58%
2.	In Progress	23%
3.	Not Taking care	19%

For Muslim consumers, consuming halal food is an absolute religious order (Al-Fanjari, 1996). Consuming halal products guarantees that the product is safe, good and of guaranteed quality. Halal products can also provide benefits and have health guarantees, so they can also be used by non-Muslim consumers as well. Based on the results of the study with a total of 450 respondents (38% were housewives, 40% were students and 22% were lecturers, civil servants, entrepreneurs and teachers), it shows that the level of legal awareness among Indonesians about using halal products is still minimal (Resources were obtained by distributing questionnaires via the Google form, which were distributed between 22 - 30 August 2022). This can be seen in the table below:

*Table 2. Response to Indonesian Halal Products*

No.	Percentage	Description
1.	50%	Important
2.	35%	Doesn't Matter
3.	15%	Don't Know

*Table 3. Responses to Halal labeling in products*

No.	Percentage	Description
1.	55%	Always Watching
2.	30%	Not Always
3.	15%	No Attention

*Table 4. Responses to the Importance of Halal Certification for Restaurants, Angkringan and Street Vendors*

No.	Percentage	Description
1.	84 %	Very Necessary
2.	16 %	Not Necessary

So the legal awareness of business operators and the society in East Java when viewed from the theory of legal effectiveness based on the sample data obtained, can be analyzed and concluded that:

1. Legal Awareness Judging from the Elements of Knowledge and Understanding of the Law

a. From the perspective of business operators

Most business operators in East Java, 58% already have legal awareness regarding halal certification and or labeling. The reason is because the product will be more easily marketed, besides that the obligation to take care of halal certification has been regulated in the law. This shows that 58% of business operators in East Java and 23% who are still in the process of halal certification already know and understand the law regarding the halal obligations of the products they produce, distribute or sell.

b. In terms of society

55% or 247 society respondents out of 450 respondents stated that halal products are important and always pay attention to the halalness of every product they buy, so they already know and understand the law regarding consumer rights in consuming certain products that must be labeled or certified halal. Meanwhile, 133 respondents or 30% did not always pay attention to the products they purchased were halal or not, indicating that

they knew about halal products, but their understanding was not yet. Those who have never paid any attention to it, 20% or 70 of the respondents, means that their level of awareness regarding knowledge and understanding of law does not really know and understand.

## 2. Legal Awareness Seen from Compliance and Legal Culture Elements

### a. Viewed from the perspective of business operators

Of the 111 business operators, 64 or 58% of business operators in East Java already have halal certification and halal product labels, as well as 23% or 26 business operators who are still in the process of halal certification. Meanwhile, 19% or 21 business operators in East Java who were sampled had not complied with and implemented a good legal culture towards regulations.

### b. Viewed from the Society Perspective

Based on 450 society respondents in East Java, that 247 society respondents have obeyed the law and have a good legal culture in the use of halal products, where every time they buy or use a product they always look at the halal label first. While those who doubted, namely as many as 133 people did not comply with the importance of halal product regulations because sometimes they paid attention to it and sometimes they did not, and 70 respondents did not comply at all.

The findings from the research results are reviewed from the theory of legal effectiveness on legal awareness of large business operators, & UMKM, when examined from the aspect of legal substance, it is mandatory to have halal product certification in regulations regarding halal products, so there are no sanctions against business operators who do not have halal product certification, impact business operators are reluctant to take care of it. Meanwhile, from the aspect of the legal apparatus, namely BPJPH, and the Government, it is also lacking in the aspect of socialization, the aspect of strict law enforcement, the aspect of responsibility and the aspect of performance. When viewed from the infrastructure, from several business operators in several cities that were sampled, especially for UMKM it was difficult to obtain halal certification because they were hampered by NIB, while for large business operators, such as pharmaceuticals, namely from ingredients, there were also from capsules, and product packaging. Assess from the legal culture of the society, both business operators and the society consider consuming halal products to be important, but whether the product is certified or labeled as halal, business operators and the public pay little attention.

## The Level of Legal Awareness of Business operators and Society in East Java Regarding Halal Product Certification From a *Maqāṣid al-sharī'ah* Concept

*Maqāṣid al-sharī'ah* etymologically, *maqāṣid al-sharī'a* is a combination of two words, *maqāṣid* (مقاصد) and *syarī'ah* (الشريعة) (Rusman, 2016). Furthermore, *maqāṣid* the plural form of the word *maqṣad* (مقصد) (Al-Muqri, 1987), *qaṣd qashd* (قصد), *maqṣid* (مقصد), or *qushud* (قشود) which is a derivation of the verb *qaṣada yaqṣidu* (يقصد - قصد) which has various meanings such as going in a direction, goal, middle ground, fair and not overstepping (Al-Muqri, 1987), straight path, middle ground between excess and deficiency (Abadi, 1987; Mandzur, 1882), those meanings can be found in the use of words *qaṣada* (قصد) and its derivation in the Qur'an. Meanwhile *al-syarī'ah* (الشريعة) Etymologically it means the way to a spring, in fiqh terminology it means the laws prescribed by Allah for His servants, both those stipulated through the Qur'an and the sunnah of the Prophet Muhammad in the form of words, deeds or decrees of the Prophet, in a shorter definition al-Raisuni states that shari'at means a number of '*amaliyyah* laws brought by Islam, both related to *aqīdah* concept already as well as legal legislation (Aziz, 2014).

In terminological meaning *maqāṣid al-sharī'ah* (مقاصد الشريعة) always experiencing development from the simplest meaning to a holistic meaning. While al-Ghazali, al-Amidi, and

Ibn al-Hajib define it by seeking benefits and rejecting mafsada, the various definitions indicate a close relationship *maqāṣid al-sharī'ah* with wisdom, 'illat, purpose or intention, and benefit. Ibnu Asyur as a bearer *maqāṣid al-sharī'ah* has a branch of science *independent* define *maqāṣid al-sharī'ah* (مقاصد الشريعة) as follows: "The meanings and wisdoms that the syari' pay attention to and maintain in every form of determining his law, this does not only apply to certain types of law so that all the characteristics, general purposes and meanings of the shari'ah contained in it are included within it. Law and also includes legal meanings that are not considered as a whole but are guarded in many forms of law" (Aziz, 2014).

Wahbah al-Zuhaili, in his book set the conditions *maqāṣid al-sharī'ah*. According to him that something new can be said *maqāṣid al-sharī'ah* when meeting the following four conditions, namely: (Musolli, 2018)

- a. It must be permanent, meaning that the intended meanings must be certain or strongly suspected to be close to certainty.
- b. It should be clear, so fuqaha will not differ in the determination of the meaning. For example, maintaining off spring which is the goal of legalizing marriage.
- c. Must be measurable, meaning that the meaning must have a clear measurement or limitation that is beyond doubt. Like taking care of reason which is the purpose of prohibition *khamr* and the size set is intoxicating.
- d. Generally accepted, meaning that the meaning will not differ due to differences in time and place. Such as the nature of Islam and the ability to provide a living as a requirement *kafa'ah* in marriage according to the Maliki Mazhab of thought.

The halalness of a product is an obligation in science maqoshid sharia, moreover these products enter the body (consumed) or used by a Muslim. The command to consume halal food in the Qur'an is the basis for every Muslim to pay attention and choose to consume only halal food. As the word of Allah SWT; "O people, eat what is halal and good from what is found on earth. Do not follow the steps of the devil because the devil is your real enemy" (QS. al-Baqarah [2]: 168) (Aziz, 2017). The verse provides clear instructions for choosing food with halal criteria and *ṭayyib* (good).

So this is a clear order to choose food with halal criteria and *ṭayyib* (good). The halalness of a food can be seen from at least four aspects, namely: *First*, halal in the way of obtaining it, that is obtained from sustenance that is lawful and justified in Islam. *Second*, Halal substances/basic ingredients. Everything in nature is lawful for consumption except for several types of animals and plants that are forbidden in the Qur'an, namely: carrion, blood, pork, slaughtered in the name of other than Allah, and animals that are strangled, beaten, fallen, those who are gored, who are torn to pieces by wild animals except those that have been slaughtered. The types of vegetables that are forbidden are: *khamr*. *Third*, halal in processing. In the processing process do not mix with objects or animals that are forbidden. Raw materials, additives and auxiliary materials must be halal which are processed hygienically and comply with good food manufacturing procedures, facilities and infrastructure and production processes must be guaranteed to be halal in a way shar'i. *Fourth*, halal packaging process. Food must be packed with halal and hygienic materials. The storage process must follow the standard shar'i. *Ṭayyib* criteria includes; quality and quality food, not stale, not expired, not spoiled, not toxic, safe and not contaminated with harmful bacteria/viruses and not fake. Food contains nutrients and nutrients that are useful for the body (Karim, 2013).

The enactment of Law Number 33 of 2014 concerning Guarantees for Halal Products (abbreviated as UUJPH) actually emphasizes how urgent the issue of halal-haram is in the production chain from business operators to consumers and consumed by consumers, where there is also the role of intermediaries such as distributors, sub-distributors, wholesalers, and retailers before reaching the final consumer (Safira et al, 2019). The definition of halal products is regulated in Article 1 point (2) UUJPH, namely: "Halal products are products that have been declared halal according to Islamic law". Referring to this understanding, food, non-food and services are

basic needs for humans. Its existence is very crucial in everyday life. For Muslim consumers, halal is non-negotiable, except in emergencies (Safira et al, 2019).

Strengthening the implementation of this UUJPH, the Government issued Government Regulation Number 31 of 2019 concerning Guarantees for Halal Products which was ratified by the President of the Republic of Indonesia, Mr. Joko Widodo on May 17, 2019, and the PP came into force on October 17, 2019 (Safira et al, 2019). So that since its inception PP No. 31 of 2019, halal product certification is not only permissible (mogen) but has become an obligation. This means that building public awareness, especially producers and the millennial generation, about the importance of halal certification is urgent and very urgent (Safira et al, 2019). This was further strengthened by the ratification of Government Regulation Number 39 of 2021 concerning Implementation of the Field of Halal Product Assurance.

This regulation mandates that both the Central and Regional Governments through the Halal Product Assurance Organizing Agency (abbreviated as BPJPH) cooperate with Halal Product Assurance Agencies in both State and Private Universities to immediately complete the implementation of halal product guarantees as an effort to build legal awareness for both organizers and business operators. Both large, medium and small and micro (abbreviated UMKM) which is an obligation to answer the success or failure of the 2019-2024 Indonesian Islamic Economics master plan.

Responding to this challenge, in 2023, the BPJPH East Java Provincial Government in coordination with the Regency BPJPH will launch 1,000,000 halal product certifications for UMKM business operators. But the fact is that as of June 2023 there are still 10,000 UMKM business operators who have halal certificates for their food products (Results of an interview with the Head of the Trade and Micro Business Office, Mr. Addin Andhanawarih, on 25 May 2023). This shows that there are things that are hindering the process of obtaining the acceleration of halal certification for food products in Indonesia. Based on the results of an interview with Ms. Novi from the Halal Assistant of IAIN Ponorogo (Results of an interview with Ms. Novi, Halal Assistant from LPJPH IAIN Ponorogo on May 26 2023) and Ms. Indah from INDAKOP Ponorogo Regency (Results of an interview with Ms. Indah Halal Assistance Staff from the INDAGKOP Service of Ponorogo Regency on May 26 2023) and based on a survey obtained by the researcher, these obstacles include:

- a. Lack of understanding of business operators to certify their food products;
- b. Lack of socialization about various government halal programs such as SEHATI and *Self Declare Halal*;
- c. Halal procedures are difficult for UMKM business operators, because they must have their business NIB (Business Permit Number), which on average UMKM business operators do not yet have NIB, and this is what hinders the process of accelerating their business' food products to obtain halal certificates and labels.
- d. There is still low legal awareness of the society itself to consume halal food products.

From the research data when examined from the *maqāṣid al-sharī'ah* theory then above it has been explained that consuming halal food is a must (*dhurari*). Because consuming halal products, then the five objectives of the elements *dhurari*, like taking care of religion (*hifz al-dīn*), soul (*hifz al-nafs*), intellect (*hifz al-'aql*), descendants (*hifz al-nasl*) and property (*hifz al-māl*), will come true.

This has also been emphasized in the objectives of Law Number 33 of 2014 and Government Regulation Number 39 of 2021, that the implementation of halal product guarantees aims, among other things: a). provide convenience, security, safety, and assurance of the availability of Halal Products for the public in consuming and using the Products; and b). increase added value for business operators to produce and sell halal products. So that from these two objectives when examined based on the *maqāṣid al-sharī'ah* concept (Aziz, 2017).

*First*, that the implementation of this halal product guarantee aims to provide comfort,



security, safety, and certainty of the availability of Halal Products for the public in consuming and using the Products. The comfort of the society (producers/customers) is prioritized, because with comfort someone will be satisfied in consuming a particular product, especially the product is halal. Besides convenience, is security. As for what is meant by the term security is in terms of guaranteed and safe products consumed by the public from non-halal matters. This is important for people who are Muslim, and is also protected by laws in force in Indonesia. Apart from these two things, there are aspects of safety and the certainty of the availability of halal products in Indonesia. The certainty of the availability of halal products in Indonesia, for the Muslim society, is an absolute thing that must exist in everyday life.

*Second*, the purpose of implementing halal product guarantees is to increase added value for business operators to produce and sell halal products. This is a pragmatic goal in the world of business and enterprise, but it is also part of the broadcast of good Islamic teachings, so that if it can be carried out within the framework of modern business systems and mechanisms, the added value will certainly increase for those who do it. Any business actor, regardless of religion, when they want to sell their products in a country where the majority are Muslim, must pay attention to the halal aspect of the product they are going to sell. Products whose halal status is unclear, of course, will be shunned by customers or consumers whose postscript is Muslim. In other words, the aspect of the suitability of a product to be sold in a country with a majority Muslim population, is to pay attention to the Islamic aspects of the type of product.

So the findings of the research results when examined from the theory of *maqāsid al-sharī'ah*, it can be seen that the legal awareness of the society (business operators and consumers in East Java) found that knowledge of the command to eat halal food is obligatory '*ain (fardlu 'ain*) because it involves the safety of religion, safety of the soul, safety of mind, safety of offspring, and property safety. Halal anything that is used or utilized or that enters the body is included in the level of *maqāsid dharuriyat*. However, when viewed from the practice of its implementation, both business operators and the East Java society, especially those who are Muslim, have not understood and implemented it properly with the awareness to produce halal products and use products that have been certified halal.

### **Government Strategies in East Java in Increasing Legal Awareness of UMKM Business operators and Society in Managing and Using Certified and Halal Labeled Products**

The Governor of East Java conveyed his plan for the construction of an industrial area the first halal in Indonesia dedicated to UMKM located at *safe and lock* of Sidoarjo. Meanwhile, halal tourism centers are being developed in Malang and Mojokerto. "For example we will build halal industrial area, of course our hope will be able to reverse from the world's largest importer of halal products becomes the world's largest exporter of halal products" (Dinas Kominfo Provinsi Jawa Timur, 2021). East Java Province is targeting 1.5 million products Local UMKM will be able to become halal-certified in 2022, as an effort to boost the economy locally through product certification (Nashrullah, 2022).

Department of Industry and Trade of the Province. East Java during the period from 2017 to 2019 provided halal facilitation to 385 East Java Small and Medium Industries (IKM) and from 2020 to 2021 has provided halal facilitation to 678 (East Java Prov Industry and Trade Office, 2020) (Disperindag Prov Jatim, 2020). BPJPH has issued halal certificates since October 17 2019 a total of 184 certificates for East Java. In 2020, there will be 428 business units for UMKM, and in 2021 there will be 650 business units (Disperindag Prov Jatim, 2020).

UIN Malang has a strategy in which food and beverage selling areas around UIN Malang are required to be halal certified, so the UIN Malang halal institution provides education to all sellers, mentoring, processing and publishing halal business and UKM products which has been carried out from 2018 to the present, which has More than 100 UKM businesses around the UIN Malang campus have been certified halal from the UIN Malang halal institution (Structured

interview with Ms. Indah as administrator of LPH UIN Malang). Unlike in Ponorogo, the strategy adopted by the Ponorogo Regency Ministry of Religion by issuing the 2020 "Healthy Program" BPJPH and Indakop Ponorogo Regency provides free halal product management facilities for 2500 UMKM in Ponorogo (Structured interview with the Head of IKM Ponorogo Regency). Madiun Regency from the Chairperson of the IKM Forum, has a strategy by facilitating approximately 700 halal certificates this year (Structured interview with the Chairperson of IKM Ponorogo Regency). Meanwhile, the Provincial BPJPH has a target of 25,000 free halal product certification for UMKM in East Java this year (Evi, 2022).

The strategy launched by the province, city and district can be successful and realized with outreach, seminars, assistance for UMKM in East Java. As in Ponorogo, from the beginning there was a halal certification program in Ponorogo in 2019, through the UMKM exhibition every year, Indakop Ponorogo has held regular education and mentoring for halal certification 5 times a year (Structured interview with Ms. Astin Ponorogo District Indakop Staff).

As for the people of East Java, by holding exhibitions of UMKM products labeled halal and promoting them *halal style* starting from the government who loves local products. Then Indonesian halal products can be famous and worldwide if we ourselves also use and love these products.

## Conclusion

Based on the theory of legal effectiveness both in terms of knowledge and understanding as well legal compliance and legal culture towards the legal awareness of large business operators, UMKM in East Java, when examined from the aspect of legal substance, namely the absence of sanctions makes the perpetrators Businesses are reluctant to take care of halal certification. Meanwhile, from the aspect of the legal apparatus, namely BPJPH, and the government is also lacking in the socialization aspect, the firmness aspect of law enforcement, the aspect responsibility and performance aspects. Infrastructure, from several business operators in several cities who became the sample, especially for UMKM, it is difficult to obtain halal certification because hampered NIB. Assess from the legal culture of the society, both business operators and the society consider eating halal products is important, but have not implemented it properly good.

From the theory of *maqāṣid al-sharī'ah*, it can be seen from the results of research both in terms of business operators and In terms of the people of East Java, especially those who are Muslim, they do not understand and carry it out with good awareness to produce halal and halal products Use products that have been certified halal.

The strategy as a solution from the East Java government through BPJPH is by acceleration of halal certification through the development of a halal product information system (SIP Halall) with the aim that the public and UMKM entrepreneurs can access and comply East Java products that are halal certified and make doing business easy access how to obtain halal product certification, with the assistance of all related parties.

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## **2. Bukti Konfirmasi Review dan Hasil Review Pertama**

(27 Oktober 2023)

## Bukti Konfirmasi Review dari JURIS:

[JURIS] Editor Decision Eksternal Kotak Masuk x



**Jamal Mirdad** <noreply-ojs@iainbatusangkar.ac.id>  
kepada saya ▾

Jum, 27 Okt 2023, 07:41

Terjemahkan ke Indonesia X

KHUSNIATI ROFIAH:

We have reached a decision regarding your submission to JURIS (Jurnal Ilmiah Syariah), "Legal Awareness of East Java Business Operators and Society About Halal Products Certification".

Our decision is: Revisions Required

1. Revise according to notes from reviewers A and B
2. The author must consist of at least two different countries (must be international cooperation)

Jamal Mirdad  
(Scopus ID: 58037866000), Institut Agama Islam Negeri Kerinci  
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## Peer Review dari Reviewer A dan B

### PEER REVIEW

#### ROUND 1

Review Version	10467-27922-2-RV.DOC	2023-10-24
Initiated		2023-10-24
Last modified		2023-10-27
Uploaded file	Reviewer B 10467-28561-1-RV.DOC	2023-10-25
	Reviewer A 10467-28608-1-RV.DOCX	2023-10-27

# Catatan Reviewer A

## REVIEW FORM

Article Title : **Legal Awareness of East Java Business Operators and Society About Halal Products Certification**

Journal Code :

No	Assessment Criteria	Score*				
		1	2	3	4	5
1	The authenticity of the contents of the article (never been published in other journals)				4	
2	The novelty of the content of the article		2			
3	The suitability of the title with the contents of the journal				4	
4	Methodological description (informative, up-to-date and clear)			3		
5	Presentation of figures and tables				4	
6	Completeness of data			3		
7	Quality of discussion			3		
8	The suitability of the background, results, and discussion with conclusions				4	
9	Complete bibliography			3		
10	Use of language (grammar, readability, use of terms, EYD, etc.)				4	
Total score 35						

\*To provide an assessment used an interval from 1 to 5

Information:

5. Very Good   4. Good   3. Fair   2. Less   1. Very Poor

**Notes: This manuscript must be corrected according to the reviewer's notes.**

Reviewer recommendations: (please circle based on the results of the assessment)

- Accepted Submission
- Revisions Required**
- Resubmit for Review
- Decline Submission

## Legal Awareness of East Java Business Operators and Society About Halal Products Certification

**Abstract:** Realizing halal products in the food and beverage industry sector in East Java requires good coordination between the government and business operators, and the society. The need for halal and healthy products is not only for Muslim communities but also for non-Muslim communities because halal products certainly guarantee cleanliness and safety of their products. Consuming halal products is automatically guarded complete of religion, soul, Intellect, Heredity, and Property. Improving an excellent legal culture includes guidance and supervision from the government and legal awareness to increase efforts to maintain the five elements of the maqashid. This research method uses field research with interviews and disseminating questionnaires in several regions in East Java. The results showed that judging from the theory of legal effectiveness, legal awareness of business actors and the people of East Java is still relatively low on the importance of marketing and using certified and labeled halal products. Reviewed the theory of sharia maqashid, the understanding of business operators and the public about the obligation to use halal products has not all been understood. The strategy of government agencies, Provincial BPJPH, and District Religious Affairs, campus halal institutions is to facilitate the management of halal certification, free halal certification, socialization, seminars, and mentoring. The solution is a synergy from various parties, simplifying halal certification procedures, increasing sharia-based capital, and socialization of halal lifestyle to the society.

**Keyword:** Certification, halal product, *maqāsid al-sharī'ah*, businessmen, public

### Introduction

Muslim communities around the world view halal as an order of obedience to Islam (Mahardiyanto et al, 2022). Consuming halal food is an obligation to fulfill the command of Allah SWT, where it's written in al-Qur'an surat al-Maidah verse 88 which means "Eat food that is halal and good" (Nur, 2021). Aspect *religiosity* become an important factor in determining product decisions (Mahardiyanto et al, 2022). This is different from the view of non-Muslim communities globally that they see the halal lifestyle is not always a symbol of *religiosity* but as a guarantee for the quality of a product, safe, guaranteed service and a choice for the product itself (Rezai et al, 2010). However, in the era of globalization, determining the halal status of a food product isn't as easy as when technology was not yet developed (Apriyantono, 2003). Thus, it's necessary to have a guarantee and certainty of the halal food products consumed by Muslims. The halal guarantee of a food product can be realized in the form of a halal certificate that accompanies a food product so that producers can include the halal logo on the packaging (Arifin, 2011).

One more step, Indonesia will be a country with export and import trade data halal products that are integrated with the goods traffic reporting system. Codification system Halal products initiated by the National Sharia Economic and Finance Committee (KNEKS). It's being developed together with the Director General of Customs and Excise, Institution *National Single Window (LNSW)* and the Halal Product Assurance Organizing Agency (BPJPH). Initiatives already started been processed since the end of 2020 and is the answer to the vision proclaimed by the Deputy President K.H. Ma'ruf Amin who wants to make Indonesia the Center for World Halal Producers and leader of the global sharia economy (Aliasar, 2021). Strengthening the halal chain continues to be intensified as an acceleration of Indonesia's vision to become *Global Islamic Economy* (Safira et al, 2019).

As an effort to realize the vision of Indonesia to be *Global Islamic Economy*, then Indonesia began to develop a national halal ecosystem which includes halal food products, halal services and halal tourism. The enactment of Law Number 33 of 2014 concerning Guarantees for Halal Products (UUJPH) emphasizes how urgent the issue of halal and haram is in the production chain from business operators to the hands of consumers and consumed by consumers (May Lim, 2017). This law mandates the establishment of the Halal Product Assurance Management Agency

**Commented [WU1]:** Correct the diction of the words in the title. The title must made universal and impressive, having a high impact factor!

**Commented [WU2]:** The research objectives must be clearly stated in the abstract

**Commented [WU3]:** clarify primary and secondary data

**Commented [WU4]:** You need to clarify informant selection techniques and survey criteria.

**Commented [WU5]:** Where???

**Commented [WU6]:** What is the argument? You have to explain the basics.

**Commented [WU7]:** Explain the legal issue of your research in the first paragraph



(abbreviated as BPJPH) which was legally formed in 2019. This institution is tasked with managing and developing the national halal ecosystem, under the Ministry of Religion this institution continues to innovate with various existing parties under its coordination such as LPPOM MUI, Government, private sector and Universities (Mahardiyanto et al, 2022). The definition of halal products is regulated in Article 1 point (2) UUJPH, namely: "Halal products are products that have been declared halal in accordance with Islamic law". For Muslim consumers, consuming and using halal and guaranteed products is non-negotiable, except in emergencies (Sulaeman, 2017).

East Java has a variety of regional culinary specialties spread across all regencies, such as Jember proll tape, Banyuwangi clogs, Madiun pecel sauce, Gresik pudak cake, Lamongan Soto, Ponorogo Chicken Sate, Madura Soto, Malang apple cider vinegar and many more. This is an opportunity to increase tourism and culture in East Java. Head of the East Java Province Industry and Trade Office, Drajat Irawan said that East Java has brilliant potential as a center for the halal industry or an integrated halal industry center based on superior commodities/products/services. East Java has a fairly large Micro, Small and Medium Enterprises (UMKM), with a percentage of 60% being the food and beverage industry (Disperindag Prov Jatim, 2020).

Data for 2020 to 2021 for food and beverage producers has increased dramatically to 80%, even in the midst of the Covid-19 pandemic. From the overall data, 40% of UMKM have halal certification and are dominated by the food and beverage sector. Based on MUI data, East Java industries that have received Halal certificates from MUI (before issuance by BPJPH) totaled 2039 certificates and those issued by BPJPH totaled 184. Meanwhile, the Department of Industry and Trade East Java Province during the period 2017 to 2019 has provided halal facilitation to 385 East Java Small and Medium Industries (IKM) (Disperindag Prov Jatim, 2020). BPJPH has issued halal certificates since October 17 2019 a total of 184 certificates for East Java. The plan for 2021 is to get a facilitation quota for UMKM of 428 business units for halal product certification (Hakim, 2020).

In 2022 to 2024 the Governor of East Java is targeting 1,5 million UMKM with halal certification (Ibrahim, 2022). In 2022 to 2024 the Governor of East Java is targeting 1,5 million UMKM with halal certification (Ibrahim, 2022). This is a serious concern for the regency and municipal governments in East Java to support the aspirations of the Governor of East Java. But the facts on the ground, from several areas that were used as research objects, such as Ponorogo which targeted 3,500 UMKM, only 250 had halal certificates. Malang City has a target of 30,000 UMKM, only 378 of which are halal certified. The city of Madiun is targeting 4,000 UMKM, 200 of which are halal certified. Then Jember, of the target of 5,000 UMKM, only 393 are halal certified (Data obtained from distributing questionnaires to the heads of IKM forums in Ponorogo, Malang, Madiun, Jember and Lumajang on 20 July 2022).

Based on the background above, the problem can be formulated as follows, *firstly* the level of legal awareness of business operators and the public in East Java regarding halal product certification in terms of legal effectiveness. *Second*, concept review *maqāṣid al-sharī'ah* towards the awareness of business operators and the people of East Java towards food products that are certified and labeled halal. The *three* strategies of the government in East Java are in increasing legal awareness of business operators and the public to manage and use products that are already certified and labeled as halal.

## Literature Review

Halal is a term used to mean something is legal, permissible and in accordance with Islamic law. If this is related to pharmaceutical, food and beverage products, it can be said that these products are permissible for consumption by a Muslim (Sayekti, 2014). Every Muslim is allowed to consume the food, drink and pharmaceutical products he likes as long as the product

**Commented [WU8]:** In the next paragraph, you need to explain the urgency of halal certification. Explain clearly the advantages of food products that have been certified, then continue with a presentation of data related to the disadvantages or weaknesses of a food product that has not or is not certified halal

**Commented [WU9]:** You must explain the facts about the legal awareness of business actors and the public in East Java regarding halal product certification. The facts displayed should not only be the number of Small and Medium Enterprises (UMKM) that have received halal certification, but you must also explain in detail the facts about their legal awareness; The background to not having received a halal certificate must be thoroughly explored

**Commented [WU10]:** What is the novelty of your research? describe previous research that is related to your research, so that you can find out the novelty of your research

**Commented [WU11]:** You need to explain the background to the emergence of these three questions clearly in the introduction, do not appear suddenly without any basis in real facts or problems in the field

is not haram. Everything that is forbidden by Allah Swt to be eaten, even if it's only a small amount, is still haram. As it has been expressly stated in the Qur'an that forbidden food and drink are carrion, blood, pork, and the meat of slaughtered animals without mentioning the name of Allah Swt and *khamr* and intoxicating drinks. This provision is then used as a reference for defining halal products in the Halal Product Guarantee Law Number 33 of 2014.

In general, it can be interpreted that halal is a product that meets halal requirements in accordance with Islamic law, namely (Sayekti, 2014):

- f. Nothing pig content or using ingredients derived from pigs;
- g. Doesn't contain prohibited substances such as human organs, blood, dirt, etc.;
- h. Slaughtered in accordance with the provisions of Islamic law (for ingredients originating from halal animals);
- i. Places of sale, processing, storage and distribution are not mixed with unclean animals (swine). If it is known that it has been used for pork or other non-halal goods, it must be purified according to the provisions of Islamic law;
- j. Does not contain *khamr* or other intoxicating drink.

The halalness of a product is a must (*dharuri*) in science maqoshid sharia. As goal of *maqāsid al-sharī'ah* achieve benefit and reject haram. Because by consuming halal products, then the five objectives of the elements *dharuri*, like taking care of religion (*hifz al-dīn*), soul (*hifz al-nafs*), intellect (*hifz al-'aql*), descendants (*hifz al nas*) and property (*hifz al-māl*) will come true.

Every product that is declared halal must be accompanied by a certainty or guarantee as evidenced by a halal certificate. The existence of halal legalization will provide convenience, security, safety and certainty of the availability of Halal Products for the public in consuming and using Products while increasing added value for business operators to produce and sell Halal products.

Accelerating the realization of halal certification in Indonesia requires synergy between government agencies, business operators and halal product assistants (PPH). Legal awareness of business operators regarding applicable regulations is urgently needed, for this reason it's necessary to conduct further studies on legal awareness in order to understand the law and it's nature in society. Legal awareness is the value contained in humans (Muttaqin, 2019), regarding existing laws or about laws which include legal knowledge, legal understanding, appreciation/legal attitude, and obedience/patterns of behavior towards the law (Chua, 2019). Legal awareness refers to the way people interpret laws and legal institutions, namely understandings that give meaning to one's experiences and actions (Aprita, 2021). It can also be called as every action and legal practice that someone studied empirically. In other words, legal awareness can be interpreted as legal issues as behavior and not law as rules, norms or principles (Rogers, 2018).

## Method

The method used in this study is a qualitative descriptive method. Where, qualitative descriptive involves the conceptualization process and results in the formation of a classification scheme. A part from describing the characteristics of a phenomenon or problem under study, this study also focuses on the basic question of 'how' by trying to obtain and convey facts clearly, thoroughly, and completely without too many unnecessary details (Silalahi, 2009). This type of research is field research, namely by using observation and interview techniques.

The data used are primary data and secondary data. Primary data sources were obtained from interviews with the East Java Regional Office of Industry and Trade, BPJPH, UMKM business operators consisted of 20 large companies, 30 medium companies and 50 micro and small companies in East Java which samples were taken from several cities, namely Surabaya, Pasuruan, Ponorogo, Madiun, Malang and Jember which were carried out by direct interviews or through

**Commented [WU12]:** You must explain the concept of compliance with the leader's policies in Islam. Apart from that, you also have to explain the halal concept of the four Imam Madhabs (syafi', Maliki, Hanafi dan Hanabilah). And you also explain the theory of legal awareness.ss

**Commented [WU13]:** You must explain the flow of istinbath using the Maqoshidu Syariah method

**Commented [WU14]:** Past tense?

**Commented [WU15]:** Past tense?

questionnaires via *google form* which was distributed to the UMKM forum in East Java. Then a sample of the people of East Java as well as from these cities, approximately 500 people distributed questionnaires through *google form*. Then analyzed with explorative descriptive of the problems studied. Meanwhile, secondary data comes from publications, namely books, journals, newspapers, websites, and policy documents related to the issues discussed. Data analysis uses an inductive approach, namely with apply an approach or reasoning with a step of thinking that moves from observation specific to broader generalizations and theories, so that it is an informal approach in research this is known as approximation *bottom up*, that is, from bottom to top (Hardani et al, 2020).

## Results and Discussion

### Overview of Legal Awareness of East Java Business operators and Society Regarding Halal Certification

Researchers conducted interviews and observations of business operators and society in East Java. Against business operators in East Java, 111 business operators were obtained spread across several cities in East Java, namely Jember obtained 15 business operators studied, Malang and Batu obtained 23 business operators, Surabaya 35 business operators, Sidoarjo as many as 10 business operators, Pasuruan as many as 13 business operators, Madura as many as 5 business operators, Ponorogo as many as 17 business operators and Madiun as many as 11 business operators. The criteria for the business operators studied included 35 large business operators, 37 medium business operators and 39 small and micro business operators. The research technique used direct interviews and observation of 90 business operators and 21 business operators was carried out through questionnaires with applications *google form*. Of the 111 business operators in East Java studied, the types of business products include:

- e. Producers and distributors of packaged food and beverages, 28 large business operators, 74 medium, small and micro business operators.
- f. Manufacturers and distributors of medicinal products 4 large business operators.
- g. Manufacturer and distributor of cosmetic products 2 large business operators.
- h. There are 3 middle entrepreneurs for regional batik cloth products, namely in Ponorogo, owners of Lesung batik, Malang, owners of Garuda Kencana premium batik, and Jember, Rumah Batik Rolla.

Regarding public legal awareness of halal products in East Java, data were obtained from 450 respondents in East Java who filled out a questionnaire through the application *google form* distributed via grub-grub chat WhatsApp. Respondents came from Jember, Surabaya, Malang, Pasuruan, Madiun and Ponorogo. The 450 respondents consisted of 171 housewives, 180 students (high school students and college students), and 99 others (Teachers, Lecturers, ASN, Private Employees). The level of education of 450 respondents includes junior high school graduates, high school graduates, bachelor graduates, master graduates and doctor graduates.

### 3. Processing of Legal Awareness Data from 111 Business operators in East Java in the Halal Certification and Labeling of Their Products.

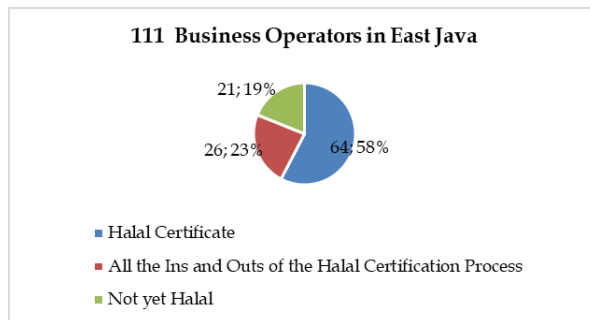
Based on the results of data processing from 111 business operators in East Java who were respondents in this study, it was found:

**Commented [WU16]:** What data validation techniques do you use? Explain!

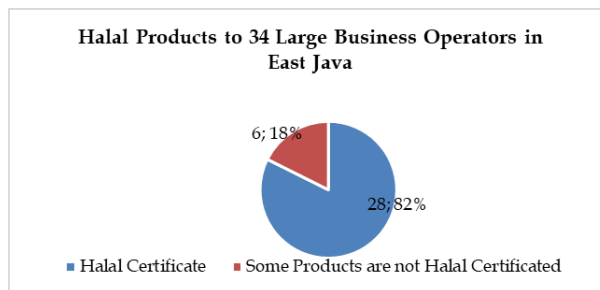
**Commented [WU17]:** How do you determine and select someone to be an informant in your research? what are the criteria?

**Commented [WU18]:** add a table of legal awareness according to Soerjono Soekanto to the halal certification program. This table will contain about; 1. Legal knowledge, 2. Understanding of the law, 3. Observance of the law, 4. Expectations of the law, 5. Increased legal awareness.

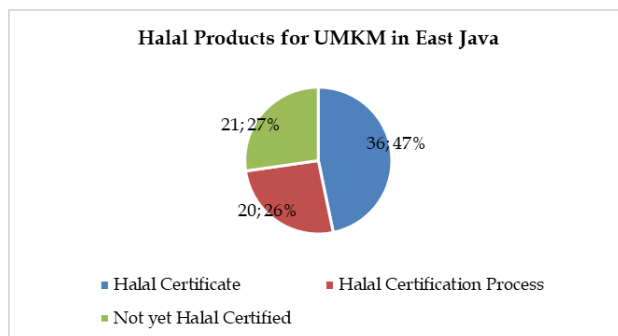
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Of the 34 large business operators, there are 28 business operators who already have halal certificates and labels. While the 6th includes medicines and cosmetics, not all of the products they market have halal certification.



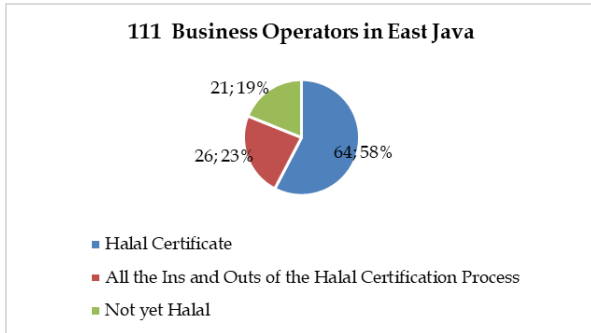
Whereas for UMKM there are 77 business operators, of which 36 UMKM actors already have halal certification, 20 UMKM actors admit that they are still in the process of halal certification and 21 business operators have not yet taken care of halal certification.



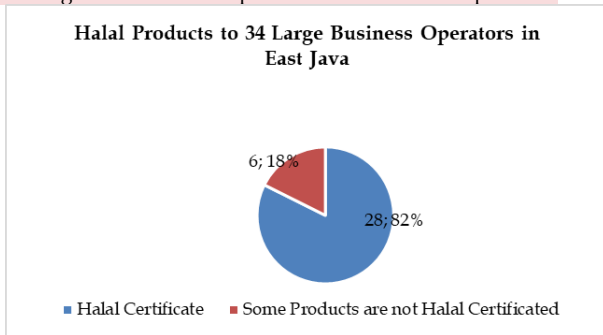
So from all respondents, namely 111 business operators in East Java, it can be seen from the data that 58% or as many as 64 business operators are halal certified. While those who are in the process and who have not taken care of halal certification at all are 42% or as many as 47 business operators.

Other data related to halal certification and or labels include:

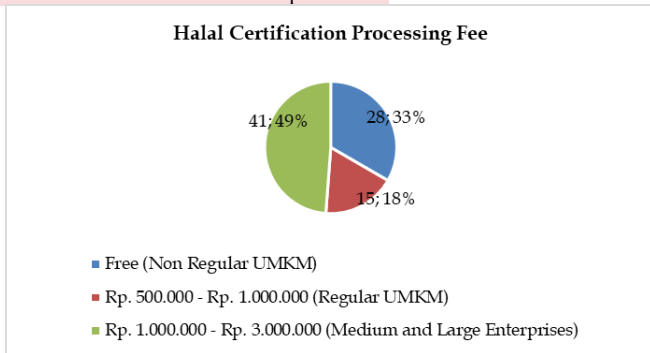
d. Reasons from 84 business operators (64 already and 20 in process) are based on:



e. The process of obtaining halal certification from 84 business operators who already have halal labeling and is still in the process of 111 business operators:

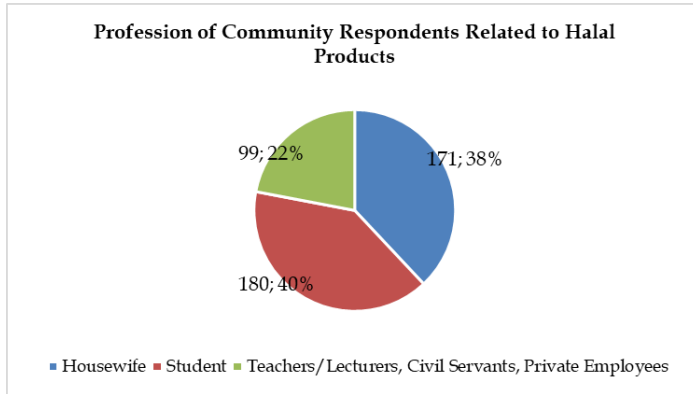


f. The cost of obtaining halal product certification from 84 business operators who already have certification and are still in the process of:

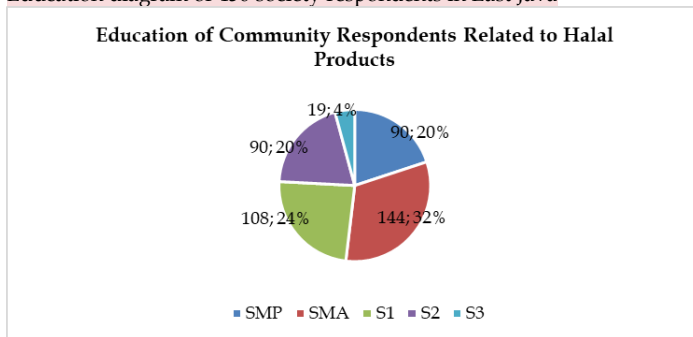


**4. Processing of Legal Awareness Data from 450 Society Respondents in East Java in Product Halal Certification and Labeling**

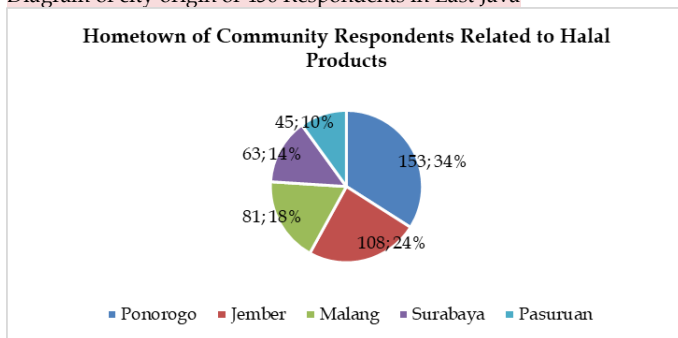
h. Professional diagram of 450 society respondents in East Java



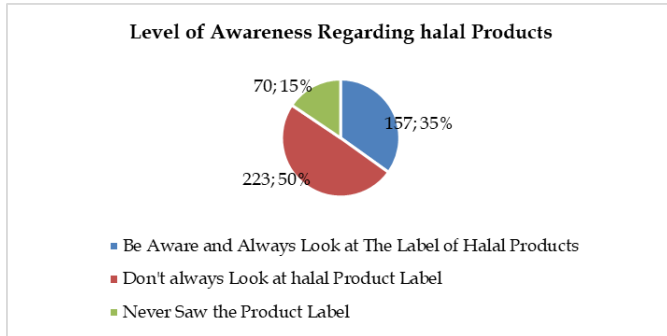
i. Education diagram of 450 society respondents in East Java



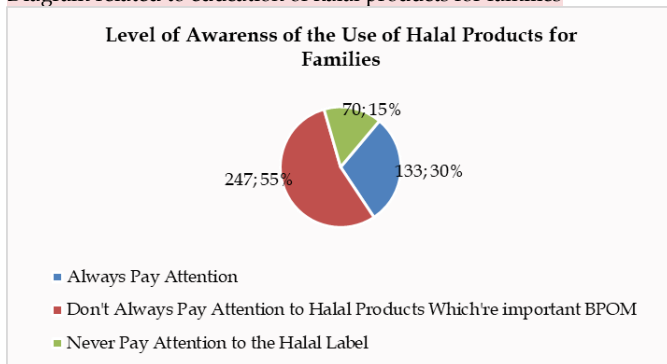
j. Diagram of city origin of 450 Respondents in East Java



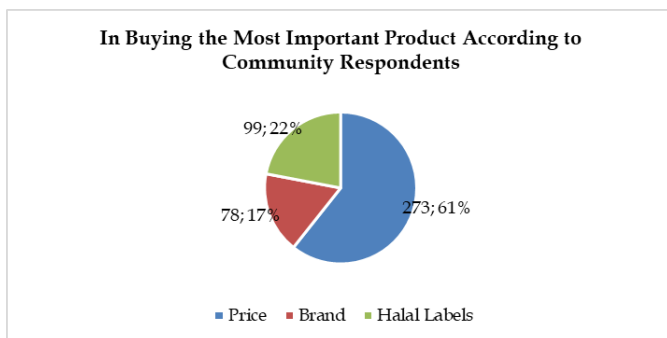
k. Diagram of the level of awareness in the use of halal products 450 respondents



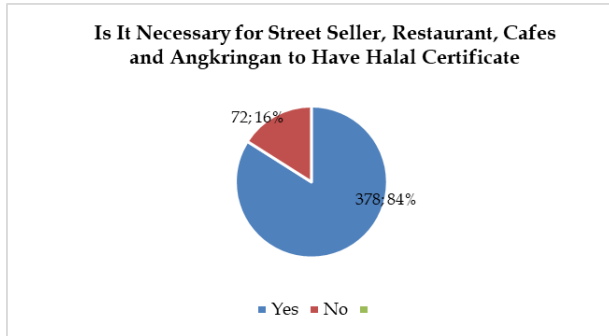
l. Diagram related to education of halal products for families



m. In buying a product, 450 people always pay attention to the product halal label, including:



n. Opinions of 450 people regarding the requirement for street vendors, restaurant owners, food stalls, cafes and angkringan to have halal certification



**Level of Legal Awareness of East Java Business operators and Society Regarding Halal Product Certification in terms of Legal Effectiveness**

Legal awareness is more of a formulation from legal circles regarding the assessment of a matter, which has been carried out through scientific interpretations (Sepnelfia, 2017). Indicators of legal awareness are concretization of the system of values prevailing in society. A condition that is aspired to is the compatibility between the law and the value system. The consequence is that changes to the value system must be followed by changes in the law or on the other hand the law must be used as a means to make changes to the value system (Zuhraeni, 2017).

So the indicators to achieve legal awareness, according to Soerjono Soekanto (Soekanto, 1982) include:

6. Legal knowledge  
If a law has been promulgated and published, then legally the law and regulation shall apply. And it is assumed that people know.
7. Legal understanding  
Through legal understanding, the public is expected to understand the purpose of laws and regulations and their benefits.
8. Observance of the law  
A citizen obeys the law for various reasons. For example, a) Fear of negative sanctions b) maintain good relations with the authorities c) maintain good relations with fellow colleagues d) Because the law is in accordance with the values espoused, so that their interests are guaranteed (Puspandari et al., 2021, pp. 11-12).
9. Expectations of the law  
A legal norm will be respected by members of the public if he already knows, understands and obeys it (Zainuddin, 2013).
10. Increased legal awareness  
Increasing legal awareness should be carried out through regular legal information and counseling on the basis of solid planning (Hutabarat, 2022).

Based on 111 respondents from business operators in East Java including large, medium, small and micro business operators, it was found that 64 business operators were certified and/or had product halal labels. Meanwhile, there were 47 business operators who were in the process and who had not taken care of certification and/or product halal labels at all. This can be seen in the following table:

*Table 1. Recap of Business Actors Related to Halal Products*

No.	Business operators	Percentage
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1.	Already have product halal certification	58%
2.	In Progress	23%
3.	Not Taking care	19%

For Muslim consumers, consuming halal food is an absolute religious order (Al-Fanjari, 1996). Consuming halal products guarantees that the product is safe, good and of guaranteed quality. Halal products can also provide benefits and have health guarantees, so they can also be used by non-Muslim consumers as well. Based on the results of the study with a total of 450 respondents (38% were housewives, 40% were students and 22% were lecturers, civil servants, entrepreneurs and teachers), it shows that the level of legal awareness among Indonesians about using halal products is still minimal (Resources were obtained by distributing questionnaires via the Google form, which were distributed between 22 - 30 August 2022). This can be seen in the table below:

*Table 2. Response to Indonesian Halal Products*

No.	Percentage	Description
1.	50%	Important
2.	35%	Doesn't Matter
3.	15%	Don't Know

*Table 3. Responses to Halal labeling in products*

No.	Percentage	Description
1.	55%	Always Watching
2.	30%	Not Always
3.	15%	No Attention

*Table 4. Responses to the Importance of Halal Certification for Restaurants, Angkringan and Street Vendors*

No.	Percentage	Description
1.	84 %	Very Necessary
2.	16 %	Not Necessary

So the legal awareness of business operators and the society in East Java when viewed from the theory of legal effectiveness based on the sample data obtained, can be analyzed and concluded that:

3. Legal Awareness Judging from the Elements of Knowledge and Understanding of the Law

a. From the perspective of business operators

Most business operators in East Java, 58% already have legal awareness regarding halal certification and or labeling. The reason is because the product will be more easily marketed, besides that the obligation to take care of halal certification has been regulated in the law. This shows that 58% of business operators in East Java and 23% who are still in the process of halal certification already know and understand the law regarding the halal obligations of the products they produce, distribute or sell.

b. In terms of society

55% or 247 society respondents out of 450 respondents stated that halal products are important and always pay attention to the halalness of every product they buy, so they already know and understand the law regarding consumer rights in consuming certain products that must be labeled or certified halal. Meanwhile, 133 respondents or 30% did not always pay attention to the products they purchased were halal or not, indicating that

they knew about halal products, but their understanding was not yet. Those who have never paid any attention to it, 20% or 70 of the respondents, means that their level of awareness regarding knowledge and understanding of law does not really know and understand.

#### 4. Legal Awareness Seen from Compliance and Legal Culture Elements

##### c. Viewed from the perspective of business operators

Of the 111 business operators, 64 or 58% of business operators in East Java already have halal certification and halal product labels, as well as 23% or 26 business operators who are still in the process of halal certification. Meanwhile, 19% or 21 business operators in East Java who were sampled had not complied with and implemented a good legal culture towards regulations.

##### d. Viewed from the Society Perspective

Based on 450 society respondents in East Java, that 247 society respondents have obeyed the law and have a good legal culture in the use of halal products, where every time they buy or use a product they always look at the halal label first. While those who doubted, namely as many as 133 people did not comply with the importance of halal product regulations because sometimes they paid attention to it and sometimes they did not, and 70 respondents did not comply at all.

The findings from the research results are reviewed from the theory of legal effectiveness on legal awareness of large business operators, & UMKM, when examined from the aspect of legal substance, it is mandatory to have halal product certification in regulations regarding halal products, so there are no sanctions against business operators who do not have halal product certification, impact business operators are reluctant to take care of it. Meanwhile, from the aspect of the legal apparatus, namely BPJPH, and the Government, it is also lacking in the aspect of socialization, the aspect of strict law enforcement, the aspect of responsibility and the aspect of performance. When viewed from the infrastructure, from several business operators in several cities that were sampled, especially for UMKM it was difficult to obtain halal certification because they were hampered by NIB, while for large business operators, such as pharmaceuticals, namely from ingredients, there were also from capsules, and product packaging. Assess from the legal culture of the society, both business operators and the society consider consuming halal products to be important, but whether the product is certified or labeled as halal, business operators and the public pay little attention.

### The Level of Legal Awareness of Business operators and Society in East Java Regarding Halal Product Certification From a *Maqāṣid al-sharī'ah* Concept

*Maqāṣid al-sharī'ah* etymologically, *maqāṣid al-sharī'a* is a combination of two words, *maqāṣid* (مقاصد) and *syarī'ah* (الشريعة) (Rusman, 2016). Furthermore, *maqāṣid* the plural form of the word *maqṣad* (مقصد) (Al-Muqri, 1987), *qaṣd qashd* (قصد), *maqṣid* (مقصد), or *quṣud* (قصود) which is a derivation of the verb *qaṣada yaqṣidu* (يقصد - قصد) which has various meanings such as going in a direction, goal, middle ground, fair and not overstepping (Al-Muqri, 1987), straight path, middle ground between excess and deficiency (Abadi, 1987; Mandzur, 1882), those meanings can be found in the use of words *qaṣada* (قصد) and its derivation in the Qur'an. Meanwhile *al-syarī'ah* (الشريعة) Etymologically it means the way to a spring, in fiqh terminology it means the laws prescribed by Allah for His servants, both those stipulated through the Qur'an and the sunnah of the Prophet Muhammad in the form of words, deeds or decrees of the Prophet, in a shorter definition al-Raisuni states that shari'at means a number of '*amaliyyah* laws brought by Islam, both related to *aqīdah* concept already as well as legal legislation (Aziz, 2014).

In terminological meaning *maqāṣid al-sharī'ah* (مقاصد الشريعة) always experiencing development from the simplest meaning to a holistic meaning. While al-Ghazali, al-Amidi, and

**Commented [WU20]:** Add a table or diagram so that the flow of *istinbath maqṣid sharia* on the issue of public legal awareness of the halal certification program.

Ibn al-Hajib define it by seeking benefits and rejecting mafsada, the various definitions indicate a close relationship *maqāṣid al-sharī'ah* with wisdom, 'illat, purpose or intention, and benefit. Ibnu Asyur as a bearer *maqāṣid al-sharī'ah* has a branch of science *independent* define *maqāṣid al-sharī'ah* (مقاصد الشريعة) as follows: "The meanings and wisdoms that the syari' pay attention to and maintain in every form of determining his law, this does not only apply to certain types of law so that all the characteristics, general purposes and meanings of the shari'ah contained in it are included within it. Law and also includes legal meanings that are not considered as a whole but are guarded in many forms of law" (Aziz, 2014).

Wahbah al-Zuhaili, in his book set the conditions *maqāṣid al-sharī'ah*. According to him that something new can be said *maqāṣid al-sharī'ah* when meeting the following four conditions, namely: (Musolli, 2018)

- e. It must be permanent, meaning that the intended meanings must be certain or strongly suspected to be close to certainty.
- f. It should be clear, so fuqaha will not differ in the determination of the meaning. For example, maintaining off spring which is the goal of legalizing marriage.
- g. Must be measurable, meaning that the meaning must have a clear measurement or limitation that is beyond doubt. Like taking care of reason which is the purpose of prohibition *khamr* and the size set is intoxicating.
- h. Generally accepted, meaning that the meaning will not differ due to differences in time and place. Such as the nature of Islam and the ability to provide a living as a requirement *kafa'ah* in marriage according to the Maliki Mazhab of thought.

The halalness of a product is an obligation in science maqoshid sharia, moreover these products enter the body (consumed) or used by a Muslim. The command to consume halal food in the Qur'an is the basis for every Muslim to pay attention and choose to consume only halal food. As the word of Allah SWT; "O people, eat what is halal and good from what is found on earth. Do not follow the steps of the devil because the devil is your real enemy" (QS. al-Baqarah [2]: 168) (Aziz, 2017). The verse provides clear instructions for choosing food with halal criteria and *ṭayyib* (good).

So this is a clear order to choose food with halal criteria and *ṭayyib* (good). The halalness of a food can be seen from at least four aspects, namely: *First*, halal in the way of obtaining it, that is obtained from sustenance that is lawful and justified in Islam. *Second*, Halal substances/basic ingredients. Everything in nature is lawful for consumption except for several types of animals and plants that are forbidden in the Qur'an, namely: carrion, blood, pork, slaughtered in the name of other than Allah, and animals that are strangled, beaten, fallen, those who are gored, who are torn to pieces by wild animals except those that have been slaughtered. The types of vegetables that are forbidden are: *khamr*. *Third*, halal in processing. In the processing process do not mix with objects or animals that are forbidden. Raw materials, additives and auxiliary materials must be halal which are processed hygienically and comply with good food manufacturing procedures, facilities and infrastructure and production processes must be guaranteed to be halal in a way shar'i. *Fourth*, halal packaging process. Food must be packed with halal and hygienic materials. The storage process must follow the standard shar'i. *Ṭayyib* criteria includes; quality and quality food, not stale, not expired, not spoiled, not toxic, safe and not contaminated with harmful bacteria/viruses and not fake. Food contains nutrients and nutrients that are useful for the body (Karim, 2013).

The enactment of Law Number 33 of 2014 concerning Guarantees for Halal Products (abbreviated as UUJPH) actually emphasizes how urgent the issue of halal-haram is in the production chain from business operators to consumers and consumed by consumers, where there is also the role of intermediaries such as distributors, sub-distributors, wholesalers, and retailers before reaching the final consumer (Safira et al, 2019). The definition of halal products is regulated in Article 1 point (2) UUJPH, namely: "Halal products are products that have been declared halal according to Islamic law". Referring to this understanding, food, non-food and services are

**Commented [WU21]:** Theoretical narratives like this should be discarded in the data analysis section. You should explain in more depth the data and facts regarding public legal awareness of the certification program so that the implementation of *maqoshidu syariah* in your research is truly based on facts, not based on mere assumptions or opinions.

basic needs for humans. Its existence is very crucial in everyday life. For Muslim consumers, halal is non-negotiable, except in emergencies (Safira et al, 2019).

Strengthening the implementation of this UUJPH, the Government issued Government Regulation Number 31 of 2019 concerning Guarantees for Halal Products which was ratified by the President of the Republic of Indonesia, Mr. Joko Widodo on May 17, 2019, and the PP came into force on October 17, 2019 (Safira et al, 2019). So that since its inception PP No. 31 of 2019, halal product certification is not only permissible (mogen) but has become an obligation. This means that building public awareness, especially producers and the millennial generation, about the importance of halal certification is urgent and very urgent (Safira et al, 2019). This was further strengthened by the ratification of Government Regulation Number 39 of 2021 concerning Implementation of the Field of Halal Product Assurance.

This regulation mandates that both the Central and Regional Governments through the Halal Product Assurance Organizing Agency (abbreviated as BPJPH) cooperate with Halal Product Assurance Agencies in both State and Private Universities to immediately complete the implementation of halal product guarantees as an effort to build legal awareness for both organizers and business operators. Both large, medium and small and micro (abbreviated UMKM) which is an obligation to answer the success or failure of the 2019-2024 Indonesian Islamic Economics master plan.

Responding to this challenge, in 2023, the BPJPH East Java Provincial Government in coordination with the Regency BPJPH will launch 1,000,000 halal product certifications for UMKM business operators. But the fact is that as of June 2023 there are still 10,000 UMKM business operators who have halal certificates for their food products (Results of an interview with the Head of the Trade and Micro Business Office, Mr. Addin Andhanawarih, on 25 May 2023). This shows that there are things that are hindering the process of obtaining the acceleration of halal certification for food products in Indonesia. Based on the results of an interview with Ms. Novi from the Halal Assistant of IAIN Ponorogo (Results of an interview with Ms. Novi. Halal Assistant from LPJPH IAIN Ponorogo on May 26 2023) and Ms. Indah from INDAKOP Ponorogo Regency (Results of an interview with Ms. Indah Halal Assistance Staff from the INDAGKOP Service of Ponorogo Regency on May 26 2023) and based on a survey obtained by the researcher, these obstacles include:

- e. Lack of understanding of business operators to certify their food products;
- f. Lack of socialization about various government halal programs such as SEHATI and *Self Declare Halal*;
- g. Halal procedures are difficult for UMKM business operators, because they must have their business NIB (Business Permit Number), which on average UMKM business operators do not yet have NIB, and this is what hinders the process of accelerating their business' food products to obtain halal certificates and labels.
- h. There is still low legal awareness of the society itself to consume halal food products.

From the research data when examined from the *maqāṣid al-sharī'ah* theory then above it has been explained that consuming halal food is a must (*dhurari*). Because consuming halal products, then the five objectives of the elements *dhurari*, like taking care of religion (*hifz al-dīn*), soul (*hifz al-nafs*), intellect (*hifz al-'aql*), descendants (*hifz al-nasl*) and property (*hifz al-māl*), will come true.

This has also been emphasized in the objectives of Law Number 33 of 2014 and Government Regulation Number 39 of 2021, that the implementation of halal product guarantees aims, among other things: a). provide convenience, security, safety, and assurance of the availability of Halal Products for the public in consuming and using the Products; and b). increase added value for business operators to produce and sell halal products. So that from these two objectives when examined based on the *maqāṣid al-sharī'ah* concept (Aziz, 2017).

*First*, that the implementation of this halal product guarantee aims to provide comfort,

security, safety, and certainty of the availability of Halal Products for the public in consuming and using the Products. The comfort of the society (producers/customers) is prioritized, because with comfort someone will be satisfied in consuming a particular product, especially the product is halal. Besides convenience, is security. As for what is meant by the term security is in terms of guaranteed and safe products consumed by the public from non-halal matters. This is important for people who are Muslim, and is also protected by laws in force in Indonesia. Apart from these two things, there are aspects of safety and the certainty of the availability of halal products in Indonesia. The certainty of the availability of halal products in Indonesia, for the Muslim society, is an absolute thing that must exist in everyday life.

Second, the purpose of implementing halal product guarantees is to increase added value for business operators to produce and sell halal products. This is a pragmatic goal in the world of business and enterprise, but it is also part of the broadcast of good Islamic teachings, so that if it can be carried out within the framework of modern business systems and mechanisms, the added value will certainly increase for those who do it. Any business actor, regardless of religion, when they want to sell their products in a country where the majority are Muslim, must pay attention to the halal aspect of the product they are going to sell. Products whose halal status is unclear, of course, will be shunned by customers or consumers whose postscript is Muslim. In other words, the aspect of the suitability of a product to be sold in a country with a majority Muslim population, is to pay attention to the Islamic aspects of the type of product.

So the findings of the research results when examined from the theory of *maqāsid al-sharī'ah*, it can be seen that the legal awareness of the society (business operators and consumers in East Java) found that knowledge of the command to eat halal food is obligatory *'ain (fardlu 'ain)* because it involves the safety of religion, safety of the soul, safety of mind, safety of offspring, and property safety. Halal anything that is used or utilized or that enters the body is included in the level of *maqāsid dharuriyat*. However, when viewed from the practice of its implementation, both business operators and the East Java society, especially those who are Muslim, have not understood and implemented it properly with the awareness to produce halal products and use products that have been certified halal.

### **Government Strategies in East Java in Increasing Legal Awareness of UMKM Business operators and Society in Managing and Using Certified and Halal Labeled Products**

The Governor of East Java conveyed his plan for the construction of an industrial area the first halal in Indonesia dedicated to UMKM located at *safe and lock* of Sidoarjo. Meanwhile, halal tourism centers are being developed in Malang and Mojokerto. "For example we will build halal industrial area, of course our hope will be able to reverse from the world's largest importer of halal products becomes the world's largest exporter of halal products" (Dinas Kominfo Provinsi Jawa Timur, 2021). East Java Province is targeting 1.5 million products Local UMKM will be able to become halal-certified in 2022, as an effort to boost the economy locally through product certification (Nashrullah, 2022).

Department of Industry and Trade of the Province. East Java during the period from 2017 to 2019 provided halal facilitation to 385 East Java Small and Medium Industries (IKM) and from 2020 to 2021 has provided halal facilitation to 678 (East Java Prov Industry and Trade Office, 2020) (Disperindag Prov Jatim, 2020). BPJPH has issued halal certificates since October 17 2019 a total of 184 certificates for East Java. In 2020, there will be 428 business units for UMKM, and in 2021 there will be 650 business units (Disperindag Prov Jatim, 2020).

UIN Malang has a strategy in which food and beverage selling areas around UIN Malang are required to be halal certified, so the UIN Malang halal institution provides education to all sellers, mentoring, processing and publishing halal business and UKM products which has been carried out from 2018 to the present, which has More than 100 UKM businesses around the UIN Malang campus have been certified halal from the UIN Malang halal institution (Structured

**Commented [WU22]:** You should not only explain the Government Strategy that will be implemented, but you must also explain what strategies have been implemented to Increase Legal Awareness in Managing and Using Halal Certified Products. You must also explain the obstacles that arise, as well as the strategies that have been implemented by the government in dealing with these obstacles.

interview with Ms. Indah as administrator of LPH UIN Malang). Unlike in Ponorogo, the strategy adopted by the Ponorogo Regency Ministry of Religion by issuing the 2020 "Healthy Program" BPJPH and Indakop Ponorogo Regency provides free halal product management facilities for 2500 UMKM in Ponorogo (Structured interview with the Head of IKM Ponorogo Regency). Madiun Regency from the Chairperson of the IKM Forum, has a strategy by facilitating approximately 700 halal certificates this year (Structured interview with the Chairperson of IKM Ponorogo Regency). Meanwhile, the Provincial BPJPH has a target of 25,000 free halal product certification for UMKM in East Java this year (Evi, 2022).

The strategy launched by the province, city and district can be successful and realized with outreach, seminars, assistance for UMKM in East Java. As in Ponorogo, from the beginning there was a halal certification program in Ponorogo in 2019, through the UMKM exhibition every year, Indakop Ponorogo has held regular education and mentoring for halal certification 5 times a year (Structured interview with Ms. Astin Ponorogo District Indakop Staff).

As for the people of East Java, by holding exhibitions of UMKM products labeled halal and promoting them *halal style* starting from the government who loves local products. Then Indonesian halal products can be famous and worldwide if we ourselves also use and love these products.

## Conclusion

Based on the theory of legal effectiveness both in terms of knowledge and understanding as well legal compliance and legal culture towards the legal awareness of large business operators, UMKM in East Java, when examined from the aspect of legal substance, namely the absence of sanctions makes the perpetrators Businesses are reluctant to take care of halal certification. Meanwhile, from the aspect of the legal apparatus, namely BPJPH, and the government is also lacking in the socialization aspect, the firmness aspect of law enforcement, the aspect responsibility and performance aspects. Infrastructure, from several business operators in several cities who became the sample, especially for UMKM, it is difficult to obtain halal certification because hampered NIB. Assess from the legal culture of the society, both business operators and the society consider eating halal products is important, but have not implemented it properly good.

From the theory of *maqāṣid al-sharī'ah*, it can be seen from the results of research both in terms of business operators and In terms of the people of East Java, especially those who are Muslim, they do not understand and carry it out with good awareness to produce halal and halal products Use products that have been certified halal.

The strategy as a solution from the East Java government through BPJPH is by acceleration of halal certification through the development of a halal product information system (SIP Halall) with the aim that the public and UMKM entrepreneurs can access and comply East Java products that are halal certified and make doing business easy access how to obtain halal product certification, with the assistance of all related parties.

kkk

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**Commented [WU23]:** The discussion and analysis sub-chapters are divided into three according to the research questions. *firstly* the level of legal awareness of business operators and the public in East Java regarding halal product certification in terms of legal effectiveness. *Second*, concept review *maqāṣid al-sharī'ah* towards the awareness of business operators and the people of East Java towards food products that are certified and labeled halal. The *three* strategies of the government in East Java are in increasing legal awareness of business operators and the public to manage and use products that are already certified and labeled as halal.

**Commented [WU24]:** Conclusions are made in one paragraph, and must answer the research questions you have created.

**Commented [WU25]:** Add the Acknowledgement and Conflict of Interest

**Commented [WU26]:** Add references from Scopus indexed scientific journals (minimum 80%)

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## Catatan Reviewer B

### REVIEW FORM

Article Title : **Legal Awareness of East Java Business Operators and Society About Halal Products Certification**

Journal Code :

No	Assessment Criteria	Score*				
		1	2	3	4	5
1	The authenticity of the contents of the article (never been published in other journals)			√		
2	The novelty of the content of the article			√		
3	The suitability of the title with the contents of the journal			√		
4	Methodological description (informative, up-to-date and clear)				√	
5	Presentation of figures and tables		√			
6	Completeness of data			√		
7	Quality of discussion			√		
8	The suitability of the background, results, and discussion with conclusions				√	
9	Complete bibliography	√				
10	Use of language (grammar, readability, use of terms, EYD, etc.)	√				
Total score						

\*To provide an assessment used an interval from 1 to 5

Information:

5. Very Good   4. Good   3. Fair   2. Less   1. Very Poor

#### Notes

Lihat komentar pada naskah

Reviewer recommendations: (please circle based on the results of the assessment)

e. Accepted Submission

f. Revisions Required

g. Resubmit for Review

h. Decline Submission

## Legal Awareness of East Java Business Operators and Society About Halal Products Certification

**Abstract:** Realizing halal products in the food and beverage industry sector in East Java requires good coordination between the government and business operators, and the society. The need for halal and healthy products is not only for Muslim communities but also for non-Muslim communities because halal products certainly guarantee cleanliness and safety of their products. Consuming halal products is automatically guarded complete of religion, soul, Intellect, Heredity, and Property. Improving an excellent legal culture includes guidance and supervision from the government and legal awareness to increase efforts to maintain the five elements of the maqashid. This research method uses field research with interviews and disseminating questionnaires in several regions in East Java. The results showed that judging from the theory of legal effectiveness, legal awareness of business actors and the people of East Java is still relatively low on the importance of marketing and using certified and labeled halal products. Reviewed the theory of sharia maqashid, the understanding of business operators and the public about the obligation to use halal products has not all been understood. The strategy of government agencies, Provincial BPJPH, and District Religious Affairs, campus halal institutions is to facilitate the management of halal certification, free halal certification, socialization, seminars, and mentoring. The solution is a synergy from various parties, simplifying halal certification procedures, increasing sharia-based capital, and socialization of halal lifestyle to the society.

**Keyword:** Certification, halal product, *maqāṣid al-sharī'ah*, businessmen, public

### Introduction

Muslim communities around the world view halal as an order of obedience to Islam (Mahardiyanto et al, 2022). Consuming halal food is an obligation to fulfill the command of Allah SWT, where it's written in al-Qur'an surat al-Maidah verse 88 which means "Eat food that is halal and good" (Nur, 2021). Aspect *religiosity* become an important factor in determining product decisions (Mahardiyanto et al, 2022). This is different from the view of non-Muslim communities globally that they see the halal lifestyle is not always a symbol of *religiosity* but as a guarantee for the quality of a product, safe, guaranteed service and a choice for the product itself (Rezai et al, 2010). However, in the era of globalization, determining the halal status of a food product isn't as easy as when technology was not yet developed (Apriyantono, 2003). Thus, it's necessary to have a guarantee and certainty of the halal food products consumed by Muslims. The halal guarantee of a food product can be realized in the form of a halal certificate that accompanies a food product so that producers can include the halal logo on the packaging (Arifin, 2011).

One more step, Indonesia will be a country with export and import trade data halal products that are integrated with the goods traffic reporting system. Codification system Halal products initiated by the National Sharia Economic and Finance Committee (KNEKS). It's being developed together with the Director General of Customs and Excise, Institution *National Single Window (LNSW)* and the Halal Product Assurance Organizing Agency (BPJPH). Initiatives already started been processed since the end of 2020 and is the answer to the vision proclaimed by the Deputy President K.H. Ma'ruf Amin who wants to make Indonesia the Center for World Halal Producers and leader of the global sharia economy (Aliasar, 2021). Strengthening the halal chain continues to be intensified as an acceleration of Indonesia's vision to become *Global Islamic Economy* (Safira et al, 2019).

As an effort to realize the vision of Indonesia to be *Global Islamic Economy*, then Indonesia began to develop a national halal ecosystem which includes halal food products, halal services and halal tourism. The enactment of Law Number 33 of 2014 concerning Guarantees for Halal Products (UUJPH) emphasizes how urgent the issue of halal and haram is in the production chain from business operators to the hands of consumers and consumed by consumers (May Lim, 2017). This law mandates the establishment of the Halal Product Assurance Management Agency

**Commented [J27]:** Komponen abstrak belum terpenuhi dengan baik  
Pada abstrak harus mencakup latar belakang, tujuan penelitian, metode secara singkat, temuan, dan kesimpulan.

**Commented [J28]:** Latar belakang terlalu panjang, paling tidak hanya 1-2 kalimat

**Commented [J29]:** Metode belum detail.

**Commented [J30]:** Temuan harus menjelaskan pertanyaan penelitian

(abbreviated as BPJPH) which was legally formed in 2019. This institution is tasked with managing and developing the national halal ecosystem, under the Ministry of Religion this institution continues to innovate with various existing parties under its coordination such as LPPOM MUI, Government, private sector and Universities (Mahardiyanto et al, 2022). The definition of halal products is regulated in Article 1 point (2) UUJPH, namely: "Halal products are products that have been declared halal in accordance with Islamic law". For Muslim consumers, consuming and using halal and guaranteed products is non-negotiable, except in emergencies (Sulaeman, 2017).

East Java has a variety of regional culinary specialties spread across all regencies, such as Jember proll tape, Banyuwangi clogs, Madiun pecel sauce, Gresik pudak cake, Lamongan Soto, Ponorogo Chicken Sate, Madura Soto, Malang apple cider vinegar and many more. This is an opportunity to increase tourism and culture in East Java. Head of the East Java Province Industry and Trade Office, Drajat Irawan said that East Java has brilliant potential as a center for the halal industry or an integrated halal industry center based on superior commodities/products/services. East Java has a fairly large Micro, Small and Medium Enterprises (UMKM), with a percentage of 60% being the food and beverage industry (Disperindag Prov Jatim, 2020).

Data for 2020 to 2021 for food and beverage producers has increased dramatically to 80%, even in the midst of the Covid-19 pandemic. From the overall data, 40% of UMKM have halal certification and are dominated by the food and beverage sector. Based on MUI data, East Java industries that have received Halal certificates from MUI (before issuance by BPJPH) totaled 2039 certificates and those issued by BPJPH totaled 184. Meanwhile, the Department of Industry and Trade East Java Province during the period 2017 to 2019 has provided halal facilitation to 385 East Java Small and Medium Industries (IKM) (Disperindag Prov Jatim, 2020). BPJPH has issued halal certificates since October 17 2019 a total of 184 certificates for East Java. The plan for 2021 is to get a facilitation quota for UMKM of 428 business units for halal product certification (Hakim, 2020).

In 2022 to 2024 the Governor of East Java is targeting 1,5 million UMKM with halal certification (Ibrahim, 2022). In 2022 to 2024 the Governor of East Java is targeting 1,5 million UMKM with halal certification (Ibrahim, 2022). This is a serious concern for the regency and municipal governments in East Java to support the aspirations of the Governor of East Java. But the facts on the ground, from several areas that were used as research objects, such as Ponorogo which targeted 3,500 UMKM, only 250 had halal certificates. Malang City has a target of 30,000 UMKM, only 378 of which are halal certified. The city of Madiun is targeting 4,000 UMKM, 200 of which are halal certified. Then Jember, of the target of 5,000 UMKM, only 393 are halal certified (Data obtained from distributing questionnaires to the heads of IKM forums in Ponorogo, Malang, Madiun, Jember and Lumajang on 20 July 2022).

Based on the background above, the problem can be formulated as follows, *firstly* the level of legal awareness of business operators and the public in East Java regarding halal product certification in terms of legal effectiveness. *Second*, concept review *maqāṣid al-sharī'ah* towards the awareness of business operators and the people of East Java towards food products that are certified and labeled halal. The *three* strategies of the government in East Java are in increasing legal awareness of business operators and the public to manage and use products that are already certified and labeled as halal.

## Literature Review

Halal is a term used to mean something is legal, permissible and in accordance with Islamic law. If this is related to pharmaceutical, food and beverage products, it can be said that these products are permissible for consumption by a Muslim (Sayekti, 2014). Every Muslim is

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1. Fakta sosial (fenomena)
2. Fakta literatur (Pemetaan penelitian terdahulu, yang menjadi gap research)
3. Tujuan penelitian
4. urgensi penelitian

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**Commented [J34]:** Lietarur review pada bagian ini adalah teoritical framework,, penulis harus menurunkan teori2/konsep yang digunakan dalam penelitian ini, seperti

1. sertifikasi produk halal,
2. kesadaran hukum,
3. efektifitas hukum,
4. dan maqashid syariah.

Ini perlu dijabarkan dengan baik.

allowed to consume the food, drink and pharmaceutical products he likes as long as the product is not haram. Everything that is forbidden by Allah Swt to be eaten, even if it's only a small amount, is still haram. As it has been expressly stated in the Qur'an that forbidden food and drink are carrion, blood, pork, and the meat of slaughtered animals without mentioning the name of Allah Swt and *khamr* and intoxicating drinks. This provision is then used as a reference for defining halal products in the Halal Product Guarantee Law Number 33 of 2014.

In general, it can be interpreted that halal is a product that meets halal requirements in accordance with Islamic law, namely (Sayekti, 2014):

- k. Nothing pig content or using ingredients derived from pigs;
- l. Doesn't contain prohibited substances such as human organs, blood, dirt, etc.;
- m. Slaughtered in accordance with the provisions of Islamic law (for ingredients originating from halal animals);
- n. Places of sale, processing, storage and distribution are not mixed with unclean animals (swine). If it is known that it has been used for pork or other non-halal goods, it must be purified according to the provisions of Islamic law;
- o. Does not contain *khamr* or other intoxicating drink.

The halalness of a product is a must (*dharuri*) in science maqoshid sharia. As goal of *maqāṣid al-sharī'ah* achieve benefit and reject haram. Because by consuming halal products, then the five objectives of the elements *dharuri*, like taking care of religion (*hifz al-dīn*), soul (*hifz al-nafs*), intellect (*hifz al-'aql*), descendants (*hifz al-nas*) and property (*hifz al-māl*) will come true.

Every product that is declared halal must be accompanied by a certainty or guarantee as evidenced by a halal certificate. The existence of halal legalization will provide convenience, security, safety and certainty of the availability of Halal Products for the public in consuming and using Products while increasing added value for business operators to produce and sell Halal products.

Accelerating the realization of halal certification in Indonesia requires synergy between government agencies, business operators and halal product assistants (PPH). Legal awareness of business operators regarding applicable regulations is urgently needed, for this reason it's necessary to conduct further studies on legal awareness in order to understand the law and it's nature in society. Legal awareness is the value contained in humans (Muttaqin, 2019), regarding existing laws or about laws which include legal knowledge, legal understanding, appreciation/legal attitude, and obedience/patterns of behavior towards the law (Chua, 2019). Legal awareness refers to the way people interpret laws and legal institutions, namely understandings that give meaning to one's experiences and actions (Aprita, 2021). It can also be called as every action and legal practice that someone studied empirically. In other words, legal awareness can be interpreted as legal issues as behavior and not law as rules, norms or principles (Rogers, 2018).

## Method

The method used in this study is a qualitative descriptive method. Where, qualitative descriptive involves the conceptualization process and results in the formation of a classification scheme. A part from describing the characteristics of a phenomenon or problem under study, this study also focuses on the basic question of 'how' by trying to obtain and convey facts clearly, thoroughly, and completely without too many unnecessary details (Silalahi, 2009). This type of research is field research, namely by using observation and interview techniques.

The data used are primary data and secondary data. Primary data sources were obtained from interviews with the East Java Regional Office of Industry and Trade, BPPH, UMKM business operators consisted of 20 large companies, 30 medium companies and 50 micro and small companies in East Java which samples were taken from several cities, namely Surabaya, Pasuruan,

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Ponorogo, Madiun, Malang and Jember which were carried out by direct interviews or through questionnaires via *google form* which was distributed to the UMKM forum in East Java. Then a sample of the people of East Java as well as from these cities, approximately 500 people distributed questionnaires through *google form*. Then analyzed with explorative descriptive of the problems studied. Meanwhile, secondary data comes from publications, namely books, journals, newspapers, websites, and policy documents related to the issues discussed. Data analysis uses an inductive approach, namely with apply an approach or reasoning with a step of thinking that moves from observation specific to broader generalizations and theories, so that it is an informal approach in research this is known as approximation *bottom up*, that is, from bottom to top (Hardani et al, 2020).

## Results and Discussion

### Overview of Legal Awareness of East Java Business operators and Society Regarding Halal Certification

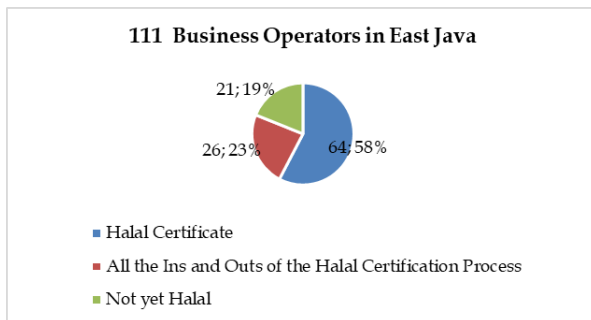
Researchers conducted interviews and observations of business operators and society in East Java. Against business operators in East Java, 111 business operators were obtained spread across several cities in East Java, namely Jember obtained 15 business operators studied, Malang and Batu obtained 23 business operators, Surabaya 35 business operators, Sidoarjo as many as 10 business operators, Pasuruan as many as 13 business operators, Madura as many as 5 business operators, Ponorogo as many as 17 business operators and Madiun as many as 11 business operators. The criteria for the business operators studied included 35 large business operators, 37 medium business operators and 39 small and micro business operators. The research technique used direct interviews and observation of 90 business operators and 21 business operators was carried out through questionnaires with applications *google form*. Of the 111 business operators in East Java studied, the types of business products include:

- i. Producers and distributors of packaged food and beverages, 28 large business operators, 74 medium, small and micro business operators.
- j. Manufacturers and distributors of medicinal products 4 large business operators.
- k. Manufacturer and distributor of cosmetic products 2 large business operators.
- l. There are 3 middle entrepreneurs for regional batik cloth products, namely in Ponorogo, owners of Lesung batik, Malang, owners of Garuda Kencana premium batik, and Jember, Rumah Batik Rolla.

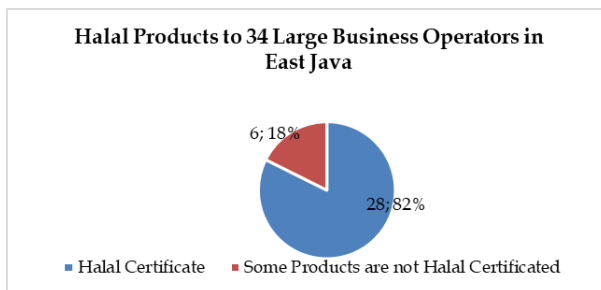
Regarding public legal awareness of halal products in East Java, data were obtained from 450 respondents in East Java who filled out a questionnaire through the application *google form* distributed via grub-grub chat WhatsApp. Respondents came from Jember, Surabaya, Malang, Pasuruan, Madiun and Ponorogo. The 450 respondents consisted of 171 housewives, 180 students (high school students and college students), and 99 others (Teachers, Lecturers, ASN, Private Employees). The level of education of 450 respondents includes junior high school graduates, high school graduates, bachelor graduates, master graduates and doctor graduates.

#### 5. Processing of Legal Awareness Data from 111 Business operators in East Java in the Halal Certification and Labeling of Their Products.

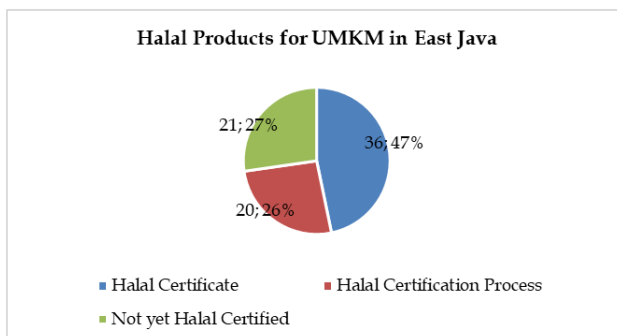
Based on the results of data processing from 111 business operators in East Java who were respondents in this study, it was found:



Of the 34 large business operators, there are 28 business operators who already have halal certificates and labels. While the 6th includes medicines and cosmetics, not all of the products they market have halal certification.



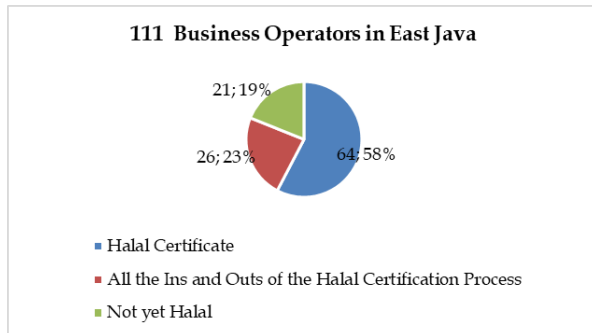
Whereas for UMKM there are 77 business operators, of which 36 UMKM actors already have halal certification, 20 UMKM actors admit that they are still in the process of halal certification and 21 business operators have not yet taken care of halal certification.



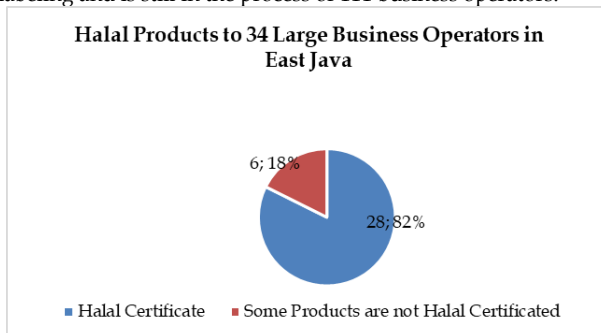
So from all respondents, namely 111 business operators in East Java, it can be seen from the data that 58% or as many as 64 business operators are halal certified. While those who are in the process and who have not taken care of halal certification at all are 42% or as many as 47 business operators.

Other data related to halal certification and or labels include:

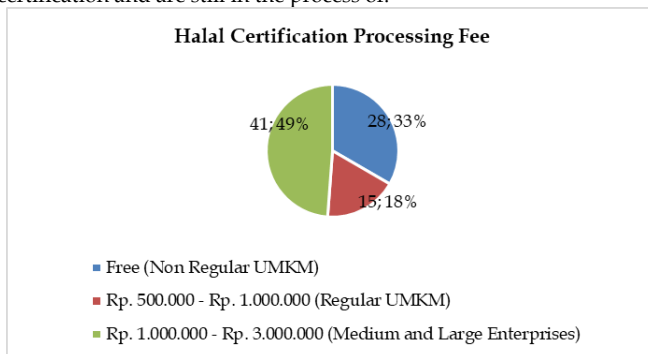
g. Reasons from 84 business operators (64 already and 20 in process) are based on:



h. The process of obtaining halal certification from 84 business operators who already have halal labeling and is still in the process of 111 business operators:

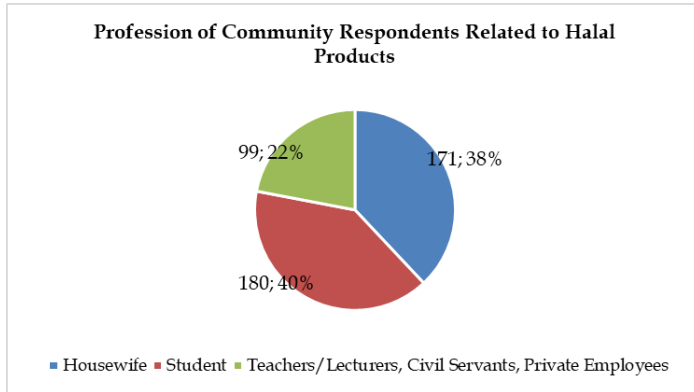


i. The cost of obtaining halal product certification from 84 business operators who already have certification and are still in the process of:

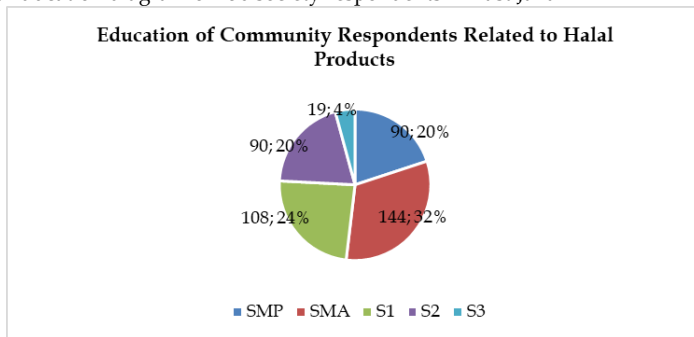


**6. Processing of Legal Awareness Data from 450 Society Respondents in East Java in Product Halal Certification and Labeling**

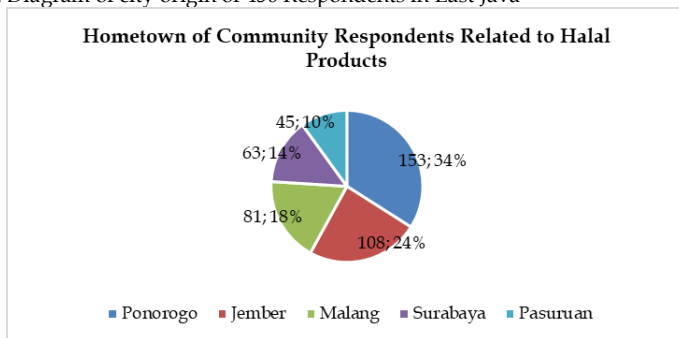
o. Professional diagram of 450 society respondents in East Java



p. Education diagram of 450 society respondents in East Java

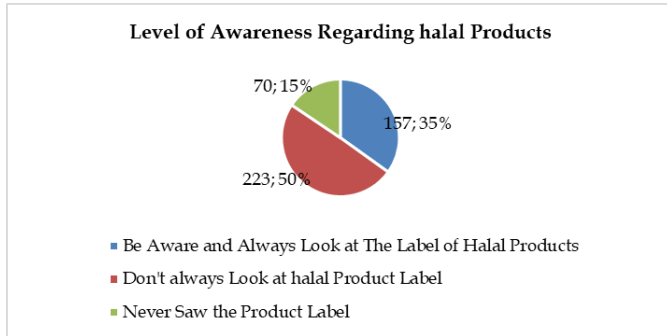


q. Diagram of city origin of 450 Respondents in East Java

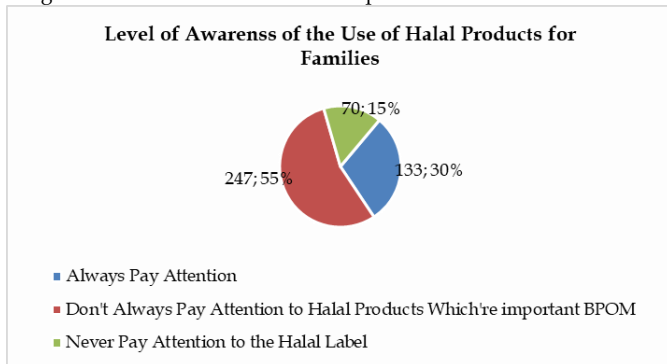


r. Diagram of the level of awareness in the use of halal products 450 respondents

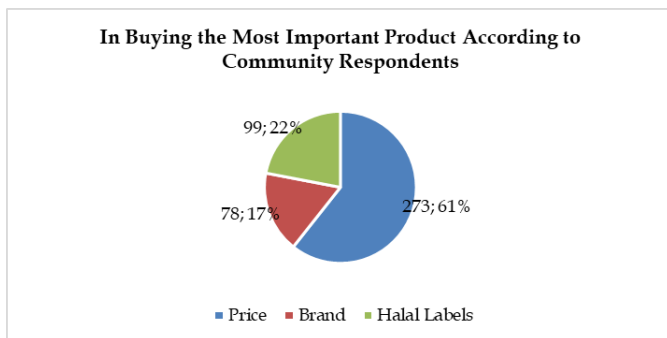




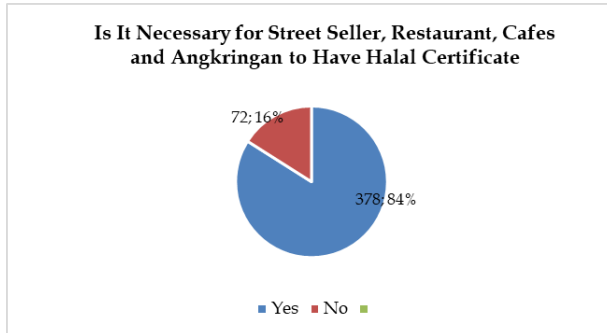
s. Diagram related to education of halal products for families



t. In buying a product, 450 people always pay attention to the product halal label, including:



u. Opinions of 450 people regarding the requirement for street vendors, restaurant owners, food stalls, cafes and angkringan to have halal certification



### Level of Legal Awareness of East Java Business operators and Society Regarding Halal Product Certification in terms of Legal Effectiveness

Legal awareness is more of a formulation from legal circles regarding the assessment of a matter, which has been carried out through scientific interpretations (Sepnelfia, 2017). Indicators of legal awareness are concretization of the system of values prevailing in society. A condition that is aspired to is the compatibility between the law and the value system. The consequence is that changes to the value system must be followed by changes in the law or on the other hand the law must be used as a means to make changes to the value system (Zuhraeni, 2017).

So the indicators to achieve legal awareness, according to Soerjono Soekanto (Soekanto, 1982) include:

11. Legal knowledge  
If a law has been promulgated and published, then legally the law and regulation shall apply. And it is assumed that people know.
12. Legal understanding  
Through legal understanding, the public is expected to understand the purpose of laws and regulations and their benefits.
13. Observance of the law  
A citizen obeys the law for various reasons. For example, a) Fear of negative sanctions b) maintain good relations with the authorities c) maintain good relations with fellow colleagues d) Because the law is in accordance with the values espoused, so that their interests are guaranteed (Puspandari et al., 2021, pp. 11-12).
14. Expectations of the law  
A legal norm will be respected by members of the public if he already knows, understands and obeys it (Zainuddin, 2013).
15. Increased legal awareness  
Increasing legal awareness should be carried out through regular legal information and counseling on the basis of solid planning (Hutabarat, 2022).

Based on 111 respondents from business operators in East Java including large, medium, small and micro business operators, it was found that 64 business operators were certified and/or had product halal labels. Meanwhile, there were 47 business operators who were in the process and who had not taken care of certification and/or product halal labels at all. This can be seen in the following table:

**Table 1. Recap of Business Actors Related to Halal Products**

No.	Business operators	Percentage
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1.	Already have product halal certification	58%
2.	In Progress	23%
3.	Not Taking care	19%

For Muslim consumers, consuming halal food is an absolute religious order (Al-Fanjari, 1996). Consuming halal products guarantees that the product is safe, good and of guaranteed quality. Halal products can also provide benefits and have health guarantees, so they can also be used by non-Muslim consumers as well. Based on the results of the study with a total of 450 respondents (38% were housewives, 40% were students and 22% were lecturers, civil servants, entrepreneurs and teachers), it shows that the level of legal awareness among Indonesians about using halal products is still minimal (Resources were obtained by distributing questionnaires via the Google form, which were distributed between 22 - 30 August 2022). This can be seen in the table below:

*Table 2. Response to Indonesian Halal Products*

No.	Percentage	Description
1.	50%	Important
2.	35%	Doesn't Matter
3.	15%	Don't Know

*Table 3. Responses to Halal labeling in products*

No.	Percentage	Description
1.	55%	Always Watching
2.	30%	Not Always
3.	15%	No Attention

*Table 4. Responses to the Importance of Halal Certification for Restaurants, Angkringan and Street Vendors*

No.	Percentage	Description
1.	84 %	Very Necessary
2.	16 %	Not Necessary

So the legal awareness of business operators and the society in East Java when viewed from the theory of legal effectiveness based on the sample data obtained, can be analyzed and concluded that:

5. Legal Awareness Judging from the Elements of Knowledge and Understanding of the Law
  - a. From the perspective of business operators

Most business operators in East Java, 58% already have legal awareness regarding halal certification and or labeling. The reason is because the product will be more easily marketed, besides that the obligation to take care of halal certification has been regulated in the law. This shows that 58% of business operators in East Java and 23% who are still in the process of halal certification already know and understand the law regarding the halal obligations of the products they produce, distribute or sell.

- b. In terms of society

55% or 247 society respondents out of 450 respondents stated that halal products are important and always pay attention to the halalness of every product they buy, so they already know and understand the law regarding consumer rights in consuming certain products that must be labeled or certified halal. Meanwhile, 133 respondents or 30% did not always pay attention to the products they purchased were halal or not, indicating that

they knew about halal products, but their understanding was not yet. Those who have never paid any attention to it, 20% or 70 of the respondents, means that their level of awareness regarding knowledge and understanding of law does not really know and understand.

#### 6. Legal Awareness Seen from Compliance and Legal Culture Elements

##### e. Viewed from the perspective of business operators

Of the 111 business operators, 64 or 58% of business operators in East Java already have halal certification and halal product labels, as well as 23% or 26 business operators who are still in the process of halal certification. Meanwhile, 19% or 21 business operators in East Java who were sampled had not complied with and implemented a good legal culture towards regulations.

##### f. Viewed from the Society Perspective

Based on 450 society respondents in East Java, that 247 society respondents have obeyed the law and have a good legal culture in the use of halal products, where every time they buy or use a product they always look at the halal label first. While those who doubted, namely as many as 133 people did not comply with the importance of halal product regulations because sometimes they paid attention to it and sometimes they did not, and 70 respondents did not comply at all.

The findings from the research results are reviewed from the theory of legal effectiveness on legal awareness of large business operators, & UMKM, when examined from the aspect of legal substance, it is mandatory to have halal product certification in regulations regarding halal products, so there are no sanctions against business operators who do not have halal product certification, impact business operators are reluctant to take care of it. Meanwhile, from the aspect of the legal apparatus, namely BPJPH, and the Government, it is also lacking in the aspect of socialization, the aspect of strict law enforcement, the aspect of responsibility and the aspect of performance. When viewed from the infrastructure, from several business operators in several cities that were sampled, especially for UMKM it was difficult to obtain halal certification because they were hampered by NIB, while for large business operators, such as pharmaceuticals, namely from ingredients, there were also from capsules, and product packaging. Assess from the legal culture of the society, both business operators and the society consider consuming halal products to be important, but whether the product is certified or labeled as halal, business operators and the public pay little attention.

### The Level of Legal Awareness of Business operators and Society in East Java Regarding Halal Product Certification From a *Maqāṣid al-sharī'ah* Concept

*Maqāṣid al-sharī'ah* etymologically, *maqāṣid al-sharī'a* is a combination of two words, *maqāṣid* (مقاصد) and *syarī'ah* (الشريعة) (Rusman, 2016). Furthermore, *maqāṣid* the plural form of the word *maqṣad* (مقصد) (Al-Muqri, 1987), *qaṣd qashd* (قصد), *maqṣid* (مقصد), or *quṣud* (قصود) which is a derivation of the verb *qaṣada yaqṣidu* (يقصد - قصد) which has various meanings such as going in a direction, goal, middle ground, fair and not overstepping (Al-Muqri, 1987), straight path, middle ground between excess and deficiency (Abadi, 1987; Mandzur, 1882), those meanings can be found in the use of words *qaṣada* (قصد) and its derivation in the Qur'an. Meanwhile *al-syarī'ah* (الشريعة) Etymologically it means the way to a spring, in fiqh terminology it means the laws prescribed by Allah for His servants, both those stipulated through the Qur'an and the sunnah of the Prophet Muhammad in the form of words, deeds or decrees of the Prophet, in a shorter definition al-Raisuni states that shari'at means a number of '*amaliyyah* laws brought by Islam, both related to *aqīdah* concept already as well as legal legislation (Aziz, 2014).

In terminological meaning *maqāṣid al-sharī'ah* (مقاصد الشريعة) always experiencing development from the simplest meaning to a holistic meaning. While al-Ghazali, al-Amidi, and

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Ibn al-Hajib define it by seeking benefits and rejecting mafsada, the various definitions indicate a close relationship *maqāṣid al-sharī'ah* with wisdom, *'illat*, purpose or intention, and benefit. Ibnu Asyur as a bearer *maqāṣid al-sharī'ah* has a branch of science *independent* define *maqāṣid al-sharī'ah* (مقاصد الشريعة) as follows: "The meanings and wisdoms that the *syari'* pay attention to and maintain in every form of determining his law, this does not only apply to certain types of law so that all the characteristics, general purposes and meanings of the *shari'ah* contained in it are included within it. Law and also includes legal meanings that are not considered as a whole but are guarded in many forms of law" (Aziz, 2014).

Wahbah al-Zuhaili, in his book set the conditions *maqāṣid al-sharī'ah*. According to him that something new can be said *maqāṣid al-sharī'ah* when meeting the following four conditions, namely: (Musolli, 2018)

- i. It must be permanent, meaning that the intended meanings must be certain or strongly suspected to be close to certainty.
- j. It should be clear, so *fuqaha* will not differ in the determination of the meaning. For example, maintaining off spring which is the goal of legalizing marriage.
- k. Must be measurable, meaning that the meaning must have a clear measurement or limitation that is beyond doubt. Like taking care of reason which is the purpose of prohibition *khamr* and the size set is intoxicating.
- l. Generally accepted, meaning that the meaning will not differ due to differences in time and place. Such as the nature of Islam and the ability to provide a living as a requirement *kafa'ah* in marriage according to the Maliki Mazhab of thought.

The halalness of a product is an obligation in science maqoshid sharia, moreover these products enter the body (consumed) or used by a Muslim. The command to consume halal food in the Qur'an is the basis for every Muslim to pay attention and choose to consume only halal food. As the word of Allah SWT; "O people, eat what is halal and good from what is found on earth. Do not follow the steps of the devil because the devil is your real enemy" (QS. al-Baqarah [2]: 168) (Aziz, 2017). The verse provides clear instructions for choosing food with halal criteria and *ṭayyib* (good).

So this is a clear order to choose food with halal criteria and *ṭayyib* (good). The halalness of a food can be seen from at least four aspects, namely: *First*, halal in the way of obtaining it, that is obtained from sustenance that is lawful and justified in Islam. *Second*, Halal substances/basic ingredients. Everything in nature is lawful for consumption except for several types of animals and plants that are forbidden in the Qur'an, namely: carrion, blood, pork, slaughtered in the name of other than Allah, and animals that are strangled, beaten, fallen, those who are gored, who are torn to pieces by wild animals except those that have been slaughtered. The types of vegetables that are forbidden are: *khamr*. *Third*, halal in processing. In the processing process do not mix with objects or animals that are forbidden. Raw materials, additives and auxiliary materials must be halal which are processed hygienically and comply with good food manufacturing procedures, facilities and infrastructure and production processes must be guaranteed to be halal in a way *shar'i*. *Fourth*, halal packaging process. Food must be packed with halal and hygienic materials. The storage process must follow the standard *shar'i*. *Ṭayyib* criteria includes; quality and quality food, not stale, not expired, not spoiled, not toxic, safe and not contaminated with harmful bacteria/viruses and not fake. Food contains nutrients and nutrients that are useful for the body (Karim, 2013).

The enactment of Law Number 33 of 2014 concerning Guarantees for Halal Products (abbreviated as UUJPH) actually emphasizes how urgent the issue of halal-haram is in the production chain from business operators to consumers and consumed by consumers, where there is also the role of intermediaries such as distributors, sub-distributors, wholesalers, and retailers before reaching the final consumer (Safira et al, 2019). The definition of halal products is regulated in Article 1 point (2) UUJPH, namely: "Halal products are products that have been declared halal according to Islamic law". Referring to this understanding, food, non-food and services are

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basic needs for humans. Its existence is very crucial in everyday life. For Muslim consumers, halal is non-negotiable, except in emergencies (Safira et al, 2019).

Strengthening the implementation of this UUJPH, the Government issued Government Regulation Number 31 of 2019 concerning Guarantees for Halal Products which was ratified by the President of the Republic of Indonesia, Mr. Joko Widodo on May 17, 2019, and the PP came into force on October 17, 2019 (Safira et al, 2019). So that since its inception PP No. 31 of 2019, halal product certification is not only permissible (mogen) but has become an obligation. This means that building public awareness, especially producers and the millennial generation, about the importance of halal certification is urgent and very urgent (Safira et al, 2019). This was further strengthened by the ratification of Government Regulation Number 39 of 2021 concerning Implementation of the Field of Halal Product Assurance.

This regulation mandates that both the Central and Regional Governments through the Halal Product Assurance Organizing Agency (abbreviated as BPJPH) cooperate with Halal Product Assurance Agencies in both State and Private Universities to immediately complete the implementation of halal product guarantees as an effort to build legal awareness for both organizers and business operators. Both large, medium and small and micro (abbreviated UMKM) which is an obligation to answer the success or failure of the 2019-2024 Indonesian Islamic Economics master plan.

Responding to this challenge, in 2023, the BPJPH East Java Provincial Government in coordination with the Regency BPJPH will launch 1,000,000 halal product certifications for UMKM business operators. But the fact is that as of June 2023 there are still 10,000 UMKM business operators who have halal certificates for their food products (Results of an interview with the Head of the Trade and Micro Business Office, Mr. Addin Andhanawarih, on 25 May 2023). This shows that there are things that are hindering the process of obtaining the acceleration of halal certification for food products in Indonesia. Based on the results of an interview with Ms. Novi from the Halal Assistant of IAIN Ponorogo (Results of an interview with Ms. Novi. Halal Assistant from LPJPH IAIN Ponorogo on May 26 2023) and Ms. Indah from INDAKOP Ponorogo Regency (Results of an interview with Ms. Indah Halal Assistance Staff from the INDAGKOP Service of Ponorogo Regency on May 26 2023) and based on a survey obtained by the researcher, these obstacles include:

- i. Lack of understanding of business operators to certify their food products;
- j. Lack of socialization about various government halal programs such as SEHATI and *Self Declare Halal*;
- k. Halal procedures are difficult for UMKM business operators, because they must have their business NIB (Business Permit Number), which on average UMKM business operators do not yet have NIB, and this is what hinders the process of accelerating their business' food products to obtain halal certificates and labels.
- l. There is still low legal awareness of the society itself to consume halal food products.

From the research data when examined from the *maqāṣid al-sharī'ah* theory then above it has been explained that consuming halal food is a must (*dhurari*). Because consuming halal products, then the five objectives of the elements *dhurari*, like taking care of religion (*hifz al-dīn*), soul (*hifz al-nafs*), intellect (*hifz al-'aql*), descendants (*hifz al-nasl*) and property (*hifz al-māl*), will come true.

This has also been emphasized in the objectives of Law Number 33 of 2014 and Government Regulation Number 39 of 2021, that the implementation of halal product guarantees aims, among other things: a). provide convenience, security, safety, and assurance of the availability of Halal Products for the public in consuming and using the Products; and b). increase added value for business operators to produce and sell halal products. So that from these two objectives when examined based on the *maqāṣid al-sharī'ah* concept (Aziz, 2017).

*First*, that the implementation of this halal product guarantee aims to provide comfort,

security, safety, and certainty of the availability of Halal Products for the public in consuming and using the Products. The comfort of the society (producers/customers) is prioritized, because with comfort someone will be satisfied in consuming a particular product, especially the product is halal. Besides convenience, is security. As for what is meant by the term security is in terms of guaranteed and safe products consumed by the public from non-halal matters. This is important for people who are Muslim, and is also protected by laws in force in Indonesia. Apart from these two things, there are aspects of safety and the certainty of the availability of halal products in Indonesia. The certainty of the availability of halal products in Indonesia, for the Muslim society, is an absolute thing that must exist in everyday life.

*Second*, the purpose of implementing halal product guarantees is to increase added value for business operators to produce and sell halal products. This is a pragmatic goal in the world of business and enterprise, but it is also part of the broadcast of good Islamic teachings, so that if it can be carried out within the framework of modern business systems and mechanisms, the added value will certainly increase for those who do it. Any business actor, regardless of religion, when they want to sell their products in a country where the majority are Muslim, must pay attention to the halal aspect of the product they are going to sell. Products whose halal status is unclear, of course, will be shunned by customers or consumers whose postscript is Muslim. In other words, the aspect of the suitability of a product to be sold in a country with a majority Muslim population, is to pay attention to the Islamic aspects of the type of product.

So the findings of the research results when examined from the theory of *maqāsid al-sharī'ah*, it can be seen that the legal awareness of the society (business operators and consumers in East Java) found that knowledge of the command to eat halal food is obligatory '*ain (fardlu 'ain*) because it involves the safety of religion, safety of the soul, safety of mind, safety of offspring, and property safety. Halal anything that is used or utilized or that enters the body is included in the level of *maqāsid dharuriyat*. However, when viewed from the practice of its implementation, both business operators and the East Java society, especially those who are Muslim, have not understood and implemented it properly with the awareness to produce halal products and use products that have been certified halal.

### **Government Strategies in East Java in Increasing Legal Awareness of UMKM Business operators and Society in Managing and Using Certified and Halal Labeled Products**

The Governor of East Java conveyed his plan for the construction of an industrial area the first halal in Indonesia dedicated to UMKM located at *safe and lock* of Sidoarjo. Meanwhile, halal tourism centers are being developed in Malang and Mojokerto. "For example we will build halal industrial area, of course our hope will be able to reverse from the world's largest importer of halal products becomes the world's largest exporter of halal products" (Dinas Kominfo Provinsi Jawa Timur, 2021). East Java Province is targeting 1.5 million products Local UMKM will be able to become halal-certified in 2022, as an effort to boost the economy locally through product certification (Nashrullah, 2022).

Department of Industry and Trade of the Province. East Java during the period from 2017 to 2019 provided halal facilitation to 385 East Java Small and Medium Industries (IKM) and from 2020 to 2021 has provided halal facilitation to 678 (East Java Prov Industry and Trade Office, 2020) (Disperindag Prov Jatim, 2020). BPJPH has issued halal certificates since October 17 2019 a total of 184 certificates for East Java. In 2020, there will be 428 business units for UMKM, and in 2021 there will be 650 business units (Disperindag Prov Jatim, 2020).

UIN Malang has a strategy in which food and beverage selling areas around UIN Malang are required to be halal certified, so the UIN Malang halal institution provides education to all sellers, mentoring, processing and publishing halal business and UKM products which has been carried out from 2018 to the present, which has More than 100 UKM businesses around the UIN Malang campus have been certified halal from the UIN Malang halal institution (Structured

interview with Ms. Indah as administrator of LPH UIN Malang). Unlike in Ponorogo, the strategy adopted by the Ponorogo Regency Ministry of Religion by issuing the 2020 "Healthy Program" BPJPH and Indakop Ponorogo Regency provides free halal product management facilities for 2500 UMKM in Ponorogo (Structured interview with the Head of IKM Ponorogo Regency). Madiun Regency from the Chairperson of the IKM Forum, has a strategy by facilitating approximately 700 halal certificates this year (Structured interview with the Chairperson of IKM Ponorogo Regency). Meanwhile, the Provincial BPJPH has a target of 25,000 free halal product certification for UMKM in East Java this year (Evi, 2022).

The strategy launched by the province, city and district can be successful and realized with outreach, seminars, assistance for UMKM in East Java. As in Ponorogo, from the beginning there was a halal certification program in Ponorogo in 2019, through the UMKM exhibition every year, Indakop Ponorogo has held regular education and mentoring for halal certification 5 times a year (Structured interview with Ms. Astin Ponorogo District Indakop Staff).

As for the people of East Java, by holding exhibitions of UMKM products labeled halal and promoting them *halal style* starting from the government who loves local products. Then Indonesian halal products can be famous and worldwide if we ourselves also use and love these products.

## Conclusion

Based on the theory of legal effectiveness both in terms of knowledge and understanding as well legal compliance and legal culture towards the legal awareness of large business operators, UMKM in East Java, when examined from the aspect of legal substance, namely the absence of sanctions makes the perpetrators Businesses are reluctant to take care of halal certification. Meanwhile, from the aspect of the legal apparatus, namely BPJPH, and the government is also lacking in the socialization aspect, the firmness aspect of law enforcement, the aspect responsibility and performance aspects. Infrastructure, from several business operators in several cities who became the sample, especially for UMKM, it is difficult to obtain halal certification because hampered NIB. Assess from the legal culture of the society, both business operators and the society consider eating halal products is important, but have not implemented it properly good.

From the theory of *maqāṣid al-sharī'ah*, it can be seen from the results of research both in terms of business operators and In terms of the people of East Java, especially those who are Muslim, they do not understand and carry it out with good awareness to produce halal and halal products Use products that have been certified halal.

The strategy as a solution from the East Java government through BPJPH is by acceleration of halal certification through the development of a halal product information system (SIP Halall) with the aim that the public and UMKM entrepreneurs can access and comply East Java products that are halal certified and make doing business easy access how to obtain halal product certification, with the assistance of all related parties.

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**3. Bukti Submit Revisi Pertama dan  
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## Legal Awareness of East Java Business Operators and Society About Halal Products Certification

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**Abstract :** *The number of business operators in East Java increases significantly each year. However, this number has yet to be accompanied by increased legal awareness. Not a few business operators are aware of the halal certification obligations but still need to implement them. This research was conducted in East Java on 111 micro and small business operators and medium-sized enterprises (MSMEs) spread across several cities through direct interviews and distributing a questionnaire to those who have had a business for at least 2 years and 450 respondents with various backgrounds. This research focuses on discussing the awareness of business operators and the community in East Java by paying attention to Soerjono's legal awareness, Soekanto (understanding, knowledge, obedience, and legal attitudes), and maqashid sharia. In terms of knowledge and understanding of the perpetrator's legal awareness, efforts are still lacking because there are no sanctions, and socialization is not yet comprehensive. Meanwhile, in legal culture, there is an opinion that consuming halal food is not necessarily certified. Meanwhile, the government's strategy includes product acceleration through the halal product information (SIP Halal) system that is easily accessible to MSMEs.*

**Keywords :** Certification, halal product, sharia maqhosid, business operators, society

### Introduction

The Muslim population in Indonesia will be 241.7 million people in 2022, or 87% of the total population (Data Indonesia, 2023). Halal product and service expenditures will increase by 14.9% in 2025 to USD 281.6 billion. All at once, this makes Indonesia the largest halal market consumer globally, namely 11.34% of global halal production (Kementerian Perindustrian Republik Indonesia, 2023). In 2024, the Ministry of Religion (Kemenag) will require three types of halal-certified products, namely: 1) food and beverage products; 2) raw materials, food additives, and ingredient auxiliaries for food and beverage products; and 3) slaughter products and services. Previously, in 2023, the Ministry of Religion, through the Guarantee Administering Agency Halal Products (BPJPH), opened registration for Free Halal Certification (SEHATI) 2023 for a 1 million quota for micro and small enterprises (UMK) simultaneously at 1000 points in Indonesia (Kementerian Agama Republik Indonesia, 2023).

Halal certification is no longer a religious issue but is also a business concern and market (Sujibto & M, 2023). Eating halal food is a form of obedience to Islamic traditions (Gojali & Suci

Asih, 2020; Hong et al., 2019). Global demand for halal products continues to increase, not only among Muslims. The halal industry is better known for the ethical aspects of health, safety, and friendliness towards the environment (Sujibto & M, 2023). Halal sensitivity is a concern customers have towards consumed products. Halal certification guarantees halal status; products and services without this label are still questionable, and legal certainty is sensitive (Gojali & Suci Asih, 2020).

Research conducted by Zainudin (Puteh et al., 2023) with the title "Analysis Literature on Legal Awareness of Business operators regarding Obligations for Halal Certified Products" revealed that the legal awareness of business operators regarding certification obligations products is still deficient, one of which is due to the lack of socialization of regulations guaranteeing that the product is halal. Meanwhile, research conducted by Rahayu (Ratih Rahayu & Akhmad Yusup, 2022) with the title "Analysis of Legal Awareness and Protection of Business operators for Consumers regarding Ownership of Halal Certificates" emphasized that there is a lack of legal awareness of Sawce Chicken business operators towards possession of a halal certificate due to a lack of understanding regarding the content, purpose, and benefits of the halal certificate. To maintain and guarantee the halalness of the product: use halal ingredients, processing, product presentation, serving, and delivering correct and honest information to consumers and compensate for the restaurant's negligence.

Through the Halal Product Guarantee Organizing Agency (BPJPH) and the Ministry of Religion of the Republic of Indonesia, the government encourages business operators in the micro sector and small and medium enterprises (SMEs). In East Java, business operators start from the micro, small, medium, and large and continue to increase significantly, but this number has yet to be followed by increasing legal awareness. Differences in educational backgrounds, socialization from the government and halal assistants, and confidence in the benefits of certification for the product are very influential. Realizing legal awareness requires synergy from various parties, including governments, business actors, and consumers. Lack of awareness The law regarding the ownership of a halal certificate is based on knowledge and understanding; the attitudes and behaviors of each business actor are different.

Based on this explanation, this article will discuss awareness law on business operators in East Java regarding halal product certification in awareness theory law and maqashid sharia because the product's halal certificate is guaranteed to increase benefits and achieve the goals of the Islamic religion.

## **Literature Review**

Laws to protect and promote cultural values in a society (Wijatmoko et al., 2023). Building a society aware of the law can strengthen society and make it view the law as fulfilling needs and order (Muthaqin & Baeihaqi, 2022; Prasada, 2022). Ignorance of the law makes people underestimate the rules made by the state (Tasmara et al., 2022). Legal awareness is more of a formulation from legal circles regarding assessing a matter through scientific interpretations. Legal awareness refers to how people interpret the law and legal institutions, namely the understanding that gives meaning to a person's experiences and actions (Aprita, 2021). It can also be referred to as every legal action and practice that someone studies empirically. In other words, legal awareness can be interpreted as law as behaviour and not as rules, norms, or principles (Rogers, 2018).

Soerjono Soekanto formulated indicators of legal awareness, namely legal knowledge, understanding of the law, legal compliance/attitudes, and legal behaviour (Labetubun, 2021; Prasada, 2022; Soekanto, 2014). These four indicators also indicate a certain level of legal awareness in its realization. Legal understanding is several data that a person has regarding the

substance of regulations (which are prepared) and the objectives and benefits of these regulations. Meanwhile, legal knowledge describes the relevance of legal problems faced with current legal understanding (Hidayah & Wicaksono, 2020). Legal attitude means the tendency to recognize or reject the law because of appreciation or awareness that the law is beneficial for human life. Patterns of legal behaviour are related to the extent to which the law is implemented and community compliance (Hidayah & Wicaksono, 2020; Labetubun, 2021). Increasing legal awareness should be carried out through regular legal information and counselling based on solid planning (Hutabarat, 2022).

Obedience to the law is influenced by many factors, including (Ma et al., 2023; Soekanto, 2014): 1) Compliance based on the desire for rewards and efforts to distance oneself from discipline that will be imposed if someone blames them for using the provisions of the law; 2) Identification which means compliance in carrying out the law, so that we maintain good relations; 3) Internalization which makes someone obey legal rules because rewards accompany it; and 4) citizen interaction guaranteed by the existing legal system. Legitimate public awareness influences legal compliance both directly and indirectly. Individuals obey the law because they are aware that they need the law and strong reasons and have supervised society legally, appropriately and politely.

Consciousness is a fundamental part of human existence (Oemar et al., 2023), describing human perception and cognitive reactions to the conditions of what they eat, drink, and use. A halal culture is a form of consumers' ability to identify and remember halal goods in various circumstances (Nurhayati & Hendar, 2020), and it increases sales as consumer confidence increases (Al-shami & Abdullah, 2023). So, registering products to obtain halal permits in stages can solve this (Harwati & Yunita Pettalolo, 2019). The halal certification aims to serve the interests of Muslims and support them in practising the teachings of their religion (Hong et al., 2019; Sujibto & M, 2023); the guaranteed standard given can change the company's output (Qurtubi et al., 2023). Accelerating the realization of halal certification in Indonesia requires synergy between government agencies, business operators and halal product partners (PPH). Legal awareness of business operators regarding applicable regulations is very necessary; for this reason, it is necessary to conduct further research on legal awareness to understand the law and its nature in society. Legal awareness is a value contained in humans (Muttaqin & Saputra, 2019). Leaders' policies in establishing laws, especially regarding halal certification in this context, must be adhered to. A leader is a person entrusted with taking care of people's affairs. As in the word of Allah QS. An-Nisa: 59. This shows obedience to Ulil Amri (leader) in obedience to Allah Swt.

Halal certification helps producers get a wider range of consumers (Sujibto & M, 2023), seize opportunities and expand their business (Dian Luthviati & Jenvitchuwong, 2021), potentially leading to the growth of food products (Qurtubi et al., 2023). Awareness of registering a halal certificate is influenced by knowledge about halal, perceived benefits, and perceptions of procedures (Henderson, 2016). Law of the Republic of Indonesia no. 33/2014 explains that halal products comply with Islamic sharia (principles) (Oemar et al., 2023).

Halal-certified products instil a sense of trust and assurance that the food products purchased comply with Sharia law (Gojali & Suci Asih, 2020). Religious beliefs, exposure to certification logos and health reasons are also potential reasons for Muslims' awareness of consuming halal products (Kurniawati & Savitri, 2019). Halal standardization protects the health and safety of consumers, workers and the community, as well as realizing the quality of products and/or services produced by increasing efficiency in the quality system management process (Krisharyanto et al., 2019). Halal certification is a continuation of the standardization process and a form of formal recognition and proof or guarantee that a product has been processed per the required standards.

Halal includes substances (dzatihu), the nature of the substance, the process, the processing

place, processing equipment, product storage, product distribution, and presentation (Sucipto et al., 2022). Carcasses, blood, pork, and/or halal animals (e.g. chickens, cows, goats, etc.) that are slaughtered in ways that are not by Islamic Sharia are all considered non-halal (haram) materials (Harwati & Yunita Pettalolo, 2019). Apart from that, non-halal materials also include intoxicating plants or drinks, materials that are dangerous to health, and microbes contaminated with non-halal materials. Religious knowledge about halal includes knowledge of the laws relating to what Muslims are permitted to eat, drink, and use, as explained in the Qur'an and Hadith (Adnani et al., 2023). All foods are generally permitted except those from prohibited animals such as pigs, dogs and carrion, and foods and drinks containing alcohol and other poisonous or dangerous substances. Slaughter must be carried out according to sharia, doing it in the name of God. Allah says in the Al-Quran Surah (chapter) 2 (Al Baqarah) ayah (verse) 173.

Each supply chain must implement a halal guarantee system, which regulates materials, production processes, products, human resources and procedures to maintain the continuity of the halal production process, namely: halal policy, halal management team, training and education, materials, products, production facilities, written procedures for critical activities, tracking, procedures for handling products that do not meet the criteria, internal audits and management reviews (Wahyuni et al., 2021; Wijatmoko et al., 2023). Halal supply chain management is halal network management which aims to expand halal integrity from the source to the point of consumer purchase so that every SME that produces halal products needs to measure its supply chain management performance by consider halal criteria from upstream to downstream.

The halalness of a product is an obligation in science maqashid sharia, especially if the product enters the body (consumed) or is used by a Muslim. Maqashid sharia is divided into two topics: maqashid, which means intention or purpose, and the plural of maqsud, which comes from the syllable qasada, which means will or intention (Yudha et al., 2020). According to sharia, maqashid sharia means the path to a water source or source of life. It can also be interpreted as the goal of Islamic law contained in every rule (Satyakti, 2023). The economic life of a human being is very important to fulfil his religious obligations. Human religious, social and economic practices are expected to achieve prosperity (falaah) in this world and the hereafter (Zaman et al., 2019).

Sharia is established to realize human welfare in the world and the afterlife (Yudha et al., 2020), carried out through productive, dynamic and flexible thinking (Prasojo et al., 2022). It can be concluded that maqashid sharia is a concept for knowing wisdom, namely masalah or goodness and welfare of humanity (Satyakti, 2023). Meanwhile, the way to achieve these benefits is to fulfil primary needs (dharuriyat), perfect hajiyat (secondary) needs, and tahsiniah (tertiary) needs. Maqashid sharia establishes legal actions as the objectives of Islamic law, which consist of hifdz al-din (keeping religion), hifdz al-nafs (keep the soul), hifdz al-'aql (keep your wits about you), hifdz al-mal (guard property), and hifdz al-nasab (protecting offspring) (Susanti et al., 2022).

## **Methodology**

Valid data was obtained through field studies with a qualitative approach using observation, interviews and documentation (Yusuf et al., 2022). Generally, it aims to explore the flow of phenomena through direct observation. The research locations chosen were business operators and communities in East Java. There were 111 informants, randomly selected business operators who had had a business for at least two years, whether they had a halal certificate or not. Spread across several cities, namely, Jember has 15 business actors, Malang and Batu have 23 business actors, Surabaya 35 business actors, Sidoarjo has as many as ten business actors, Pasuruan as many as 13 business operators business, Madura with five business actors, Ponorogo with 17 business operators and Madiun as many as 11 business actors. Consisting of 35 large



business actors, business operators medium as many as 37 and small and micro business operators as many as 39. Research techniques with direct interviews and observations of 90 business operators and 21 business operators were carried out by distributing questionnaires with application forms. Of the 111 business operators in JIn the Eastern region studied, the types of business products include:

- a. Manufacturers and distributors of packaged food and beverages, 28 large business operators business, medium, small and micro actors totalling 74 business actors;
- b. Manufacturers and distributors of medicinal products for four large business players;
- c. Manufacturer and distributor of cosmetic products, two large business players;
- d. There are three medium entrepreneurs in typical regional batik cloth products: Ponorogo owns Lesung batik, Malang owns premium batik Garuda Kencana and JRolla Batik House bucket.

This sample is generally public without any special criteria regarding public legal awareness of halal products in East Java. Obtained 450 data respondents in East Java who filled out the questionnaire via the application form, which is spread via WhatsApp chat groups. Respondents came from Jember, Surabaya, Malang, Pasuruan, Madiun and Ponorogo. The respondent's background consists of: housewife

171 respondents, students (high school students and university students), as many as 180 respondents, and others (Teachers, Lecturers, ASN, Private Employees), as many as 99 respondents. Education level 450 Respondents included 90 junior high school graduates, 144 high school graduates, undergraduate graduates, 108 respondents, 90 master's graduates and 19 doctoral graduates. Data was extracted from halal centre institutions selected from universities, especially PTKIN in JEast Java, namely UINSA, UIN Malang, and IAIN Ponorogo. Apart from that, researchers also interviewed the Ponorogo Department of Industry and Trade.

The data is then studied using qualitative descriptive methods, which involve processes conceptualization and results in the formation of classification schemes (Hardani et al., 2020). It also describes the characteristics of a symptom or problem under study; this study also focuses on the basic question of 'how' when trying to obtain and convey facts clearly, thoroughly and completely without many unimportant details (Soekanto, 2014).

Meanwhile, secondary data comes from publications, namely books, journals, letters, news, websites and policy documents related to the issues discussed. Data analysis uses an inductive approach, namely by applying the approach reasoning with steps of thinking that moves from specific observations to generalizations and broader theory, so informally, this approach in research is referred to as approach bottom up, namely from bottom to top (Hardani et al., 2020).

## Results and Discussion

### Level of Legal Awareness of Business operators and the Community in East Java regarding Halal Product Certification

According to Soerjono Soekanto, the concept of legal awareness can be seen from four aspects: legal knowledge, understanding of the law, legal obedience/attitude and legal behaviour. Summarized in the table below:

**Table 1.** Legal Awareness of Business operators and the Community regarding Halal certification

Legal Awareness	Description
Legal Knowledge and Legal Understanding	Business Actors Based on data processed by researchers, it was found that most business operators in East Java already have legal awareness

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regarding halal certification and labelling, namely 58%. The reason is that the product is easier to market and has a higher selling value. Meanwhile, 23% are still in the halal certification process because they already know and understand the halal obligations of products produced, distributed or sold

Society

The majority of the public, namely 247 out of 450 respondents, stated that halal products are important and always pay attention to the halalness of the products purchased. In this case, the public understands consumers' rights to consume halal products. Meanwhile, 133 respondents or 30%, only sometimes paid attention to whether the products they purchased were halal. This shows that people know about halal products but still need to understand them. Some people helped understand and know about halal certificates, namely 20% or 70 respondents.

Legal Compliance and Business Actors  
Culture

Of the 111 business operators in this research sample, only 64 (58%) who already have a halal product certificate and label, 26 (23%) of the perpetrators businesses in the halal certification process and the remaining 21 (19%) business operators in East Java, they do not yet obey and implement a good legal culture to regulations. A total of 56% (64 business actors) registered halal certification due to self-awareness, and 44% (20 business actors) because of the counselling from the halal companion.

Society

Based on 450 community respondents in East Java, 247 The people who are respondents are law-abiding and have ownership good legal culture in the use of halal products, where Every time you buy or use a product, always look at it first, the halal label. Meanwhile, those who are in doubt that is as many as 133 people did not obey the importance of the rules halal products because sometimes they pay attention and sometimes they don't, and 70 respondents have yet to obey.

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Source: Data processed by researchers, 2023

The 111 business operators in East Java are divided into two scales, namely micro, small and medium enterprises (MSMEs) (77 business actors) and large business units (34 business actors). At the MSME level, it is known that 47% or 36 already have a halal certificate, 26% or 20 are still in the certification process, and 27% or 21 still need a halal certificate. Meanwhile, for large-scale businesses, it is known that 28 (82%) business operators already have halal certification and labels. Meanwhile, 6 (18%) business operators covering medicines and cosmetics do not all have halal-certified products and are still in the certification process. It can be concluded that of the 111 business actor respondents in East Java, as many as 58% or 64 business operators have been halal certified, the remaining 20 business operators (18%) are still in the certification process, and 27 (24%) have not processed certification at all.

The reasons for business actors, those who have carried out halal certification and those who are still in the process of obtaining halal certification for their products, are summarized in the table below:

**Table 2.** Halal Certificate Management

Halal Certificate Management	Description	Percentage
Halal Certification Process	Easy and Relatively Fast	51%
	Difficult and Relatively Long	49%
Halal Certificate Processing Fee	Free Halal Certificate Processing Fee (non Regular MSMEs)	33%
	Rp. 500.000,00 - Rp. 1.000.000,00 (Regular UKM)	18%
	Rp. 1.000.000,00 - Rp. 3.000.000,00 (Large and Medium Enterprises)	49%

Source: Data processed by researchers, 2023

The certification process also encourages business operators to register their product certification. From the table above, it is known that 43 business operators (51%) stated that the certification process was easy and relatively fast, while the remaining 41 business operators (49%) admitted that they still found it difficult. The process took a relatively long time. Apart from that, the cost of processing halal product certification is also an important factor. The table above shows that as many as 28 business operators (33%) from non-regular MSMEs are not charged (free), and as many as 15 non-regular unit business operators (SMEs) are charged IDR. 500,000.00 to Rp. 1,000,000.00 and the remainder for medium and large scale businesses, 49 business operators (49%) are charged Rp. 1,000,000.00 - Rp. 3,000,000.00.

Business operators still need to fulfil the obligation to have halal certification. The absence of sanctions against business operators who do not have halal certification impacts business operators who are reluctant to take care of it. Meanwhile, the legal apparatus, namely BPJPH and the Government, needs more socialization, strict law enforcement, responsibility, and performance. If we look at the infrastructure, several business operators in several sample cities, especially SMEs, have difficulty obtaining halal certification because they are hampered by NIB, while for large business actors, such as pharmaceuticals, it is from ingredients, some also from capsules and product packaging. Examined from the legal culture of the community, both business operators and the public consider eating halal products important, but whether the product is certified or labelled halal, business operators and the public pay little attention.

The enactment of Law Number 33 of 2014 concerning Halal Product Guarantees (abbreviated as UUJPH) emphasizes how urgent the issue of halal and haram is in the production chain from business operators to consumers and consumed by consumers, where there is also the role of intermediaries such as distributors, sub-distributors, wholesalers and retailers before it reaches the final consumer (Safira et al., 2019). The definition of halal products is regulated by Article 1 point (2) UUJPH: "Halal products are products that have been declared halal in accordance with Islamic law". Referring to this definition, food, non-food, and services are basic human needs. Its existence is very crucial in everyday life. For Muslim consumers, halal is non-negotiable, except in emergencies (Harwati & Yunita Pettalolo, 2019; Safira et al., 2019).

Strengthening the implementation of the UUJPH, the Government issued Government Regulation Number 31 of 2019 concerning Halal Product Guarantees, which was ratified by the President of the Republic of Indonesia, Mr Joko Widodo, on May 17 2019, and this PP came into effect on October 17 2019 (Safira et al., 2019). So, since the birth of PP Number 31 of 2019, halal product certification is not just permitted (mogen) but has become an obligation. This means that building public awareness, especially among producers and the millennial generation, about the importance of halal certification is urgent (Safira et al., 2019). This was further strengthened by the ratification of Government Regulation Number 39 of 2021 concerning implementing Halal Product Guarantees.

This regulation mandates that both Central and Regional Governments, through the Halal Product Guarantee Implementation Agency (abbreviated as BPJPH), collaborate with Halal

Product Guarantee Institutions at both State and Private Universities to immediately complete the implementation of halal product guarantees as an effort to build legal awareness for both organizers and business actors. Large, medium, small, and micro (or MSMEs) must assess the success or failure of the 2019-2024 Indonesian Sharia Economic master plan.

Responding to this challenge, in 2023, BPJPH East Java Provincial Government, in coordination with BPJPH Regency, is launching 1,000,000 halal product certifications for MSME business actors. However, the fact is that as of June 2023, there are still 10,000 MSME business operators who have halal certificates for their food products (Results of an interview with the Head of the Trade and Micro Business Service, Mr Addin Andhanawarih, on May 25 2023). This shows that things hinder accelerating halal certification of food products in Indonesia. Based on (Indah, personal communication, May 26, 2023; Novi, personal communication, May 26, 2023) and based on surveys obtained by researchers, these obstacles include:

- a. Business operators need help certifying their food products;
- b. Lack of socialization about various government halal programs such as SEHATI and Declare Halal;
- b. Halal procedures are difficult for MSME business operators because they must have a NIB letter (Business Permit Number) for their business, which the average MSME business actor still needs;
- c. NIB and this is what hinders the process of accelerating the business's food products from obtaining halal certificates and labels;
- d. The public's legal awareness of halal food products still needs to grow.

#### **Legal Awareness of Business Actors in East Java regarding Halal certification as viewed Maqashid Shariah**

The number of business actors in East Java continues to increase every year. According to data from the Department of Cooperatives and UMKM in East Java, there are around 9,782,262 MSMEs. 93.37% or 9,133,859 are micro businesses, 5.92% or 579,567 are small businesses, and the remaining 0.70% or 68,835 are medium-sized businesses. Most of these amounts are food, drink, pharmaceutical, and cosmetic business actors vulnerable to halal products without guaranteed halal certificate.

Legal awareness of business operators and consumers in East Java in eating halal food is fardhu 'ain. Halal is used to utilize or enter the body, including the level of maqashid dharuriyat. Consuming halal products is mandatory and a form of protection for religion (hifz al-diin), soul (hifz al-nafs), intellect (hifz al-'aql), descendants (hifz al-nasl) and property (hifz al-maal). This has also been confirmed in the objectives of Law Number 33 of 2014 and PP Number 39 of 2021, that the implementation of halal product guarantees aims to include: a). provide comfort, security, safety and certainty of the availability of Halal Products for the public in consuming and using Products; and b). increase added value for business operators to produce and sell Halal Products.

The implementation of this halal product guarantee aims to provide comfort, security, safety and certainty of the availability of Halal Products for the public in consuming and using the Products. The sense of comfort of the community (producers/customers) is a priority because someone will be comfortably satisfied when consuming a particular product, especially if the product is halal. Apart from comfort, it is security. What is meant by the term safety is the guarantee and safety of products consumed by the public from non-halal matters. This is important for Muslim communities and is also protected by the laws in force in Indonesia. Apart from these two things, there are aspects of safety and ensuring the availability of halal products in Indonesia. The certainty of the availability of halal products in Indonesia, for the Muslim community, is an absolute must in everyday life.

Providing halal product guarantees aims to increase added value for business operators to

produce and sell Halal Products. This is a pragmatic goal in the world of business and business. However, it is also part of spreading the good teachings of Islam, so if it can be implemented in a modern business system and mechanism, the added value will certainly increase for the people who do it. Any business actor, whatever religion, when they want to sell their products in a country where the majority is Muslim, must pay attention to the halal aspect of the product they are going to sell. Of course, products that are not halal will be avoided by customers or Muslim consumers. In other words, the aspect of suitability of a product that will be sold in a country with a majority Muslim population is paying attention to the Sharia aspects of that type of product.

### **Government Strategy in East Java to Increase Legal Awareness of MSME Business operators and the Community in Managing and Using Products that are Certified and Labeled Halal**

The Governor of East Java conveyed his plans for regional development. The first halal industry in Indonesia dedicated to SMEs is located at Safe and Lock in Sidoarjo. Meanwhile, halal tourism centres are being developed in Malang and Mojokerto (East Java Province Communications and Information Service, 2021). A total of 1.5 million MSME products. The local target is to be certified halal by 2022 to encourage the local economy through product certification (Nashrullah, 2022).

Provincial Industry and Trade Service. During the period from 2017 to 2019, East Java provided halal facilitation to 385 East Java Small and Medium Industries (IKM), and in 2020 - 2021, it provided halal facilitation to 678 (East et al. Department of Industry and Trade, 2020). BPJPH has Halal certificates have been issued since October 17, 2019, totalling 184 certificates for East Java. In 2020, facilitation for MSMEs was 428 business units; in 2021, there were 650 business units (Department of Industry and Commerce Jawa Timur Province, 2020)

UIN Malang has a strategy where food and beverage sales areas around UIN Malang are required to be halal certified, so the UIN Malang halal institution provides education to all sellers, assists, processes and publishes halal SME businesses and products which has been carried out from 2018 until now, where More than 100 UKM businesses around the UIN Malang campus have been certified halal by the UIN Malang halal institution (Indah, personal communication, 2023). Different in Ponorogo, the strategy implemented by the Ponorogo Regency Ministry of Religion by issuing the 2020 "Sehati Program" BPJPH and Ponorogo Regency Indakop provided free facilities for managing halal products for 2500 SMEs in Ponorogo (Sunarto, personal communication, 2023). Madiun Regency, Chair of the IKM Forum, has a strategy to facilitate approximately 700 halal certificates this year (Sunarto, personal communication, 2023). Meanwhile, the Provincial BPJPH targets 25,000 free halal product certifications for MSMEs in East Java this year (Evi, 2022).

The strategies launched by the province, city, and district can be successfully realized with outreach, seminars, and assistance for MSMEs in East Java. Like in Ponorogo, from the start of the halal certification program in Ponorogo in 2019, through the MSME exhibition every year, Indakop Ponorogo has held regular education and mentoring on halal certification 5x a year (Astin, personal communication, 2023). Meanwhile, for the people of East Java, an exhibition of MSME products labelled halal was held and promoted style starting from the Government, which loves local products. So Indonesian halal products can be famous and global if we also use and love these products.

### **Conclusion**

Legal awareness of business operators and the East Java community regarding certification halal, both in terms of knowledge and understanding is still lacking, can be seen from the lack of

number of business operators who are halal certified. The absence of sanctions makes business operators reluctant to take care of halal certification. Meanwhile, from the aspect of the legal apparatus, namely BPJPH, the Government is also lacking in socialization, firmness in law enforcement, responsibilities, and performance. It isn't easy to obtain halal certification from several business operators in the sample cities, especially for SMEs, because NIB hampered it. Examined from the legal culture of both business operators and society, eating halal products is important, but it needs to be implemented better. The Muslim community does not yet have full awareness of producing halal products or using products that have been certified halal. The East Java government's solution strategy through BPJPH is to accelerate halal certification by developing a halal product information system (SIP Halal). The aim is so that the public and MSME business operators can access and understand East Java halal-certified products and make it easier for business operators to access how to obtain halal product certification, with the assistance of all related parties.

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### Conflict of Interest

The authors declare that they have no conflict of interest.

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**4. Bukti Konfirmasi  
Hasil Reviewer Kedua  
(25 April 2024)**

## Bukti Email Konfirmasi dari JURIS

[JURIS] Editor Decision Eksternal Kotak Masuk x



**Jamal Mirdad** <noreply-ojs@iainbatusangkar.ac.id>  
kepada saya ▾

Kam, 25 Apr, 13.57

Terjemahkan ke Indonesia

KHUSNIATI ROFI'AH:

We have reached a decision regarding your submission to JURIS (Jurnal Ilmiah Syariah), "Legal Awareness of East Java Business Operators and Society About Halal Products Certification".

Our decision is: Revisions are required.

English needs to be proofread. Please have it proofread by a professional proofreader. And attach a track-change proofread.

Jamal Mirdad  
(Scopus ID: 58037866000), Institut Agama Islam Negeri Kerinci  
[jamalmirdad@iainkerinci.ac.id](mailto:jamalmirdad@iainkerinci.ac.id)

# LEGAL PROTECTION OF VICTIMS OF CONTRACT MARRIAGES IN TOURISM MARRIAGES: STUDY OF CONTRACT MARRIAGES IN THE PUNCAK BOGOR AND JEMBER AREAS

ID: 7338

**Abstract:** Sexual exploitation and offers of large salaries in the practice of tourism marriages undermine morality and are vulnerable to sexual violence. This article aims to provide recommendations for establishing regional regulations regarding tourist marriages, enforcing strict sanctions, and efforts to protect victims. In some tourist areas, women and children have been victims of contract marriages with foreign tourists for years thus, this topic is essential to review further. This research adopts descriptive-qualitative analysis, while the data collection technique is online interviews and *internet searching*. This article finds that the prostitution business in the form of tourist marriages and mail-order brides has become a human trafficking crime. Marriage, which is promised for a better life, leads to exploitation and acts of domestic violence. This practice has also involved systematic and structured Indonesian and foreign tourist syndicates.

**Keywords:** *Tourism Marriage; Legal Protection; Human Trafficking*

## INTRODUCTION

Data on the number of contract marriages cannot be found with certainty, almost all of them are not recorded at the Civil Registry Office or the Religious Affairs Office. Specifically, it is carried out covertly and is suspected to be increasingly developing into clandestine prostitution.<sup>1</sup> Prostitution business actors have formed structured and organized syndicates, starting from women providers, customer providers and transportation providers.<sup>2</sup> As happened in Cianjur, West Java, based on the victim's report, the initial method was a job offer *for a cleaning service*, and don't know if they are married by contract. The perpetrator offered the girls to foreign tourists from the Middle East by providing a list of names and photos.<sup>3</sup> After the marriage proposal, the dowry money is divided in half, specifically for the victim, deducting the costs of witnesses, guardians and princes (in this case, it is fake). Then, the man took the victim to stay for a certain period.

In the Jember area, the perpetrator usually offers work to the victim's parents in exchange for a large dowry. Limited access to information, economic conditions, and low educational background make parents voluntarily give up their children in marriage.

<sup>1</sup> Abdul Karim, Interview Via Online with Community leaders in Puger, Jember, May 28, 2024.

<sup>2</sup> detik.com, "Kawin Kontrak Di Cianjur Yang Bikin Turis Kaya Di Cianjur Tergiur," April 22, 2024, <https://www.detik.com/jabar/berita/d-7302707/kawin-kontrak-di-cianjur-yang-bikin-turis-kaya-di-cianjur-tergiur>.

<sup>3</sup> Ibid.

**Commented [p42]:** The title is too convoluted, it does not conclude the research results, my suggestion is in accordance with your research results:

**"SEXUAL EXPLOITATION IN MARRIAGE TOURISM: JUSTICE AND LEGAL PROTECTION FOR VICTIMS (A Case Study of Contract Marriages in the Peak Areas of Bogor and Jember)"**

**Commented [p43]:** The abstract adjusts to the justicia template, the abstract contains the background of the problem, research methods, and findings, as well as the objectives and contributions of this research. Abstract maximum 250 words.

New assumptions appearing with the marriage have raised the status of the parents.<sup>4</sup> The implementation of a contract marriage does not go through an application, the marriage contract takes place as a formality with witnesses and the principal of the perpetrator. The marriage was also never registered. Tourist marriage victims can get married twice a year and make a profit of 15-40 million. Victims often receive threats and coercion from perpetrators when they refuse to remarry.

The presence of law as a means of social protection guarantees the rights of every individual as part of society, so that where there is law, there are humans (*right where the company is*). The importance of law as a protector and guarantee of community protection and a reflection of community desires. Invite The law contains standards that are considered appropriate and inappropriate, one of which is the crime of prostitution.<sup>5</sup> Women often become victims of sexual exploitation in the practice of prostitution, as evidenced by the widespread trafficking of people with the promise of work, but in reality, they become sex workers.

The National Commission on Violence Against Women states that there are two forms of trafficking in women through marriage, namely marriage by deceiving women and then channeling them into the sex industry and commercial marriage or mail-order brides.<sup>6</sup> The Regulations for Eradicating Criminal Acts of Trafficking in Persons (TIP) in Law Number 21 of 2007 clearly state that the parties involved or mail-order brides can be charged under Article 2 Paragraph 1 and Paragraph 2 with the threat of a sentence of at least 3 (three) years and a maximum of 15 (fifteen) years and a fine of at least 120 million and a maximum of 600 million.

Human trafficking is a form of modern slavery (*modern slavery*). This phenomenon is not only categorized as a violation of Human Rights (HAM), but also falls into the realm of criminal crimes that must be resolved.<sup>7</sup> In the process, it is structured systematically and uses covert methods where the ultimate goal is the exploitation of someone (in this context, women and children who are victims of tourist marriage).<sup>8</sup> Where many women are promised a better life, but this leads to sexual exploitation and domestic violence.

[This article aims to look at the crimes of prostitution and human trafficking in

<sup>4</sup> RD, Online Interview via WhatsApp with Family of Contract Marriage Victim in Jember, May 28, 2024.

<sup>5</sup> Yaris Adhial Fajrin and Ach. Faisol Triwijaya, "Perempuan Dalam Prostitusi: Konstruksi Perlindungan Hukum Terhadap Perempuan Indonesia Dari Perspektif Yuridis Dan Viktimologi," *Jurnal Negara Hukum* 10, no. 1 (2019): 67-88, <https://doi.org/10.22212/jnh.v10i1.1203>.

<sup>6</sup> Kemenppa.go.id, "KEMENPPA Pastikan Perlindungan Dan Pemenuhan Hak Korban TPPO Modus Pengantin Pesanan," n.d.

<sup>7</sup> Andre Edwin Johannes et al., "Human Trafficking: A Systematic Review and Future Research Agenda," *JKAP (Jurnal Kebijakan Dan Administrasi Publik)* 27, no. 2 (December 15, 2023): 107, <https://doi.org/10.22146/jkap.84709>.

<sup>8</sup> Robert G Blanton, Shannon Lindsey Blanton, and Dursun Peksen, "Confronting Human Trafficking: The Role of State Capacity," *Conflict Management and Peace Science* 37, no. 4 (July 2020): 471-89, <https://doi.org/10.1177/0738894218789875>.

tourist marriage cases. Analyze legal protection for victims and provide recommendations to local governments to form regulations regarding tourist marriages and take action against perpetrators with strict sanctions. This research uses descriptive-qualitative analysis methods. Data collection techniques were carried out in two ways: online interviews and online data searching/internet searching. Interviews were conducted with the victim's family and several community figures, while data was searched *online*, focusing on articles/news related to the topic being studied and similar research that supports the validity of the research data.

**Commented [p44]:** Classify several literature reviews related to this research, so that this research has a novelty side and is different from previous studies.

**Commented [p45]:** What approach is used in this research to dissect the problems in this study??

### TOURISM MARRIAGE CASES IN INDONESIA

Contract marriage has been going on for a long time and is one of the most common forms of marriage in the Puncak Bogor tourist area. This tourist area covers Bogor and Cianjur, including Cisarua, Cipanas, Pacet, and Sukaresmi.<sup>9</sup> Not only from the Middle East, there are also those from Singapore and India, and some are local tourists who ask their driver or tour guide for help finding a woman they can marry based on a contract. Over time, this practice became a prostitution business carried out secretly in several hotels, guesthouses, and villas.<sup>10</sup>

The Indonesian Ulema Council (MUI), through its fatwa in the VIII MUI MUNAS dated 27 July 2010, has prohibited tourist marriages because this type of marriage is temporary and is a form of mu'tah marriage.<sup>11</sup> A lot of his meaning for his wife can be seen from his intention and interest (having fun) during the trip.<sup>12</sup> This decision was taken to respond to public concerns amidst the widespread practice of tourism marriages in Puncak Bogor. The concept of marriage is not far from the model of prostitution, which is labeled "Marriage" to legalize adultery, infidelity, and an effort to escape the pressure of poverty.

Tourists are usually connected with perpetrators who disguise themselves as tour guides or rental vehicle drivers. The perpetrator did not act himself, many people work the same way as service providers. If there is an order and the price has been agreed upon, contact the village agent providers.<sup>13</sup> The women, mostly from villages in the Sukabumi, Cianjur, and Subang areas who do not yet have jobs, also target teenagers aged

<sup>9</sup> detik.news, "Haramnya Kawin Tamasya," n.d., <https://news.detik.com/x/detail/intermeso/20210620/Haramnya-Kawin-Tamasya/>.

<sup>10</sup> bisnis.com, "Inikah Asal Mula Praktik Kawin Kontrak Di Puncak?," n.d.

<sup>11</sup> Abdullah Abdurrahman Bahmid and Akhmad Husaini, "Tinjauan Maqashid Syariah Perspektif Ibnu Taimiyyah Terhadap Fatwa Majelis Ulama No. 2/MUNAS-VIII/MUI/2010/Tentang Nikah Wisata," *Al-Mada: Jurnal Agama, Sosial, Dan Budaya* 6, no. 3 (2023): 440-54.

<sup>12</sup> Ibid.

<sup>13</sup> Abdul Jamil Wahab, Kustini Kustini, and Muchtar Ali, "FENOMENA KAWIN KONTRAK DAN PROSTITUSI 'DAWAR' DI KAWASAN PUNCAK BOGOR," *ALQALAM* 35, no. 1 (June 29, 2018): 127, <https://doi.org/10.32678/alqalam.v35i1.1847>.

14-16 years.<sup>14</sup> The women ordered were taken to the Puncak area, including Cipanas, and married by contract.<sup>15</sup> The perpetrator brought several victims at once to take orders, if the victim were not interested, he would brought home.

The Integrated Service Center for the Empowerment of Women and Children (P2TP2A) Cianjur Regency noted that over the last three years, there have been three cases of human trafficking under the guise of contract marriage. The average victim is a teenage girl.<sup>16</sup> Economic factors are the main reason many girls are trapped in hidden trafficking practices. Poverty and limited employment opportunities, especially for women, as well as the presence of foreign tourists who bring prosperity, encourage marriage practices like this to continue. Poverty creates vulnerability to various exploitations. On the other hand, patriarchal culture, such as limiting access for girls and parents' desire to have their children immediately work without adequate education and skills, also contributes significantly.<sup>17</sup>

This happened in the Jember and Puger Beach tourist areas (Gumukmas, Puger, and Balung). On average, residents only have elementary school graduates and are steeped in patriarchal culture. Girls are considered dignified and proud if they succeed in marrying a rich person. Not a few end up being married off to outsiders who come to work or stay for a long time in exchange for compensation.<sup>18</sup> Girls who are still virgins, beautiful and smooth are valued at 50 -100 million. Marriages last only three or six months.<sup>19</sup>

Like Puncak Bogor, contract marriages in Jember also started with offers from marriage brokers who ensnared girls with significant rewards. They don't know that they are only victims of sexual exploitation through contract marriage. After being abandoned by their partners, the victims chose to return to their parents' homes and some were pregnant.<sup>20</sup> The family cannot sue anyone because the marriage was never registered, and the perpetrator does not want to take responsibility. Those who are not yet pregnant will be resold at a cheaper price.<sup>21</sup> It is not uncommon for victims to be forced to use contraception to delay pregnancy. NH, one of the victims, also received threats from the

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<sup>14</sup> Bambang, "Prostitusi Berkedok Kawin Kontrak Di Puncak Kabupaten Bogor Provinsi Jawa Barat, Perawan Tarifnya Rp 80 Juta," palpos.id, 2023, <https://palpos.disway.id/amp/644220/prostitusi-berkedok-kawin-kontrak-di-puncak-kabupaten-bogor-provinsi-jawa-barat-perawan-tarifnya-rp80-juta/16>.

<sup>15</sup> Wahab, Kustini, and Ali, "FENOMENA KAWIN KONTRAK DAN PROSTITUSI 'DAWAR' DI KAWASAN PUNCAK BOGOR."

<sup>16</sup> detik.com, "Kawin Kontrak Di Cianjur Yang Bikin Turis Kaya Di Cianjur Tergjur."

<sup>17</sup> Tati Sarihati, et. All, "The Evaluation Of Prevention And Handling Program Policy For Human Trafficking," *International Journal of Psychosocial Rehabilitation* 24, no. 2 (2020): 2002-10, <https://doi.org/10.37200/IJPR/V2412/PR200500>.

<sup>18</sup> RD, Online Interview via WhatsApp with Family of Contract Marriage Victim in Jember.

<sup>19</sup> BD, Online Interview about tourism marriage in Puger Jember, May 28, 2024.

<sup>20</sup> RD, Online Interview via WhatsApp with Family of Contract Marriage Victim in Jember.

<sup>21</sup> NH, Online Interview with victims of sexual violence in marriage tourism in Jember, May 29, 2024.

perpetrator when he wanted to quit his job.<sup>22</sup>

## PROSTITUTION BUSINESS AND TRAFFICKING IN MARRIAGE TOUR

Prostitution is understood as a form of prostitution or work that exchanges sexual relations for money or gifts, buying and selling, or trade transactions. This relationship is characterized by extramarital sexual activity involving many men, carried out for money and as a source of income.<sup>23</sup> Mansour Fakih, in his book *Gender Analysis and Social Transformation*, calls prostitution a type of violence due to gender bias (*gender-related violence*), which is a form of violence against women organized through economic mechanisms.<sup>24</sup> Prostitution is a crime that violates morals and decency, is considered unlawful and violates the law. A societal phenomenon where women sell themselves to perform sexual acts as a livelihood.<sup>25</sup>

Prostitution and human trafficking are two different things, but there are several things in common. Women and children are groups that are vulnerable to becoming victims. Perpetrators can use violence and deception according to their position and condition of mental and spiritual vulnerability and helplessness. Social, cultural, and economic pressures, life realities, and other influences cause them.<sup>26</sup> The birth of the TPPO Law is a form of protection and recognition of human dignity. Prostitution falls into the category of acts of exploitation<sup>27</sup> as referred to in Article 1 number 7 and included in the category of human trafficking if it meets the provisions of Article 2 of the TPPO Law, which reads:

*Every person who recruits, hires, harbors, sends, transfers, or receives a person with the threat of force, the use of force, kidnapping, confinement, forgery, fraud, abuse of power or a vulnerable position, dijon or provides payment or profit despite obtaining the consent of the person who has power over another person, to exploit that person in the territory of the Republic of Indonesia.*

The forms of human trafficking are very diverse, some of them recorded in findings in the field, among others: sending Indonesian Migrant Workers abroad without official or fake documents, sexual exploitation of workers, and limited marriages to legitimize sexual relations as compensation. For financial compensation (contract marriage), holding inter-state marriages through orders, recruiting children as workers,

<sup>22</sup> Ibid.

<sup>23</sup> Yaris Adhial Fajrin and Ach. Faisol Triwijaya, "Perempuan Dalam Prostitusi: Konstruksi Perlindungan Hukum Terhadap Perempuan Indonesia Dari Perspektif Yuridis Dan Viktimologi."

<sup>24</sup> Mansour Fakih, *Analisis Gender Dan Transformasi Sosial* (Sleman: INSISTPress, 2016).

<sup>25</sup> Alfitra, et. al, "Decency Norms in Law Enforcements to Online Prostitution in Indonesia: An Islamic Law Perspective," *Al-Istinbath: Jurnal Hukum Islam* 8, no. 195-214 (2023), <https://doi.org/10.292/jhi.v8i1.7044>.

<sup>26</sup> Ruth Sriana Umbase, et. All, "Human Trafficking in North Sulawesi Indonesia," *International Journal of Recent Technology and Engineering (IJRTE)* 8, no. 251-253 (2019), <https://doi.org/10.35940/ijrte.B1055.09825919>.

<sup>27</sup> Nurhayati, et. All, "Human Trafficking In The Perspective of Maqhasid Al-Shari'ah," *Jurnal Ilmiah Islam Futura* 22, no. 2 (2022): 150-63, <https://doi.org/10.22373/jiif.v22v2.12304>.

**Commented [p46]:** At this point, the author should explain the findings in the field, both interviews and field findings regarding wedding tourism in Bogor and Jember.

1. How does the business of prostitution and human trafficking form in wedding tourism in Bogor?
2. How is the business of prostitution and human trafficking in wedding tourism in Jember?
3. What is the mechanism of contract marriage in Bogor and Jember?
4. Who is involved in prostitution and trafficking cases in Bogor and Jember?
5. What is the mode of prostitution and trafficking in marriage in Bogor and Jember?
6. Are there any government efforts to anticipate and prevent prostitution, trafficking in marriage tourism in Bogor and Jember?



and transferring babies without proper processing.<sup>28</sup> <sup>30</sup> Sex trafficking is one of the most common forms of human trafficking, which is divided into several types, namely prostitution, online sex chat, pornographic content, and sex tourism.<sup>29</sup> Sexual exploitation in Article 1 number 8 of the TPPO Law includes all forms of use of the victim's sexual organs or other body organs to obtain material or immaterial benefits, including prostitution, forced labor or services, slavery, extortion, and oppression.<sup>30</sup>

The prostitution business mode wrapped in the label "Halal Sex Tourism" is a case of human trafficking where the perpetrators have formed a structured network, starting from female providers, customer providers (tourists), and transportation providers. They were offering sexual services to tourists and visitors. This is an indicator of human trafficking with a pattern of ordering brides or requests from certain places to become contract wives and employing women and children in sexual activities or prostitution.<sup>31</sup> At first, the perpetrator promises a beautiful and prosperous life. There are also threats of violence, extortion, and restrictions on freedom of movement (e.g. not being allowed to leave the workplace or shelter for long periods), as well as debt bondage to pay recruitment replacement costs, intermediary services, and travel costs.<sup>32</sup>

The element of human trafficking in tourist marriage is seen from three aspects: 1) The existence of a process, namely the act of recruiting, transporting, accommodating, sending, or receiving someone, either by force or not. With payment that has been agreed upon or there is a bond; 2) There are methods, namely actions carried out by pimps through threats, kidnapping, cheating, fraud, abuse of power, or various other methods to reach an agreement with the victim; 3) There is a purpose of exploitation, namely the actions carried out pimping by selling themselves or the bodies of mail-order bride victims. Then, the pimp announced that the practice was as legal as marriage in general between a man and a woman based on mutual agreement.

Ironically, sex trafficking, which is contrary to human values, has become a very profitable trade sector.<sup>33</sup> Poverty and limited job opportunities are the most dominant reasons apart from increasing demand from service users.<sup>34</sup> The impact is more

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<sup>28</sup> Herry Wiyanto, "Karakteristik Tindak Pidana Perdagangan Orang Dan Irisan Dengan Tindak Pidana Lainnya," *The Prosecutor Law Review* 1, no. 1 (2023): 67–86.

<sup>29</sup> Ridwan Arifin, et. All, "International Legal Instruments in Responding to Human Trafficking," *Lentera Hukum* 8, no. 1 (2021): 417–46, <https://doi.org/10.19184/ejh.v8i3.22137>.

<sup>30</sup> Yaris Adhial Fajrin and Ach. Faisol Triwijaya, "Perempuan Dalam Prostitusi: Konstruksi Perlindungan Hukum Terhadap Perempuan Indonesia Dari Perspektif Yuridis Dan Viktimologi."

<sup>31</sup> Rachmad Syafaat, *Dagang Manusia Kajian Trafficking Terhadap Perempuan Dan Anak Di Jawa Timur* (Yogyakarta: Lappera Pustaka Umum, 2013).

<sup>32</sup> International Organisation Migran (IOM) dan Kejaksaan Agung RI, *Panduan Penanganan Perkara Tindak Pidana Perdagangan Orang* (Jakarta: International Organization for Migration (IOM), 2021).

<sup>33</sup> Evie Ariadne, et. All, "Human Trafficking in Indonesia, The Dialectic of Poverty and Corruption," *Sosiohumaniora: Jurnal Ilmu-Ilmu Sosial Dan Humaniora* 23, no. 3 (2021): 356–63, <https://doi.org/10.24198/sosiohumaniora.v23i3.31806>.

<sup>34</sup> Ibid.

significant, starting from psychological, physical, and social impacts.<sup>35</sup> From a physical perspective, victims often contract sexually transmitted diseases and are exposed to HIV (*Human Immunodeficiency Virus*)/AIDS (*Acquired Immunodeficiency Syndrome*). It is not uncommon for victims to experience permanent reproductive diseases due to the use of contraceptives and forced abortions.<sup>36</sup> Victims of prostitution often experience violence and coercion, which also affects minors.<sup>37</sup> Behind that, the victim's psychology was also shaken to the point of experiencing stress and depression. Not a few end up isolating themselves from social life and family life.<sup>38</sup> Causing the victim to be isolated if he returns to society, losing the meaning and purpose of life.<sup>39</sup>

## JUSTICE AND LEGAL PROTECTION FOR VICTIMS

Order is an essential (fundamental) need in creating an orderly society. Legal certainty is needed to create order. This kind of function is needed in every society, including developing societies.<sup>40</sup> Law, in the sense of statutory regulations, functions as a tool or means of development in the sense of channeling the direction of human activities in the context of development. The desired direction of development and renewal.<sup>41</sup> The existence of law as a regulatory tool generally guarantees order, justice, legal certainty, and legal protection in society.<sup>42</sup> Legal protection includes honor and dignity as well as recognition of human rights possessed by legal subjects and functions to protect human interests.<sup>43</sup>

Satjipto Raharjo (2000) defines legal protection as protecting human rights that others harm, provided by society to achieve all rights guaranteed by law.<sup>44</sup> Philipus M. Hardjon (1987) and Soetiono also presented a similar definition. Meanwhile, according to Muchsin, activity aligns relationships with values or rules manifested in attitudes and

**Commented [p47]:** There are several things that need to be discussed at this point to analyse the findings in the previous point.

1. What are the policies and regulations regarding marriage tourism?
2. How is legal protection for victims based on existing laws and regulations?

<sup>35</sup> Angka, et. All, "Development of a Restitution Model in Optimizing Legal Protection for Victims of Human Trafficking in Indonesia," *Journal of Indonesia Legal Studies* 8, no. 1 (2023): 93–128, <https://doi.org/10.15294/jils.v8i1.67866>.

<sup>36</sup> NH, Online Interview with victims of sexual violence in marriage tourism in Jember.

<sup>37</sup> BD, Online Interview about tourism marriage in Puger Jember.

<sup>38</sup> Romli Atmasasmita, "International Cooperation On Combating Human Trafficking Especially Women and Children: A View from Indonesia," *Indonesia Journal of International Law* 1, no. 4 (2021): 673–92, <https://doi.org/10.17304/ijil.vol1.4.562>.

<sup>39</sup> Ridwan Arifin, et. All, "International Legal Instruments in Responding to Human Trafficking,"

<sup>40</sup> Annisa Justisia Tirtakoesoemah and Muhammad Rusli Arafat, "Penerapan Teori Perlindungan HUKUM Terhadap Hak Cipta Atas Penyiaran," *Pena Justisia: Media Komunikasi Dan Kajian Hukum* 18, no. 1 (2019): 1–14, <https://doi.org/10.31941/pj.v18i1.1084>.

<sup>41</sup> Ibid.

<sup>42</sup> Kornelius Benuf, "Urgensi Kebijakan Perlindungan Hukum Terhadap Konsumen Fintech Peer to Peer Akibat Penyebaran Covid-19," *Rechts Vinding: Media Pembinaan Hukum Nasional* 9, no. 2 (2020): 203–17, <https://doi.org/10.33331/rechtsvinding.v9i2.427>.

<sup>43</sup> Ibid.

<sup>44</sup> Dewa Gede Sudika Mangku and Ni Putu Rai Yuliantini, "Legal Protection Of Women and Children in Buleleng District," *South East Asia Journal Contemporary Business, Economic and Law* 24, no. 3 (2021): 41–46, <https://doi.org/10.23887/jpku.v9i1.31431>.

actions. Apart from that, it also contains the meaning of protection that someone gives to a weaker party.<sup>45</sup>

In criminal law, legal protection is part of crime prevention, law enforcement efforts, or law enforcement policy.<sup>46</sup> The aim is to achieve prosperity while protecting society, which is done through a balance between the application of criminal sanctions and fines. The urgency of legal protection for victims of unregistered marriages and arranged marriages is a consequence of Article 1, paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that Indonesia is a legal state. The basic formulation must be distinct from Pancasila as the nation's philosophy, ideology, and human rights.<sup>47</sup>

Legal protection requires means in its implementation, of which Philipus M. Hadjon said there are two types:<sup>48</sup> *First*, preventive legal protection, where legal subjects are allowed to express their objections or opinions before a court decision is made. *Second*, repressive legal protection aims to resolve disputes by directly handling them by law enforcement and judicial institutions. Also, in the form of rule of law.

As previously mentioned, wedding tourism comes in categories of prostitution business and human trafficking crimes. Prostitution is regulated in Law Number 1 of 2023 concerning the Criminal Code (KUHP) in Article 296 with a maximum penalty of imprisonment of 1 (one) year and 4 (four) months or a fine of Rp. 15,000.00 (fifteen thousand rupiah), which is converted into Rp. 15,000,000.00 (fifteen million rupiah). Sanctions for pimps are also regulated in Article 506 of the Criminal Code with a maximum prison sentence duration of 1 (one) year.<sup>42</sup> The same thing also applies to customers, witnesses of adultery are threatened with imprisonment for 9 (nine) months.<sup>49</sup>

Apart from that, the perpetrator according to positive law in Indonesia, can also be charged under Law Number 21 of 2007, whose regulations are divided into several articles. By Article 2 number 1, service providers are imprisoned for a minimum of 3 (three) years, a maximum of 15 (fifteen) years, and a fine of at least Rp. 120,000,000.00 (one hundred twenty million rupiah) and a maximum of Rp. 600,000,000.00 (six hundred million rupiah).<sup>50</sup> Similar penalties also apply to those who import victims into the territory of the Republic of Indonesia (Article 3) or send them abroad (Article 4).

<sup>45</sup> Ni Nyoman Muryatini, "Legal Protection of Women Victims of Psychological Domestic Violence Based on Enactment Number 23 of 2004," *Prasada: Jurnal Hukum* 10, no. 1 (2023): 28–35, <https://doi.org/10.22225/jhp.10.1.2023.28-35>.

<sup>46</sup> Henny Nuraeny and Kuswandi, "Legal Protection For Contract Marriage Victims in Indonesia," *Journal of Legal, Ethical and Regulatory Issues* 22, no. 3 (2019): 1–7.

<sup>47</sup> *Ibid.*

<sup>48</sup> Henny Saida Flora, "Legal Protection Againsts Girl of Trafficking for Prostitution," *International Journal of Business, Economic and Law* 24, no. 5 (2021): 44–49.

<sup>49</sup> Regulated in Article 284 of the Criminal Code, applies to married men who commit adultery with married women.

<sup>50</sup> Alfitra, et. all, "Decency Norms in Law Enforcements to Online Prostitution in Indonesia: An Islamic Law Perspective."

Perpetrators of sexual abuse or sexual intercourse with victims of human trafficking crimes, continuing the practice of prostitution, and taking profits are also charged with similar crimes (Article 12).

The perpetrator can be subject to an additional 1/3 (one-third) of the criminal threat above if the victim suffers serious injuries, severe mental disorders, or infectious diseases that endanger life and reproductive function (Article 7 paragraph (1)). Apart from that, it is stated in Article 7 paragraph (2) that if the victim dies, the perpetrator can be sentenced to imprisonment for a minimum of 5 (five) years and a maximum of life with a fine of at least Rp. 200,000,000 (two hundred million rupiah) and a maximum of Rp. 5,000,000,000.00 (five billion rupiah).

In its progressive development, Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Protection of Witnesses and Victims and Supreme Court Regulation (PERMA) Number 1 of 2002 concerning Procedures for Settlement and Applications for Providing Restitution and Compensation to Victims The crime allows victims to seek restitution before and after court judgment.<sup>51</sup> It begins with submitting a request for restitution to the court by the LPSK (National Commission against Violence against Women), investigators, public prosecutors, or the victim directly. The court decision must determine the length of the prison sentence or confinement alternatively if the assets of the defendant and/or third parties do not meet the demands for restitution.<sup>52</sup>

Apart from what has been mentioned above, legal protection for children who become victims of *sex trafficking* is regulated explicitly in Law Number 35 of 2014 concerning amendments to Law Number 23 of 2003 concerning Child Protection.<sup>53</sup> All forms of sexual exploitation of children under the age of 18 (eighteen) years require legal protection through monitoring, protection, prevention, care, and rehabilitation efforts (Article 59 of the PA Law). Deprivation of children's rights such as: freedom of movement, freedom of assembly, and freedom to have and have fun, enjoy or play.<sup>54</sup>

Bogor Regency has established Regional Regulation Number 5 of 2015 concerning the Protection of Women and Children from Acts of Violence and Regional Regulation Number 3 of 2023 concerning implementing a Child-Friendly Regency. Likewise with Jember Regency, Regional Regulation Number 4 of 2008 concerning the Protection of Women and Children Victims of Violence and Regional Regulation Number 1 of 2023 concerning Child-Friendly Districts have been stipulated. However, after reviewing and analyzing, no article explicitly regulates one form of exploitation of women and children, namely tourist marriage, both in general provisions and explanations in the regional

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<sup>51</sup> Angka, et. All, "Development of a Restitution Model in Optimizing Legal Protection for Victims of Human Trafficking in Indonesia."

<sup>52</sup> Ibid.

<sup>53</sup> Intan Syapriyani, "Legal Protection of Children as Commercial Sex Workers in Human Trafficking Crime," *Ius Poenale* 1, no. 2 (2020): 93-106.

<sup>54</sup> Ibid.

regulations. However, in reality, it happens a lot, and the victims are women and children.

In the view of progressive law, a regional autonomy context should be the starting point for preventing tourist marriages, especially in Bogor and Jember's tourist areas, by passing a regulation regulating the protection of women and children. One of them is regulating the prohibition of tourist marriages and their sanctions. This shows the seriousness of the Regional Government itself in protecting women and children.

Human trafficking cases are a severe problem that impacts many people. This requires cooperation and solidarity from many parties, including the government, law enforcement officials, community organizations, and so on.<sup>55</sup> *Bangkok Agreement and Action Plan to Combat Trafficking in Women*, a consensus of countries in the Asia Pacific region to combat trafficking in women, sets 4 (four) minimum standards, namely: 1) The government must prohibit human trafficking and punish such activities; 2) The government should enact laws equivalent to punishment for serious crimes involving death (*serious crime*), such as sexual assault with violence/coercion or acts of human trafficking in its most despicable forms, namely sexual exploitation (prostitution), rape, kidnapping or other things that cause death; 3) The government must impose punishments that are severe enough to reflect the heinous nature of the crime; 4) The government must make severe and sustainable efforts to eradicate human trafficking.<sup>56</sup>

Apart from that, the government also ratified the agreement *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW) in Law Number 7 of 1984 concerning the Elimination of Discrimination against Women and Law Number 21 of 2007 concerning TPPO. Legally and firmly opposes all forms of human trafficking, including women. *Human trafficking* in all its forms is the third largest business after *drug trafficking* And *arms trade*.<sup>57</sup> CEDAW is a comprehensive convention recognized worldwide as *the Bill of Rights for Women*, emphasizing equality and justice between women and men. This ratification was carried out as a form of state responsibility as mandated by the 1945 Constitution of the Republic of Indonesia, that all citizens have the same position in law and government, therefore all forms of discrimination must be eliminated.

Protection of women and children victims of trafficking under the pretext of tourist marriages can be done by accelerating treatment and psychological empowerment of victims through the Women and Children Empowerment Agency (P2TP2A), providing legal protection to victims through Organizational Relations, Legal Institutions, and

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<sup>55</sup> Nathalia Naibaho, "Victim Protection and The Dynamic Situation of Human TRafficking: Indonesia Experience," *Indonesia Journal of International Law* 20, no. 4 (2023): 697-718.

<sup>56</sup> Atmasasmita, "International Cooperation On Combating Human Trafficking Especially Women and Children: A View from Indonesia."

<sup>57</sup> Ibid.

Advocacy, building shelter homes/temporary shelter,<sup>58</sup> seek rehabilitation. Rehabilitation measures include training, skills, health, welfare services, and employment opportunities to restore the victim's self-confidence.<sup>61</sup> Besides that, As a repressive measure, it is necessary to raid women's and children's shelters, brothels, and nightclubs, as well as arrest the perpetrators and expose their networks to be prosecuted by applicable law.<sup>62</sup> In the context of marriages under the guise of a marriage business, it is also necessary to supervise and monitor tourist locations where it is suspected that there are transactional agreements between tourists and perpetrator.

## CONCLUSION

The business of prostitution in the contract marriage mode is a crime of human trafficking, seen from three main elements, namely: 1) The existence of a process, namely the act of recruiting, transporting, accommodating, sending or receiving someone, whether by force or not, for agreed payment or debt bondage. ; 2) There are methods, namely actions carried out by pimps through threats, kidnapping, cheating, fraud, abuse of power, or various other methods to reach an agreement with the victim; 3) There is a purpose of exploitation, namely the actions carried out by the pimp to sell themselves or the victim's body. Tourist marriages bring more harm than good. Women and children as victims are often disadvantaged, so there is a need for firmness regarding the validity of marriages, which are not only legal according to religion but must also be registered. Especially in the Puncak Bogor and Jember tourist areas, regulations that prohibit and take firm action against the practice of tourist marriages are needed.

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<sup>58</sup> Ridwan Arifin, et. All, "International Legal Instruments in Responding to Human Trafficking"; Sabirin, "Perdagangan Perempuan Dengan Dalih Perkawinan," *Raheema: Jurnal Studi Gender Dan Anak* 4, no. 1 (2017): 54-62, <https://doi.org/10.24260/raheema.v4i1.833>.

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## Legal Awareness of Halal Products Certification among East Java Business Operators and Society

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**Abstract:** *The number of business operators in East Java increases significantly each year but is unfortunately not accompanied by increased legal awareness. While many business operators are aware of the halal certification obligation, they need to actually comply to it. This research was conducted in East Java on 111 micro and small business operators and medium-sized enterprises (MSMEs) spread across several cities. A total of 450 respondents of various backgrounds who, at the time of research, had run their business for at least two years were involved in direct interviews and questionnaire surveys. This research focuses on discussing the awareness of business operators and the community in East Java based on Soerjono's legal awareness, Soekanto (understanding, knowledge, obedience, and legal attitudes), and maqashid sharia. Efforts to increase knowledge and understanding of business owners of legal awareness still lacked due to non-existent sanctions and incomprehensive campaign. Meanwhile, in legal culture, there is a perception that food consumed by the community is not necessarily halal-certified. The government strategy to advocate legal awareness of halal product certification includes product acceleration through the halal product information (SIP Halal) system that is easily accessible to MSMEs.*

**Keywords:** Certification, halal product, sharia maqhosid, business operators, society

### Introduction

The Muslim population in Indonesia Indonesia's muslim population in 2023 is 240,622 million, or 63.5% of the total population (Data Indonesia, 2023) and halal product and service expenditures is predicted to increase by 14.9% in 2025 to USD 281.6 billion. This makes Indonesia the largest halal market consumer globally, amounting to 11.34% of global halal production (Kementerian Perindustrian Republik Indonesia, 2023). In 2024, the Ministry of Religion (Kemenag) require three types of halal-certified products: 1) food and beverage products; 2) raw materials, food additives, and auxiliary ingredients for food and beverage products; and 3) slaughter products and services. Previously in 2023, the Ministry of Religion, through the Guarantee Administering Agency Halal Products (BPJPH), opened registration for Free Halal Certification (SEHATI) 2023 for 1 million quota to micro and small enterprises (UMK) at 1,000 points simultaneously in Indonesia (Kementerian Agama Republik Indonesia, 2023).

Halal certification is not only a religious matter but also business and market concerns (Batubara & Harahap, 2022; Hisam Ahyani et al., 2021). Since eating halal food is a form of obedience to Islamic values (Alimusa et al., 2023) and halal food industry is known for its ethical aspects of being healthy, safe, and eco-friendly, the global demand for halal products continues to increase among Muslim population and beyond. This development has sparked customer concerns of sensitivity to halal on consumed products because, according to Alimusa et al. (2023), the halalness of a product without a halal label is doubted (Alimusa et al., 2023).

Research conducted by Puteh et al., (2023) entitled "Analysis Literature on Legal Awareness of Business operators regarding Obligations for Halal Certified Products" revealed that the business operators lack legal awareness of their obligation to product certification due to minimum dissemination of regulations on halal products. Meanwhile, Rahayu et al., (2022) mentioned in their research "Analysis of Legal Awareness and Protection of Business operators for Consumers regarding Ownership of Halal Certificates" lack of legal awareness of halal certificate in Sawce Chicken business operators due to their limited understanding of the content, purpose, and benefits of the halal certificate. Furthermore, Rahayu stated that the assurance of halalness should be perpetuated in the use of ingredients; the series of processing, presenting, and serving the products; the delivery of correct and honest information to the consumers; and the commitment to pay compensation for restaurant's negligence.

The government of Indonesia encourages business operators in the Micro and Small Enterprises (UMK) through the Halal Product Assurance Organizing Body (BPJPH) (Efendi et al., 2023) and the Ministry of Religion of the Republic of Indonesia (Amalia & Hidayati, 2020) to obtain halal certification for their products and services. In East Java business operators of micro, small, medium, and large scales have flourished significantly but unparalleled in legal awareness. The contributing factors to this include different educational backgrounds of business operators, minimum campaign and assistance in halal certification from the government, and low confidence in the benefits of halal certification. Legal awareness requires synergy from multi-parties from governments to business actors, and consumers.

Based on this explanation, this article will discuss awareness law on business operators in East Java regarding halal product certification in awareness theory law and maqashid sharia because the product's halal certificate is guaranteed to increase benefits and achieve the goals of the Islamic religion.

## **Literature Review**

Laws protect and promote cultural values in a society (Wijatmoko et al., 2023). Building social awareness of the law can strengthen the community and make them perceive the law as a means to support the fulfillment of their needs and to maintain order in the community (Muthaqqin & Baeihaqi, 2022). Ignorance of the law makes people underestimate the rules made by the state. Legal awareness refers to how people interpret the law and legal institutions, which gives them understanding to a person's experiences and actions (Aprita, 2021). Another definition is every legal action and practice that someone studies empirically. In other words, legal awareness interprets law as behaviour instead of rules, norms, or principle (Rogers, 2018).

Soerjono Soekanto formulated indicators of legal awareness, namely legal knowledge, legal understanding, legal compliance/attitudes, and legal behaviour (Labetubun, 2021; Soekanto, 2014). These four indicators imply certain levels of legal awareness in its realization. Legal understanding is information a person has about the substances, objectives, and benefits of certain regulations. Legal knowledge describes the relevance of legal problems faced with current legal understanding (Hidayah & Wicaksono, 2020). Legal attitude means the tendency to recognize or reject the law because of appreciation or awareness that the law is beneficial for human life.

Lastly, patterns of legal behaviour are related to the extent of law enforcement and community compliance (Hidayah & Wicaksono, 2020; Labetubun, 2021). Increasing legal awareness should be carried out through regular legal information and counselling based on solid planning.

Obedience to the law is influenced by many factors (Ma et al., 2023; Soekanto, 2014), such as 1) Compliance based on the desire for rewards and efforts to distance oneself from discipline that will be imposed if someone blames them for using the provisions of the law; 2) Identification which means compliance in carrying out the law, so that we maintain good relations; 3) Internalization which makes someone obey legal rules because rewards accompany it; and 4) Citizen interaction guaranteed by the existing legal system. Legitimate public awareness influences legal compliance both directly and indirectly. Direct compliance may include keeping hygiene and halalness during product manufacturing, while indirect compliance is the one emerges due to regulation, such as the mandatory halal label. Individuals obey the law because they are aware that they need the law and takut terhadap sanksi yang akan diterima. Law No. 33/2014 of the Republic of Indonesia stipulates that halal products comply with Islamic sharia (principles). For the Muslims, the word of Allah QS. An-Nisa: 59 states that a leader is a person entrusted with taking care of people's affairs, and that obedience to Ulil Amri (leader) means obedience to Allah Swt. Therefore, they must adhere to leaders' policies in establishing laws, especially halal certification in this context.

Consciousness is a fundamental part of human existence (Amalia & Hidayati, 2020) that conveys human perception and cognitive reactions to the conditions of what humans eat, drink, and use. Consciousness plays a role in shaping halal culture in which consumers have the ability to identify and adhere to halal goods in various circumstances (Nurhayati & Hendar, 2020). According to Al-shami & Abdullah (2023), halal cultures contribute to consumers' confidence of halal products, that in turn, increases sales of halal products; therefore, halal certification is crucial to boost consumer's confidence (Harwati & Yunita Pettalolo, 2019). Halal certification brings two-pronged benefits. First, it aims to serve the interests of Muslims and support them in practising the teachings of their religion (Qurtubi et al., 2023). Secondly, halal certification helps producers get a wider range of consumers, seize opportunities, and expand their business (Dian Luthviati & Jenvitchuwong, 2021), potentially leading to the growth of food products (Qurtubi et al., 2023). On a side note, awareness of registering a halal certificate is influenced by knowledge about halal, perceived benefits, and perceptions of procedures (Amalia & Hidayati, 2020). Therefore, accelerating the realization of halal certification in Indonesia requires synergy between government agencies, business operators, and halal product partners (PPH).

Halal-certified products instill a sense of trust and assurance for the buyers that the food products comply with Sharia law (Amalia & Hidayati, 2020). Muslims' awareness of consuming halal products is potentially driven by their religious beliefs, exposure to certification logos, and health reasons (Kurniawati & Savitri, 2019). Halal standardization protects the health and safety of consumers, workers and the community, as well as realizing the quality of products and/or services produced by increasing efficiency in the quality system management process (Krisharyanto et al., 2019). More specifically, halal certification is a continuation of the standardization process and a form of formal recognition and proof or guarantee that a product has been processed per the required standards (Kusumaningtyas et al., 2022).

Halal constitutes the substances (dzatithi), the nature of the substance, the process, the processing place, processing equipment, product storage, product distribution, and presentation (Sucipto et al., 2022). Carcasses, blood, pork, and/or halal animals (e.g., chickens, cows, goats, etc.) that are slaughtered in ways that are not Islamic Sharia are all considered non-halal (haram) materials (Harwati & Yunita Pettalolo, 2019). In addition, non-halal materials include intoxicating plants or drinks, health-harming materials, and microbes contaminated with non-halal materials. Religious knowledge about halal includes laws of what Muslims are permitted to eat, drink, and

use, as explained in the Qur'an and Hadith (Adnani et al., 2023). In the Al-Quran Surah (chapter) 2 (Al Baqarah) ayah (verse) 173 Allah says that all foods are generally allowed except those from prohibited animals such as pigs, dogs, and carrion, and foods and drinks containing alcohol and other poisonous or dangerous substance Slaughter must be carried out according to sharia in the name of God.

Each supply chain must implement a halal guarantee system, which regulates materials, production processes, products, human resources and procedures to maintain the continuity of the halal production process, namely halal policy (Abdul Kadir Jaelani et al., 2023), halal management team, training and education, materials, products, production facilities, written procedures for critical activities, tracking, procedures for handling products that do not meet the criteria, internal audits and management reviews (Wahyuni et al., 2021; Wijatmoko et al., 2023). Halal supply chain management is halal network management which aims to expand halal integrity from the source to the point of consumer purchase so that every SME that produces halal products needs to measure its supply chain management performance by consider halal criteria from upstream to downstream (Wahyuni et al., 2021).

The halalness of a product is an obligation in science maqashid sharia, especially if the product is consumed or used by a Muslim. Maqashid sharia is divided into two topics: maqashid, which means intention or purpose, and the plural of maqshud (Ichsan & Dewi, 2020) from the syllable qasada, which means will or intention (Hadi & Baihaqi, 2020). According to sharia, maqashid sharia means the path to a water source or source of life (Fakhruddin et al., 2024). It can also be interpreted as the goal of Islamic law contained in every rule (Hadi & Baihaqi, 2020). Sharia is established to realize human welfare in the world and carried out through productive, dynamic and flexible thinking. That said, maqashid sharia is a concept for knowing wisdom, namely *maslahah* or goodness and welfare of humanity (Ichsan & Dewi, 2020). The way to achieve these benefits is to fulfil primary needs (*dharuriyat*), perfect secondary needs (*hajiyat*), and tertiary needs (*tahsiniah*). Maqashid sharia establishes legal actions as the objectives of Islamic law, which consist of *hifdz al-din* (keeping religion), *hifdz al-nafs* (keep the soul), *hifdz al-'aql* (keep your wits about you), *hifdz al-mal* (guard property), and *hifdz al-nasab* (protecting offspring) (Susanti et al., 2022). Religious, social, and economic practices of humans are expected to achieve prosperity (*falaah*) in this world and the hereafter (Ichsan & Dewi, 2020).

## Methodology

Valid data was obtained through field studies with a qualitative approach using observation, interviews and documentation (Yusuf et al., 2022) to explore the flow of halal certification in Indonesia. To understand the community legal awareness of halal products, we distributed an online questionnaire through WhatsApp group chats. We managed to randomly collect 111 business operators who, at the time of this research, have run their business for at least two years regardless of being halal-certified or not. The questionnaire was built on a Google Form with four close-ended questions and one open-ended question as follows:

1. Does your business have halal certificate?
2. If you have applied or are currently applying for halal certification, what are the challenges that you face?
3. What is your reason to apply for halal certification?
4. What is the application process of halal certification?
5. How much is the fee for applying for halal certification?

The survey was conducted from May to July 2023 to groups of business owners in some big cities, and interviews was done with 50 business owners between 2022-2023. These business operators were 15 in Jember, 23 in Malang and Batu, 35 in Surabaya, 10 in Sidoarjo, 13 in

Pasuruan, 5 in Madura, 17 in Ponorogo, and 11 in Madiun. The business scales of these operators varied from large (35), medium (37), and small and micro (39).

Furthermore, to identify public legal awareness of halal products, we developed a questionnaire using a Google Form and distributed it through WhatsApp group chats using a snowball method. The questionnaire contained four close-ended questions as follows:

1. Do you always pay attention to the halal label when purchasing a product?
2. Do you always use products bearing halal label?
3. What is most important when purchasing a product – price, brand, or halal label?
4. Is it necessary for the street vendors, restaurants, cafes, and food carts to have a halal certificate?

This survey was conducted between May and June 2023, aiming to evaluate the community awareness of using or consuming halal products. We used general sampling without criteria, and managed to gather 450 respondents from different cities like Jember, Surabaya, Malang, Pasuruan, Madiun, and Ponorogo and with diverse background, namely 171 housewives, 180 students (high school and university), and 99 mixture of teachers, lecturers, state apparatus, and private employees. The education backgrounds were 90 junior high school, 144 high school, 180 bachelor's degree, 90 master's degree, and 19 doctoral degree.

Interviews were conducted to the staff of halal centre institutions selected from universities, especially PTKIN in East Java, namely UINSA, UIN Malang, and IAIN Ponorogo whom we asked to answer questions about halal certification that allowed us to probe deeper into business owners and community's legal knowledge, legal understanding, legal attitude, and legal culture. The data were subjected to qualitative descriptive analysis, which involved conceptualization processes and resulted in the formation of classification schemes (Hardani et al., 2020). It also describes the characteristics of a symptom or problem under study; this study also focuses on the basic question of 'how' when trying to obtain and convey facts clearly, thoroughly and completely without many unimportant details (Soekanto, 2014).

Secondary data were collected from publications, namely books, journals, letters, news, websites and policy documents related to the issues discussed. Data analysis uses an inductive approach, namely by applying the approach reasoning with steps of thinking that moves from specific observations to generalizations and broader theory, so informally, this approach in research is referred to as approach bottom up, namely from bottom to top (Hardani et al., 2020).

## Results and Discussion

### Level of Legal Awareness of Halal Product Certification among Business Operators and the Community in East Java regarding Halal Product Certification

According to Soerjono Soekanto, the concept of legal awareness can be seen from four aspects: legal knowledge, understanding of the law, legal obedience/attitude, and legal behaviour. Our findings on legal awareness of halal certification among business operators in East Java are summarized in the table below:

**Table 1.** Legal Awareness of Business operators and the Community regarding Halal certification

Legal Awareness	Description
Legal Knowledge and Legal Understanding	<b>Business Actors</b> Most business operators in East Java (58%) have exercised legal awareness of halal certification and labelling. Their reason is the product is easier to market and has a higher selling value. Meanwhile, 23% are still in the halal certification process because

they already know and understand the halal obligations of products produced, distributed or sold

**Community**

The majority of the community in our study (247 out of 450) stated that halal products are important and they always paid attention to the halalness of the products they purchased. The community understood the consumer's rights to consume halal products. Only 133 respondents or 30% who less frequently paid attention to whether the products they purchased were halal. This shows that they actually knew the importance of halal label on food products but they may at times ignored it, and therefore, it is vital to raise their understanding on halal food. Some other respondents (n=70;20%) are familiar with halal certificates and they also raise awareness of halal certification to other people in their community/circle.

Legal Compliance and Culture **Business Actors**

A total of 64 (58%) business operators in this research are in possession of halal product certificate and label, 26 (23%) have their halal certification process underway, and the rest 21 (19%) have not exercised and complied to halal regulations. Reasons for registering to halal certification are either self-awareness (47 business actors; 56%) or counselling from the halal companion (37 business actors; 44%).

**Community**

Based on 450 community respondents in East Java, 247 are law-abiding and exercise good legal culture in using halal products because they always look for the halal label first before purchasing or using a product. Meanwhile, around 133 respondents doubt the importance of halal certification because they at times overlook halal label on products they purchase. The rest 70 respondents have not obeyed halal rules.

Source: Data processed by researchers, 2023

The 111 business operators in East Java are divided into two scales, namely MSMEs (n=77) and large business units (n=34). At the MSME level, 47% (36) are in possession of halal certificate, 26% (20) have their halal certification underway, and 27% (21) have not had halal certificate. For large-scale businesses, 82% (28) already have halal certification and labels while 18% (6) business operators in medicines and cosmetics either not have all their products halal-certified or are undergoing the halal certification process. In other words, 58% or 64 business operators in East Java are halal-certified, 18% or 20 business operators are having their halal certification underway, and 27 (24%) have not processed halal certification at all.

The reasons for business actors have completed or are undertaking halal certification for their products are summarized in the Table 2.

**Table 2.** Halal Certificate Management

Halal Certificate Management	Description	Percentage
Halal Certification Process	Easy and Relatively Fast	51%
	Difficult and Relatively Long	49%
Halal Certification Processing Fee	Free Halal Certificate Processing Fee (non Regular MSMEs)	33%
	IDR 500,000.00 - IDR 1,000,000.00	18%



(Regular SMEs)  
IDR 1,000,000.00 – IDR 3,000,000.00 (Large 49%  
and Medium Enterprises)

Source: Data processed by researchers, 2023

The certification process encourages business operators to register their products certification. Table 2 shows that certification process was perceived easy and relatively fast for 43 business operators (51%) but difficult and lengthy for 41 business operators (49%). The cost of processing halal product certification is also an important factor in decision of business operators to apply for halal certification. Our respondents reported varied costs depending on their business scale, namely free-of-charge for non-regular MSMEs (28 or 33%), IDR 500,000.00 – 1,000,000.00 for non-regular SMEs (15 or 33%), and IDR 1,000,000.00 – 3,000,000.00 for medium and large-scale businesses (49 or 49%).

On one hand, business operators still need to fulfil the obligation to have halal certification (Batubara & Harahap, 2022) but the absence of sanctions imposed to business operators not having halal certification potentially make them reluctant to comply. On the other hand, the legal apparatus including BPJPH and the Government need to do extensive campaign on halal certification, impose strict law enforcement, and improve their responsibility and performance. There have been varied infrastructure challenges that constrain business operators from obtaining halal certification; MSEs are hampered by Business Identification Number or NIB (Nurhikma et al., 2021) while large business actors (e.g., pharmaceuticals) may find their ingredients, capsules, and product packaging stand in the way. Examined from the legal culture of the community, both business operators and the public consider eating halal products important, but they lack awareness of whether or not the products bear halal label.

The enactment of Law Number 33 of 2014 concerning Halal Product Guarantees (abbreviated as UUJPH) emphasizes the urgency of halal and haram issue in the production chain from business operators to consumers, and the role of intermediaries like distributors, sub-distributors, wholesalers and retailers before the products the final consumers (Safira et al., 2019). The definition of halal products is regulated by Article 1 paragraph (2) UUJPH, "Halal products are products that have been declared halal in accordance with Islamic law". While food are staple needs for human, halal food is non-negotiable for the Muslims except in emergencies. (Harwati & Yunita Pettalolo, 2019; Safira et al., 2019).

Strengthening the implementation of the UUJPH, the Government issued Government Regulation Number 31 of 2019 concerning Halal Product Guarantees, which was ratified by the President of the Republic of Indonesia, Mr Joko Widodo, on May 17, 2019 and came into effect on October 17, 2019 (Safira et al., 2019). Since then, halal product certification is no longer a recommendation (mogen) but is now an obligation. Accordingly, it is crucial to build public awareness, especially producers and the millennial generation, of the importance of halal certification (Safira et al., 2019).

This law is further strengthened by the ratification of Government Regulation Number 39 of 2021 on implementing Halal Product Guarantees. This regulation mandates that both Central and Regional Governments, through the Halal Product Guarantee Implementation Agency (abbreviated as BPJPH), collaborate with Halal Product Guarantee Institutions at both State and Private Universities to immediately complete the implementation of halal product guarantees as an effort to build legal awareness for both organizers and business actors. In addition, large-scale business and MSMEs should assess the success or failure of the 2019-2024 Indonesian Sharia Economic master plan (Mawardi et al., 2019) in encouraging halal certification to empower the performance of Indonesia's sharia economy. To date, Indonesia is transitioning from voluntary to mandatory nature of halal certification in hope for boosting the growth of halal trade in the

country.

Responding to this challenge, BPJPH East Java Provincial Government, in coordination with BPJPH Regency, planned to issue one million halal product certifications for MSME business actors in 2023. However, as of June 2023, there were only 10,000 MSME business operators who have halal certificates for their food products (Results of an interview with the Head of the Trade and Micro Business Service, Mr Addin Andhanawarih, on May 25 2023). It showed that there remain obstacles to accelerating halal certification of food products in Indonesia. Based on (Indah, 2023; Novi, 2023) and based on our surveys, these obstacles may include:

- a. Business operators need help certifying their food products;
- b. Lack of socialization about various government halal programs such as SEHATI and Declare Halal;
- c. Halal procedures are difficult for MSME business operators because they must have an NIB letter (Business Identification Number), which most MSME business actors not have and consequently, it hindered the acceleration of food products to earn halal certificate and label;
- d. Lack of public legal awareness of halal food products.

#### **Legal Awareness of Halal Certification according to Maqhashid Shariah among Business Actors in East Java.**

The number of business actors in East Java continues to increase every year. According to data from the Department of Cooperatives and MSME in East Java, there are around 9,782,262 MSMEs, consisting of 93.37% (9,133,859) micro businesses, 5.92% (579,567) small businesses, and 0.70% (68,835) medium-sized businesses. These businesses are mostly food, drink, pharmaceutical, and cosmetic that are vulnerable without guaranteed halal certificate. Legal awareness of business operators and consumers in East Java in eating halal food is *fardhu 'ain* (a mandatory rule that, if undone, cause sins to Muslims). Since eating means putting something into our body, selecting halal food is an act of accomplishing *maqashid dharuriyat* (staple needs that must be fulfilled to provide spiritual and secular benefits). Consuming halal products is mandatory and a form of protection to religion (*hifz al-diin*), soul (*hifz al-nafs*), intellectuality (*hifz al-'aql*), descendants (*hifz al-nasl*) and property (*hifz al-maal*).

This has also been confirmed in the objectives of Law Number 33 of 2014 and PP Number 39 of 2021 of the Republic of Indonesia that stipulate two objectives of implementing the guarantee for halal products. The first objective is to provide comfort, security, safety and certainty of the availability of halal products for the public who consume and use the products. The sense of comfort is a priority for Muslim community to feel satisfied after consuming halal products. Meanwhile, security and safety is assurance that the products they consumed are free from non-halal elements. Certainty refers to availability of halal products in Indonesia. These four elements are absolute and crucial for the Muslim, and the law has enforced this.

The second objective is to increase added value for business operators to produce and sell halal products. While added value is a pragmatic goal in the business world, implementing halal certification is a part of spreading the good teachings of Islam that can be implemented in a modern business system and mechanism. Regardless of personal faith and religion, any business actors who want to sell their products in Muslim majority countries must ensure that their products are halal because, without a doubt, Muslim consumers will avoid non-halal products.

#### **Strategies of East Java Government to Increase Legal Awareness of MSME Business Operators and the Community in Managing and Using Products that are Certified and Labeled Halal**

The Governor of East Java conveyed his plans for regional development. The first halal

industry in Indonesia dedicated to SMEs is located at Safe and Lock in Sidoarjo while halal tourism centres are being developed in Malang and Mojokerto (East Java Province Communications and Information Service, 2021). In 2022, 1.5 million MSME products in East Java were targeted to have halal certification in order to accelerate national halal certification process. As of January 3, 2024, BOJPH had issued 252,490 halal certificates for business operators, including 98.52% SMEs in East Java (Nashrullah, 2022).

During the period of 2017-2019, Provincial Industry and Trade Service of East Java provided halal facilitation to 385 East Java Small and Medium Industries (IKM) and again in 2020-2021 to 678 (East et al. 2020). The Guarantee Administering Agency Halal Products (BPJPH) has issued 184 Halal Certificate in East Java since October 17, 2019. By 2020, facilitation for MSMEs had reached 428 business units, and in 2021 was 650 business units (Department of Industry and Commerce Jawa Timur Province, 2020).

In order to impose halal certification to food and beverage sales areas around UIN Malang, UIN Malang halal institution provided education to some business operators residing in the working areas of Halal Center of UIN Malang since 2018. Today, more than 100 SMEs around UIN Malang campus have been certified halal by the UIN Malang halal institution (Indah, personal communication, 2023). In contrast, the Ministry of Religion in Ponorogo issued the 2020 "Sehati Program" where BPJPH and Ponorogo Regency Indakop provided free facilities for managing halal products for 2,500 SMEs in Ponorogo (Sunarto, personal communication, 2023). In Madiun Regency, the Chair of IKM Forum managed to facilitate approximately 700 halal certificates in 2023 (Sunarto, personal communication, 2023). In the same year, the Provincial BPJPH targeted to issue 25,000 free-of-charge halal product certifications to MSMEs in East Java (Evi, 2022).

The strategies carried out by the provincial, city, and district government can be successfully realized with outreach, seminars, and assistance for UMKM in East Java. Indakop Ponorogo has exemplified annual MSME exhibition starting in 2019 and held regular education and mentoring on halal certification five times a year (Astin, personal communication, 2023).

## **Conclusion**

Business operators and the East Java community still lack understanding and awareness of halal certification as reflected from a large number of halal-uncertified local business. The absence of sanctions products without halal certification makes business operators reluctant to apply for one. The legal apparatus, namely the Guarantee Administering Agency Halal Products (BPJPH) and the government, are lack in campaign of halal certification, fierce law enforcement, and high responsibility and performance. Some business operators like SMEs are difficult to obtain halal certification because they do not have the Business Identification Number (NIB). While the legal culture of both business operators and community perceives the importance of eating halal products, the legal awareness needs more serious implementation. The Muslim community in East Java may lack awareness of producing and using products bearing halal label or certificates. The solution implemented by the East Java government through BPJPH is accelerating halal certification by developing a Halal Product Information System (SIP Halal). It enables both public and MSME business operators to access and understand East Java halal-certified products and facilitate business operators to obtain halal product certification with assistance of all related parties.

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## Conflict of Interest

The authors declare that they have no conflict of interest.

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Our decision is to: Accept Submission

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## Legal Awareness of Halal Products Certification among East Java Business Operators and Society

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**Abstract:** The number of business operators in East Java increases significantly each year but is unfortunately not accompanied by increased legal awareness. While many business operators are aware of the halal certification obligation, they need to actually comply to it. This research was conducted in East Java on 111 micro and small business operators and medium-sized enterprises (MSMEs) spread across several cities. A total of 450 respondents of various backgrounds who, at the time of research, had run their business for at least two years were involved in direct interviews and questionnaire surveys. This research focuses on discussing the awareness of business operators and the community in East Java based on Soerjono Soekanto's legal awareness (understanding, knowledge, obedience, and legal attitudes), and maqasid sharia. Efforts to increase knowledge and understanding of business owners of legal awareness still lacked due to non-existent sanctions and incomprehensive campaign. Meanwhile, in legal culture, there is a perception that food consumed by the community is not necessarily halal-certified. The government strategy to advocate legal awareness of halal product certification includes product acceleration through the halal product information (SIP Halal) system that is easily accessible to MSMEs.

**Keywords:** Certification; Halal product; Maqasid sharia; Business operators; Society.

### Introduction

Indonesia's Muslim population in 2023 is 240,622 million, or 63.5% of the total population (Data Indonesia, 2023) and halal product and service expenditures is predicted to increase by 14.9% in 2025 to USD 281.6 billion. This makes Indonesia the largest halal market consumer globally, amounting to 11.34% of global halal production (Kementerian Perindustrian Republik Indonesia, 2023). In 2024, the Ministry of Religion (Kemenag) require three types of halal-certified products: 1) food and beverage products; 2) raw materials, food additives, and auxiliary ingredients for food and beverage products; and 3) slaughter products and services. Previously in 2023, the Ministry of Religion, through the Guarantee Administering Agency Halal Products (BPJPH), opened registration for Free Halal Certification (SEHATI) 2023 for 1 million quota to micro and small enterprises (UMK) at 1,000 points simultaneously in Indonesia (Kementerian Agama Republik Indonesia, 2023).

Halal certification is not only a religious matter but also business and market concerns (Batubara & Harahap, 2022; Ahyani et al., 2021). Since eating halal food is a form of obedience to Islamic values (Alimusa et al., 2023) and halal food industry is known for its ethical aspects of being healthy, safe, and eco-friendly, the global demand for halal products continues to increase among Muslim population and beyond. This development has sparked customer concerns of sensitivity to halal on consumed products because, according to Alimusa et al., the halalness of a product without a halal label is doubted (Alimusa et al., 2023).

Research conducted by Puteh et al., (2023) entitled "Analysis Literature on Legal Awareness of Business operators regarding Obligations for Halal Certified Products" revealed that the business operators lack legal awareness of their obligation to product certification due to minimum dissemination of regulations on halal products. Meanwhile, Rahayu et al., (2022) mentioned in their research "Analysis of Legal Awareness and Protection of Business operators for Consumers regarding Ownership of Halal Certificates" lack of legal awareness of halal certificate in Sawce Chicken business operators due to their limited understanding of the content, purpose, and benefits of the halal certificate. Furthermore, Rahayu stated that the assurance of halalness should be perpetuated in the use of ingredients; the series of processing, presenting, and serving the products; the delivery of correct and honest information to the consumers; and the commitment to pay compensation for restaurant's negligence.

The government of Indonesia encourages business operators in the Micro and Small Enterprises (UMK) through the Halal Product Assurance Organizing Body (BPJPH) (Efendi et al., 2023) and the Ministry of Religion of the Republic of Indonesia (Amalia & Hidayati, 2020) to obtain halal certification for their products and services (Sofiana et al., 2021). In East Java business operators of micro, small, medium, and large scales have flourished significantly but unparalleled in legal awareness. The contributing factors to this include different educational backgrounds of business operators, minimum campaign and assistance in halal certification from the government, and low confidence in the benefits of halal certification. Legal awareness requires synergy from multi-parties from governments to business actors, and consumers.

Based on this explanation, this article will discuss awareness law on business operators in East Java regarding halal product certification in awareness theory law and maqasid sharia because the product's halal certificate is guaranteed to increase benefits and achieve the goals of the Islamic religion.

## Literature Review

Laws protect and promote cultural values in a society (Wijatmoko et al., 2023). Building social awareness of the law can strengthen the community and make them perceive the law as a means to support the fulfillment of their needs and to maintain order in the community (Muthaqqin & Baeihaqi, 2022). Ignorance of the law makes people underestimate the rules made by the state. Legal awareness refers to how people interpret the law and legal institutions, which gives them understanding to a person's experiences and actions (Aprita, 2021). Another definition is every legal action and practice that someone studies empirically. In other words, legal awareness interprets law as behaviour instead of rules, norms, or principle (Rogers, 2018).

Soerjono Soekanto formulated indicators of legal awareness, namely legal knowledge, legal understanding, legal compliance/ attitudes, and legal behaviour (Labetubun, 2021; Soekanto, 2014). These four indicators imply certain levels of legal awareness in its realization. Legal understanding is information a person has about the substances, objectives, and benefits of certain regulations. Legal knowledge describes the relevance of legal problems faced with current legal understanding (Hidayah & Wicaksono, 2020). Legal attitude means the tendency to recognize or reject the law because of appreciation or awareness that the law is beneficial for human life. Lastly, patterns of legal behaviour are related to the extent of law enforcement and community compliance (Hidayah & Wicaksono, 2020; Labetubun, 2021). Increasing legal awareness should be carried out through regular legal information and counselling based on solid planning.

Obedience to the law is influenced by many factors (Ma et al., 2023; Soekanto, 2014), such as 1) Compliance based on the desire for rewards and efforts to distance oneself from discipline that will be imposed if someone blames them for using the provisions of the law; 2) Identification which means compliance in carrying out the law, so that we maintain good relations; 3) Internalization which makes someone obey legal rules because rewards accompany it; and 4) Citizen interaction guaranteed by the existing legal system. Legitimate public awareness influences legal compliance both directly and indirectly. Direct compliance may include keeping hygiene and halalness during product manufacturing, while

indirect compliance is the one emerges due to regulation, such as the mandatory halal label. Individuals obey the law because they are aware that they need the law and takut terhadap sanksi yang akan diterima. Law No. 33/2014 of the Republic of Indonesia stipulates that halal products comply with Islamic sharia (principles). For the Muslims, the word of Allah QS. An-Nisa: 59 states that a leader is a person entrusted with taking care of people's affairs, and that obedience to Ulil Amri (leader) means obedience to Allah Swt. Therefore, they must adhere to leaders' policies in establishing laws, especially halal certification in this context.

Consciousness is a fundamental part of human existence (Amalia & Hidayati, 2020) that conveys human perception and cognitive reactions to the conditions of what humans eat, drink, and use. Consciousness plays a role in shaping halal culture in which consumers have the ability to identify and adhere to halal goods in various circumstances (Nurhayati & Hendar, 2020). According to Al-shami & Abdullah (2023), halal cultures contribute to consumers' confidence of halal products, that in turn, increases sales of halal products; therefore, halal certification is crucial to boost consumer's confidence (Harwati & Yunita Pettalolo, 2019). Halal certification brings two-pronged benefits. First, it aims to serve the interests of Muslims and support them in practising the teachings of their religion (Qurtubi et al., 2023). Secondly, halal certification helps producers get a wider range of consumers, seize opportunities, and expand their business (Dian Luthviati & Jenvitichuwong, 2021), potentially leading to the growth of food products (Qurtubi et al., 2023). On a side note, awareness of registering a halal certificate is influenced by knowledge about halal, perceived benefits, and perceptions of procedures (Amalia & Hidayati, 2020). Therefore, accelerating the realization of halal certification in Indonesia requires synergy between government agencies, business operators, and halal product partners (PPH).

Halal-certified products instill a sense of trust and assurance for the buyers that the food products comply with Sharia law (Amalia & Hidayati, 2020). Muslims' awareness of consuming halal products is potentially driven by their religious beliefs, exposure to certification logos, and health reasons (Kurniawati & Savitri, 2019). Halal standardization protects the health and safety of consumers, workers and the community, as well as realizing the quality of products and/or services produced by increasing efficiency in the quality system management process (Krisharyanto et al., 2019). More specifically, halal certification is a continuation of the standardization process and a form of formal recognition and proof or guarantee that a product has been processed per the required standards (Kusumaningtyas et al., 2022).

Halal constitutes the substances (*dzatilahi*), the nature of the substance, the process, the processing place, processing equipment, product storage, product distribution, and presentation (Sucipto et al., 2022). Carcasses, blood, pork, and/or halal animals (e.g., chickens, cows, goats, etc.) that are slaughtered in ways that are not Islamic Sharia are all considered non-halal (haram) materials (Harwati & Yunita Pettalolo, 2019). In addition, non-halal materials include intoxicating plants or drinks, health-harming materials, and microbes contaminated with non-halal materials. Religious knowledge about halal includes laws of what Muslims are permitted to eat, drink, and use, as explained in the Qur'an and Hadith (Adnani et al., 2023). In the Al-Quran Surah (chapter) 2 (Al Baqarah) ayah (verse) 173 Allah says that all foods are generally allowed except those from prohibited animals such as pigs, dogs, and carrion, and foods and drinks containing alcohol and other poisonous or dangerous substance Slaughter must be carried out according to sharia in the name of God.

Each supply chain must implement a halal guarantee system, which regulates materials, production processes, products, human resources and procedures to maintain the continuity of the halal production process, namely halal policy (Jaelani et al., 2023), halal management team, training and education, materials, products, production facilities, written procedures for critical activities, tracking, procedures for handling products that do not meet the criteria, internal audits and management reviews (Wahyuni et al., 2021; Wijatmoko et al., 2023). Halal supply chain management is halal network management which aims to expand halal integrity from the source to the point of consumer purchase so that every SME that produces halal products needs to measure its supply chain management performance by consider halal criteria from upstream to downstream (Wahyuni et al., 2021).

The halalness of a product is an obligation in science maqasid sharia, especially if the product is consumed or used by a Muslim. Maqasid sharia is divided into two topics: maqasid, which means intention or purpose, and the plural of maqsud (Ichsan & Dewi, 2020) from the syllable qasada, which means will or intention (Hadi & Baihaqi, 2020). According to sharia, maqasid sharia means the path to a water source or source of life (Fakhrudin et al., 2024). It can also be interpreted as the goal of Islamic law contained in every rule (Hadi & Baihaqi, 2020). Sharia is established to realize human welfare in the world and carried out through productive, dynamic and flexible thinking. That said, maqasid sharia is a concept for knowing wisdom, namely *maslahah* or goodness and welfare of humanity (Ichsan & Dewi, 2020). The way to achieve these benefits is to fulfil primary needs (*dharuriyat*), perfect secondary needs (*hajiyat*), and tertiary needs (*tahsiniyah*). Maqasid sharia establishes legal actions as the objectives of Islamic law, which consist of *hifdz al-din* (keeping religion), *hifdz al-nafs* (keep the soul), *hifdz al-'aql* (keep your wits about you), *hifdz al-mal* (guard property), and *hifdz al-nasab* (protecting offspring) (Susanti et al., 2022). Religious, social, and economic practices of humans are expected to achieve prosperity (*falaah*) in this world and the hereafter (Ichsan & Dewi, 2020).

## Method

Valid data was obtained through field studies with a qualitative approach using observation, interviews and documentation (Yusuf et al., 2022) to explore the flow of halal certification in Indonesia. To understand the community legal awareness of halal products, we distributed an online questionnaire through WhatsApp group chats. We managed to randomly collect 111 business operators who, at the time of this research, have run their business for at least two years regardless of being halal-certified or not. The questionnaire was built on a Google Form with four close-ended questions and one open-ended question as follows:

1. Does your business have halal certificate?
2. If you have applied or are currently applying for halal certification, what are the challenges that you face?
3. What is your reason to apply for halal certification?
4. What is the application process of halal certification?
5. How much is the fee for applying for halal certification?

The survey was conducted from May to July 2023 to groups of business owners in some big cities, and interviews was done with 50 business owners between 2022-2023. These business operators were 15 in Jember, 23 in Malang and Batu, 35 in Surabaya, 10 in Sidoarjo, 13 in Pasuruan, 5 in Madura, 17 in Ponorogo, and 11 in Madiun. The business scales of these operators varied from large (35), medium (37), and small and micro (39).

Furthermore, to identify public legal awareness of halal products, we developed a questionnaire using a Google Form and distributed it through WhatsApp group chats using a snowball method. The questionnaire contained four close-ended questions as follows:

1. Do you always pay attention to the halal label when purchasing a product?
2. Do you always use products bearing halal label?
3. What is most important when purchasing a product – price, brand, or halal label?
4. Is it necessary for the street vendors, restaurants, cafes, and food carts to have a halal certificate?

This survey was conducted between May and June 2023, aiming to evaluate the community awareness of using or consuming halal products. We used general sampling without criteria, and managed to gather 450 respondents from different cities like Jember, Surabaya, Malang, Pasuruan, Madiun, and Ponorogo and with diverse background, namely 171 housewives, 180 students (high school and university), and 99 mixture of teachers, lecturers, state apparatus, and private employees. The education backgrounds were 90 junior high school, 144 high school, 180 bachelor's degree, 90 master's degree, and 19 doctoral degrees.

Interviews were conducted to the staff of halal centre institutions selected from universities, especially PTIKIN in East Java, namely UINSA, UIN Malang, and IAIN Ponorogo whom we asked to answer questions about halal certification that allowed us to probe deeper into business owners and community's legal knowledge, legal understanding, legal attitude, and legal culture. The data were subjected to qualitative descriptive analysis, which involved conceptualization processes and resulted in the formation of classification schemes (Hardani et al., 2020). It also describes the characteristics of a symptom or problem under study; this study also focuses on the basic question of 'how' when trying to obtain and convey facts clearly, thoroughly and completely without many unimportant details (Soekanto, 2014).

Secondary data were collected from publications, namely books, journals, letters, news, websites and policy documents related to the issues discussed. Data analysis uses an inductive approach, namely by applying the approach reasoning with steps of thinking that moves from specific observations to generalizations and broader theory, so informally, this approach in research is referred to as approach bottom up, namely from bottom to top (Hardani et al., 2020).

**Results and Discussion**

**Level of Legal Awareness of Halal Product Certification among Business Operators and the Community in East Java regarding Halal Product Certification**

According to Soerjono Soekanto, the concept of legal awareness can be seen from four aspects: legal knowledge, understanding of the law, legal obedience/ attitude, and legal behaviour. Our findings on legal awareness of halal certification among business operators in East Java are summarized in the table below:

**Table 1. Legal Awareness of Business operators and the Community regarding Halal certification**

Legal Awareness	Description
Legal Knowledge and Legal Understanding	<p><b>Business Actors</b> Most business operators in East Java (58%) have exercised legal awareness of halal certification and labelling. Their reason is the product is easier to market and has a higher selling value. Meanwhile, 23% are still in the halal certification process because they already know and understand the halal obligations of products produced, distributed or sold</p> <p><b>Community</b> The majority of the community in our study (247 out of 450) stated that halal products are important and they always paid attention to the halalness of the products they purchased. The community understood the consumer's rights to consume halal products. Only 133 respondents or 30% who less frequently paid attention to whether the products they purchased were halal. This shows that they actually knew the importance of halal label on food products but they may at times ignored it, and therefore, it is vital to raise their understanding on halal food. Some other respondents (n=70;20%) are familiar with halal certificates and they also raise awareness of halal certification to other people in their community/circle.</p>
Legal Compliance and Culture	<p><b>Business Actors</b> A total of 64 (58%) business operators in this research are in possession of halal product certificate and label, 26 (23%) have their halal certification process underway, and the rest 21 (19%) have not exercised and complied to halal regulations. Reasons for registering to halal certification are either self-awareness (47 business actors; 56%) or counselling from the halal companion (37 business actors; 44%).</p> <p><b>Community</b> Based on 450 community respondents in East Java, 247 are law-abiding and exercise good legal culture in using halal products because they always look for the halal label first before purchasing or using a product. Meanwhile,</p>

around 133 respondents doubt the importance of halal certification because they at times overlook halal label on products they purchase. The rest 70 respondents have not obeyed halal rules.

Source: Data processed by researchers, 2023

The 111 business operators in East Java are divided into two scales, namely MSMEs (n=77) and large business units (n=34). At the MSME level, 47% (36) are in possession of halal certificate, 26% (20) have their halal certification underway, and 27% (21) have not had halal certificate. For large-scale businesses, 82% (28) already have halal certification and labels while 18% (6) business operators in medicines and cosmetics either not have all their products halal-certified or are undergoing the halal certification process. In other words, 58% or 64 business operators in East Java are halal-certified, 18% or 20 business operators are having their halal certification underway, and 27 (24%) have not processed halal certification at all.

The reasons for business actors have completed or are undertaking halal certification for their products are summarized in the Table 2.

**Table 2. Halal Certificate Management**

Halal Certificate Management	Description	Percentage
Halal Certification Process	Easy and Relatively Fast	51%
	Difficult and Relatively Long	49%
Halal Certification Processing Fee	Free Halal Certificate Processing Fee (non Regular MSMEs)	33%
	IDR 500,000.00 - IDR 1,000,000.00 (Regular SMEs)	18%
	IDR 1,000,000.00 - IDR 3,000,000.00 (Large and Medium Enterprises)	49%

Source: Data processed by researchers, 2023

The certification process encourages business operators to register their products certification. Table 2 shows that certification process was perceived easy and relatively fast for 43 business operators (51%) but difficult and lengthy for 41 business operators (49%). The cost of processing halal product certification is also an important factor in decision of business operators to apply for halal certification. Our respondents reported varied costs depending on their business scale, namely free-of-charge for non-regular MSMEs (28 or 33%), IDR 500,000.00 - 1,000,000.00 for non-regular SMEs (15 or 33%), and IDR 1,000,000.00 - 3,000,000.00 for medium and large-scale businesses (49 or 49%).

On one hand, business operators still need to fulfil the obligation to have halal certification (Batubara & Harahap, 2022) but the absence of sanctions imposed to business operators not having halal certification potentially make them reluctant to comply. On the other hand, the legal apparatus including BPJPH and the Government need to do extensive campaign on halal certification, impose strict law enforcement, and improve their responsibility and performance. There have been varied infrastructure challenges that constrain business operators from obtaining halal certification; MSEs are hampered by Business Identification Number or NIB (Nurhikma et al., 2021) while large business actors (e.g., pharmaceuticals) may find their ingredients, capsules, and product packaging stand in the way. Examined from the legal culture of the community, both business operators and the public consider eating halal products important, but they lack awareness of whether or not the products bear halal label.

The enactment of Law Number 33 of 2014 concerning Halal Product Guarantees (abbreviated as UUJPH) emphasizes the urgency of halal and haram issue in the production chain from business operators to consumers, and the role of intermediaries like distributors, sub-distributors, wholesalers and retailers before the products the final consumers (Safira et al., 2019). The definition of halal products is regulated by Article 1 paragraph (2) UUJPH, "Halal products are products that have been declared halal in accordance with Islamic law". While food are staple needs for human, halal food is non-negotiable for the Muslims except in emergencies. (Harwati & Yunita Pettalolo, 2019; Safira et al., 2019).



Strengthening the implementation of the UUJPH, the Government issued Government Regulation Number 31 of 2019 concerning Halal Product Guarantees, which was ratified by the President of the Republic of Indonesia, Mr Joko Widodo, on May 17, 2019 and came into effect on October 17, 2019 (Jalaluddin et al., 2024; Safira et al., 2019). Since then, halal product certification is no longer a recommendation (*mogen*) but is now an obligation. Accordingly, it is crucial to build public awareness, especially producers and the millennial generation, of the importance of halal certification (Safira et al., 2019).

This law is further strengthened by the ratification of Government Regulation Number 39 of 2021 on implementing Halal Product Guarantees. This regulation mandates that both Central and Regional Governments, through the Halal Product Guarantee Implementation Agency (abbreviated as BPJPH), collaborate with Halal Product Guarantee Institutions at both State and Private Universities to immediately complete the implementation of halal product guarantees as an effort to build legal awareness for both organizers and business actors. In addition, large-scale business and MSMEs should assess the success or failure of the 2019-2024 Indonesian Sharia Economic master plan (Mawardi et al., 2019) in encouraging halal certification to empower the performance of Indonesia's sharia economy. To date, Indonesia is transitioning from voluntary to mandatory nature of halal certification in hope for boosting the growth of halal trade in the country.

Responding to this challenge, BPJPH East Java Provincial Government, in coordination with BPJPH Regency, planned to issue one million halal product certifications for MSME business actors in 2023. However, as of June 2023, there were only 10,000 MSME business operators who have halal certificates for their food products (Results of an interview with the Head of the Trade and Micro Business Service, Mr Addin Andhanawarih, on May 25 2023). It showed that there remain obstacles to accelerating halal certification of food products in Indonesia. Based on (Indah, 2023; Novi, 2023) and based on our surveys, these obstacles may include:

1. Business operators need help certifying their food products;
2. Lack of socialization about various government halal programs such as SEHATI and Declare Halal;
3. Halal procedures are difficult for MSME business operators because they must have an NIB letter (Business Identification Number), which most MSME business actors not have and consequently, it hindered the acceleration of food products to earn halal certificate and label;
4. Lack of public legal awareness of halal food products.

#### **Legal Awareness of Halal Certification according to Maqasid Sharia among Business Actors in East Java**

The number of business actors in East Java continues to increase every year. According to data from the Department of Cooperatives and MSME in East Java, there are around 9,782,262 MSMEs, consisting of 93.37% (9,133,859) micro businesses, 5.92% (579,567) small businesses, and 0.70% (68,835) medium-sized businesses. These businesses are mostly food, drink, pharmaceutical, and cosmetic that are vulnerable without guaranteed halal certificate. Legal awareness of business operators and consumers in East Java in eating halal food is *farḍlu 'ain* (a mandatory rule that, if undone, cause sins to Muslims). Since eating means putting something into our body, selecting halal food is an act of accomplishing *maqasid dharuriyat* (staple needs that must be fulfilled to provide spiritual and secular benefits). Consuming halal products is mandatory and a form of protection to religion (*hifz al-dīn*), soul (*hifz al-nafs*), intellectuality (*hifz al-'aql*), descendants (*hifz al-nasl*) and property (*hifz al-maal*).

This has also been confirmed in the objectives of Law Number 33 of 2014 and PP Number 39 of 2021 of the Republic of Indonesia that stipulate two objectives of implementing the guarantee for halal products. The first objective is to provide comfort, security, safety and certainty of the availability of halal products for the public who consume and use the products. The sense of comfort is a priority for Muslim community to feel satisfied after consuming halal products. Meanwhile, security and safety is assurance that the products they consumed are free from non-halal elements. Certainty refers to availability of halal products in Indonesia. These four elements are absolute and crucial for the Muslim, and the law has enforced this.

The second objective is to increase added value for business operators to produce and sell halal products. While added value is a pragmatic goal in the business world, implementing halal certification is a part of spreading the good teachings of Islam that can be implemented in a modern business system and mechanism. Regardless of personal faith and religion, any business actors who want to sell their products in Muslim majority countries must ensure that their products are halal because, without a doubt, Muslim consumers will avoid non-halal products.

#### **Strategies of East Java Government to Increase Legal Awareness of MSME Business Operators and the Community in Managing and Using Products that are Certified and Labeled Halal**

The Governor of East Java conveyed his plans for regional development. The first halal industry in Indonesia dedicated to SMEs is located at Safe and Lock in Sidoarjo while halal tourism centres are being developed in Malang and Mojokerto (East Java Province Communications and Information Service, 2021). In 2022, 1.5 million MSME products in East Java were targeted to have halal certification in order to accelerate national halal certification process. As of January 3, 2024, BOJPH had issued 252,490 halal certificates for business operators, including 98.52% SMEs in East Java (Nashrullah, 2022).

During the period of 2017-2019, Provincial Industry and Trade Servis of East Java provided halal facilitation to 385 East Java Small and Medium Industries (IKM) and again in 2020-2021 to 678 (East et al. 2020). The Guarantee Administering Agency Halal Products (BPJPH) has issued 184 Halal Certificate in East Java since October 17, 2019. By 2020, facilitation for MSMEs had reached 428 business units, and in 2021 was 650 business units (Department of Industry and Commerce Jawa Timur Province, 2020).

In order to impose halal certification to food and beverage sales areas around UIN Malang, UIN Malang halal institution provided education to some business operators residing in the working areas of Halal Center of UIN Malang since 2018. Today, more than 100 SMEs around UIN Malang campus have been certified halal by the UIN Malang halal institution (Indah, personal communication, 2023). In contrast, the Ministry of Religion in Ponorogo issued the 2020 "Sehati Program" where BPJPH and Ponorogo Regency Indakop provided free facilities for managing halal products for 2,500 SMEs in Ponorogo (Sunarto, personal communication, 2023). In Madiun Regency, the Chair of IKM Forum managed to facilitate approximately 700 halal certificates in 2023 (Sunarto, personal communication, 2023). In the same year, the Provincial BPJPH targeted to issue 25,000 free-of-charge halal product certifications to MSMEs in East Java (Evi, 2022).

The strategies carried out by the provincial, city, and district government can be successfully realized with outreach, seminars, and assistance for UMKM in East Java. Indakop Ponorogo has exemplified annual MSME exhibition starting in 2019 and held regular education and mentoring on halal certification five times a year (Astin, personal communication, 2023).

#### **Conclusion**

Business operators and the East Java community still lack understanding and awareness of halal certification as reflected from a large number of halal-uncertified local business. The absence of sanctions products without halal certification makes business operators reluctant to apply for one. The legal apparatus, namely the Guarantee Administering Agency Halal Products (BPJPH) and the government, are lack in campaign of halal certification, low in legal enforcement, responsibility and performance. Some business operators like SMEs are difficult to obtain halal certification because they do not have the Business Identification Number (NIB). While the legal culture of both business operators and community perceives the importance of eating halal products, the legal awareness needs more serious implementation. The Muslim community in East Java may lack awareness of producing and using products bearing halal label or certificates. The solution implemented by the East Java government through BPJPH is accelerating halal certification by developing a Halal Product Information System (SIP Halal). It enables both public and MSME business operators to access and understand East Java halal-certified products and facilitate business operators to obtain halal product certification with assistance of all related parties.

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### Conflict of Interest

The authors declare that they have no conflict of interest.

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