

# The Legal Application of Consumer and Halal Product Protection in the Health Sector

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Health and being healthy is the right of everyone. Yet, are the existing laws able to give legal protection of health for the Indonesian citizens? There have been cases where products which may harm the health were found, and that their halal certification is still questionable, though such certification is important for Muslims. On 2018, the public were shocked by the results of research done by the University of New York, United States, which announced that microplastic components were found in bottled mineral water from the brands Aqua, Nestle, and Club. Then, at the end of 2018, worm parasites were found in canned mackerel fish. Another interesting case is regarding immunisation vaccines, where the perspective regarding its halal-ness were still debated by the Indonesian citizens. Apart from that, the free distribution of illegal cosmetics is still an ongoing issue in Indonesia, where its impacts on health and its halal-ness are still ignored. There have also been cases on the distribution of dangerous medicine without a doctors' prescription. Thus, this paper analyses how far the essence of UUPK (the Constitution which regulates Consumer Rights) and UU Product Halal (the Constitution which regulates Halal Products) are in protecting the health rights of the Indonesian consumers, and how the regulations and the roles of the government are in making efforts to implement and enforce these laws. Results of the analysis show that the implementation of the Consumer Rights Constitution is still minimum, though the rights for health is a basic component of the human rights.

**Key words:** *Health, halal product, consumer, the Constitution which regulates Consumer Rights (UUPK).*



## Introduction

Being healthy and obtaining health services is a human right. Getting products that are safe, hygienic, and in accordance with the Shari'a are also a human right. All halal products that have been guaranteed clear are safe and healthy products. The world of health is not only limited to health services but also how to guarantee food products, beverages, cosmetics, and medicines consumed by the public, are safe and guaranteed quality, and for Muslims, do not contain subhats.

The existence of Law Number 8 of 1999 concerning Consumer Protection, Law Number 33 of 2014 concerning Halal Product Guarantee, and Law Number 36 of 2009 concerning Health, should be able to provide maximum protection for consumers in Indonesia. These three rules should also support and complement each other so that the protection of consumers in the health sector, from health services, have products that are safe and guaranteed they can be fulfilled to the maximum.

Problems in the field of consumer protection since the enactment of Law Number 8 of 1999 concerning Consumer Protection (hereinafter abbreviated to UUPK), are very diverse and complex, but lawsuits from consumers on health services and relating to the problem of health-related products are still very minimal in Indonesia. When viewed in terms of health services, this is due to the relationship between consumers (patients) and business actors (doctors), which in medical terminology is known as therapeutic transactions, are more paternalistic (Rif'ah, 2019). Along with changes in society, the doctor-patient relationship is also increasingly complex and is characterised by a shift in the pattern from paternalistic relations to partnership; which is the position of doctors in line with patients (doctors are partners and partners for patients) (Rif'ah, 2019). In addition, the world of health is not only limited to health services but there are health products which are provided and consumed by patients as consumers.

The UUPK is basically enacted in the framework of: (1) realising a just and prosperous society, and building the Indonesian economy in order to improve the welfare of society; (2) providing certainty that does not harm the interests of consumers; (3) maintaining and guaranteeing the certainty of the quality, quantity and security of goods and or services obtained in the market; and (4) increasing the dignity of consumers, awareness and knowledge as well as caring, with abilities and independence, so that they become responsible consumers. From these objectives, the main targets in the UUPK are (1) consumers who are aware of their rights and obligations, and (2) private and public businesses who are working in the responsible and honest sectors of goods and services (Martha, 2019).

Based on Article 1 paragraph (1) of the UUPK, consumers are all users of goods and or services available in the community, both for themselves, their families, others, and other living things and not for trade (Martha, 2019). Associated with the understanding of these consumers, the

consumers referred to in this paper are final consumers (this can be patients or consumers of goods), while products are in the form of goods, for example: medicines including vaccines, food and beverages, cosmetics, food supplements and medical devices. The product must obtain the legality and permission from the BPOM as regulated in the Health Act related to the duties and authorities of the BPOM, and its derivative rules, namely the Presidential Regulation Number 80 Year 2017 concerning the Food and Drug Supervisory Agency.

Meanwhile the products are in the form of health services, including: health services provided by private bodies and private/public bodies are doctors, specialist doctors, nurses, midwives, while public bodies are public business entities established by the government or the private sector such as puskesmas (Community health centres), and hospitals. Then there is also the health insurance service. To know whether professionals who provide health services (doctors, hospital administrators or puskesmas, physiotherapists, radiologists, etc.) are business actors or not, we can see that based on Law Number 36 Year 2009 regarding Health, Black Law Dictionary, and WTO / GATS in the field of health, health personnel is every person who devotes himself in the field of health and has knowledge and/or skills through education in the field of health, which for certain types requires authority to conduct health efforts. Whereas in the Black Law Dictionary it is stated: business (business activities in various economic fields) includes: employment, occupation, profession, or commercial activity engaged in / or gain or livelihood (all activities for profit / livelihood). In addition, the position of the health sector according to the WTO / GATS states among others that the profession of doctors and dentists is currently included in the business services sector, as shown below:

- Health sector:
    - a. hospital services
    - b. other human health services
    - c. social services
  - Other business services sectors:
    - a. professional services
    - b. medical and dental services
    - c. physiotherapist nurses and midwives
- ([https://luk.staff.ugm.ac.id/atur/sehat/Perhumen-Konsumen-K Kesehatan1.pdf](https://luk.staff.ugm.ac.id/atur/sehat/Perhumen-Konsumen-K%20Kesehatan1.pdf)).

With the Indonesian Minister of Health Decree No. 756/MENKES/SK/VI/2004 concerning Preparation of Trade and Services Liberalisation in the Health Sector, means that the UUPK can also be applied to the health sector. With the enactment of the Ministerial Decree, the UUPK is expected to be able to provide a balance of rights and obligations between consumers and businesses in the health sector. Thus, there is the assumption that the business actors are the rulers. So, in producing goods or providing health services it can be arbitrary, because between businesses and consumers there is not only a matter of rights but there are also obligations that need to be taken responsibility for as well.

In addition, with the Halal Product Guarantee Act (hereinafter abbreviated as UUJPH), then of course the production of goods related to health issues must also have a halal label. This applies to food, drinks, medicine, vaccines, food supplements, and cosmetics. When viewed from the understanding of business actors in UUJPH Article 1 point 10, it is explained that the business actor is an individual or a business entity in the form of a legal entity or a non-legal entity conducting business activities in the Indonesian territory. From this understanding, it is clear that all business actors producing goods or products must register their products to obtain halal certification. Whereas what is meant by products is that the business owners must register their products to obtain halal certification based on the provisions of Article 1 point 1 of the UUJPH which are goods and/or services related to food, beverages, drugs, cosmetics, chemical products, genetic engineering products, and goods used by the community. Understanding the community includes individuals or consumers as the final beneficiary of a product as a whole. There are no specific specifications for Muslims. Then, it is also emphasised in Article 4 of UUJPH that products that enter, circulate and are traded in the Indonesian territory, must be halal-certified.

So from the explanations above, several questions arise, namely (1) how are the regulations between the UUPK, UUJPH and Health Law on issues of consumer protection in the world of health, upheld, and (2) how are solutions to increase legal awareness of business actors and consumers regarding the importance of consumer protection and product guarantee used in the world of health? This research is a library research and legislation, which is focused on consumers and businesses in the world of health.

### **Concept of Consumer Protection**

Consumer protection is an organised effort in which there are elements of government, consumers, and business actors who are honest and responsible for improving consumer rights. While the definition of Consumer Protection in the UUPK is "all efforts that guarantee legal certainty to provide protection to the community of their rights as consumers." The objectives to be achieved from consumer protection are:

- a. to empower consumers in choosing, determining the goods and/or services needs and demanding their rights;
- b. creating a consumer protection system which includes elements of legal certainty, information disclosure, and access to information; and
- c. to foster awareness of businesses about the importance of consumer protection so that honest and responsible attitudes will grow (Muhammad, 2003).

Consumer protection arrangements are made by: (Martha, 2019)

- a. Creating a consumer-protection system which contains access and information, and guarantees legal certainty;

- b. Protecting the interests of consumers in particular and the interests of all business actors in general;
- c. Improving the quality of goods and services;
- d. Providing protection for consumers from deceptive and misleading business practices;
- e. Integrating the implementation, development, and regulation of consumer protection with protection fields in other fields.

Legal certainty guaranteed in the protection of consumers, is all the processes of fulfilling the needs of consumers, namely from the start of life in the mother's womb until death, and all needs between those two periods. In this case the empowerment of consumers needs to have the awareness, the ability, and the independence to protect themselves from the negative excesses of the use, use and utilisation of goods and or service's needs. Consumer empowerment is also intended so that consumers have a balanced bargaining power with business actors. In essence, the UUPK does not merely provide protection to consumers, but also provides protection for the public or other economic actors. This UUPK basically provides a balance in several ways:

1. The position of business actors/business people with consumers regarding:
  - harmonisation of mutual needs;
  - where one may not break relations with the other party;
  - equating the perception that each side has equal rights and obligations.
2. Giving awareness to the community that they own rights that can be defended and demanded by other parties, regarding:
  - procedures in resolving disputes, including the law of the event;
  - what must be done and what may not be done by businesses or consumers;
  - what information must be given by businesses to consumers, and vice versa.
3. Giving awareness to business actors and consumers that their position is balanced by not burdening one another (Martha, 2019).

UUPK is basically enacted in the framework of:

1. Creating a just and a prosperous society, building the Indonesian economy in order to improve the welfare of the community;
2. Providing certainty that does not harm the interests of consumers;
3. Maintaining and guaranteeing the certainty of the quality, quantity, and security of goods and/or services obtained in the market;
4. Enhancing the dignity of consumers, awareness, and knowledge as well as care, ability, and independence so that they become responsible consumers.

The UUPK systematically regulates the following matters:

1. General provisions, namely providing formal restrictions so that there will not be multiple interpretations in accordance with their respective interests;
2. Principles and objectives, namely the benefits of fairness and balance, consumer security and safety;
3. The rights and obligations of consumers and business actors;
4. Provisions for the inclusion of standard clauses;
5. Guidance and supervision;
6. National Consumer Protection Agency;
7. Non-governmental protection organisations;
8. Settlement of consumer disputes;
9. Education;
10. Sanctions;
11. Transitional Provisions; and
12. Final Provisions

With the birth of the Law No. 8 of 1999 concerning Consumer Protection, it is expected that consumer protection efforts in Indonesia, which have been given minimal attention, can become more noticed. The planned implementation, development and regulation of consumer protection is to increase the dignity and awareness of consumers and indirectly encourage business actors in carrying out their business activities with a full sense of responsibility. Consumer protection arrangements are made by:

1. Creating a consumer protection system which contains access and information, and which guarantees legal certainty;
2. Protecting the interests of consumers in particular and the interests of all business actors;
3. Improving the quality of goods and services;
4. Providing protection to consumers from deceptive and misleading business practices;
5. Integrating the implementation, development and regulation of consumer protection with protection fields in other fields.

The UUPK legal instrument intends to regulate the harmonious relationship between rights and obligations between business actors on the one hand and consumers on the other. Departing from this thought, the rights and obligations of business actors and consumers can be observed, namely:

1. Business actors' rights
  - a. The right to receive payments in accordance with the agreement regarding the conditions and exchange rates of the goods and or services traded;
  - b. The right to obtain legal protection from consumer actions with bad intentions;
  - c. The right to conduct self-defence as appropriate in the resolution of consumer disputes;
  - d. The right to retrieve a good reputation if it is legally proven that the goods and or services traded do not harm consumers; and

- e. Other rights as regulated in the UUPK
2. Obligations of business actors
  - a. Good intentions in conducting business activities;
  - b. Providing true, clear, and honest information about the conditions and guarantees of goods and/or services, and providing explanations of the function, repair and maintenance;
  - c. Treating and serving consumers properly and honestly and without discrimination.
  - d. Guaranteeing the quality of goods and/or services produced and/or traded based on the applicable quality standards of goods and/or services; and
  - e. Providing opportunities for consumers to test and or try certain goods and/or provide guarantees for goods that are made and/or traded;
  - f. Providing compensation, reimbursement and or replacement for losses resulting from the use, function and utilisation of traded goods and/or services;
  - g. Giving compensation, reimbursement, and/or replacement if the goods and/or services received or utilised are not in accordance with the agreement.
3. Consumer rights
  - a. The right for comfort, security, and safety in consuming goods and/or services;
  - b. The right to choose goods and/or services and to obtain goods and/or services according to the exchange rate and conditions and guarantees promised;
  - c. The right for true, clear, and honest information about the conditions and guarantees of goods and/or services;
  - d. The right to have opinions and complaints heard about goods and/or services used;
  - e. The right to obtain advocacy, protection, and efforts to resolve consumer-protection disputes appropriately;
  - f. The right for consumer guidance and education;
  - g. The right to be treated and served properly and honestly and without discrimination;
  - h. The right to obtain compensation, and/or replacement if the goods and/or services received do not comply with the agreement as they should; and
  - i. Other rights as regulated in other statutory provisions.
4. Consumer obligations
  - a. Reading or following information instructions and procedures for the use or utilisation of goods and/or services for security and safety;
  - b. Having a good intention in conducting transactions of purchasing goods and/or services;
  - c. Paying according to the agreed exchange rate; and
  - d. Following efforts to properly resolve consumer protection disputes (Martha, 2019).

The losses that can be suffered by consumers as a result of the use of consumer goods can be classified into:

- a. Material losses, which are in the form of losses on goods purchased.
- b. Material losses, i.e. losses that endanger the health and/or lives of consumers. Many things can be detrimental to consumers, including problems related to the quality of goods, price

of goods, fraudulent competition, counterfeiting, fraud, misleading advertising and so on, which could not only harm property or health, it can even cause death. In addition, it can also cause consumption patterns which are not in accordance with the level of income and education of our consumer community which is still relatively low.

Compensation for losses suffered by consumers essentially functions as:

1. Restoration of rights that have been violated.
2. Recovery for material and immaterial losses that have been suffered.
3. Recovery to its original state.

### **Legal Regulation of Consumer Protection, Halal Product Guarantee, Health Law in Relation with Consumer Protection**

The definition of halal product is regulated in Law Number 33 of 2014 concerning Halal Product Guarantee (UUJPH) in Article 1 point (2): "Halal products are products that have been declared halal in accordance with Islamic law". Referring to the notion that food, non-food, and services are basic needs for humans. Its existence is very crucial in everyday life. For Muslim consumers, consuming food and beverage products and using halal and guaranteed services is not negotiable, except in an emergency situation (<http://repository.unpas.ac.id/31767/1/BAB%203.pdf>).

Islam provides guidance to people to only consume halal and guaranteed products, in the form of food products, drinks, food supplements, vaccines, medicines, cosmetics, and others. For Muslims the legal basis is clear. Al-Qur'an Q.S al-Maidah verse: 3 explicitly and categorically mentioned types of food that is halal and haram. Such as the prohibition on eating carcasses (other than fish and grasshoppers), blood, pork, meat of animals slaughtered by mentioning names other than God, animals slaughtered for idols, animal flesh choked, beaten, dropped, gored/pounced by wild animals, except for having it slaughtered in the name of Allah (Ahmad, 1996).

For Muslim consumers, the halal guarantee of a product/service is a very important thing, because consuming halal food is an absolute religious command for the Muslims. Islam does not only focus on the material aspects, neither does it focus on the aspects of body development alone, but Islam also pays attention to things which affect the morals, soul (personality) and the behaviour (Ahmad, 1996). Consuming halal products guarantees that the product is also safe, good and of guaranteed quality. Although halal products are what is considered as legal in Islam, the results of the products can also provide benefits and their healthiness are guaranteed, so they can also be used by non-Muslim consumers as well.

Article 4 letter (a) of the UUPK states that "consumer rights" are the rights for comfort, security, and safety in consuming goods and/or services. Seeing this Article, all consumers in Indonesia, including Muslim consumers, which constitute the majority of consumers in Indonesia, are entitled to obtain goods which are safe, secure, and lawful for consumption. The



definition of safe for consumers is that the goods also do not conflict with the rules of religion, in the sense of halal. The regulation is supported by other laws and regulations, namely UUPH, Health Act, Law No.7 of 1996, concerning Food and Government of the Republic of Indonesia Regulation No. 69 of 1999, concerning Halal Labels and Advertisements, and the latest is the Government Regulation Number 31 of 2019, concerning Halal Product Guarantee which was endorsed by the Indonesian President Mr. Joko Widodo on May 17, 2019, and the decree is valid from October 17, 2019 (Certified or Excluded by Imported Halal Product, 2019).

In the Government Regulation on Halal Product Guarantee, it is stressed that all business actors, both private and public, and both individuals and corporations from non-legal entities to those with legal entities, must have a certificate of halal product guarantee. This certificate will later be issued by the Halal Product Guarantee Agency (BPJPH). The Indonesian Islamic Scholar Council (MUI) is an institution that provides an assessment of the products to be marketed and consumed by the public, whether lawful or not, and the issuing later is by the BPJPH. This is confirmed in Article 1 point (10) of the UUPH which reads: "Halal Certificate is a recognition of the halal status of a Product issued by BPJPH based on a written halal fatwa issued by the MUI." And the implementation regulation will be based on PP Number 31 of 2019.

The problem that is still happening today, is that not all consumers, especially Islamic consumers, have enough knowledge to know whether the food and goods they consume actually have halal certification or not. Article 4 letter (c) of the UUPK also states that "consumers are entitled to true, clear and honest information about the conditions and guarantees of goods or services". This article provides an understanding that the information provided by business actors are true and tested. In a product and/or service that has been tested for halal status, it is clear that the product's condition and guarantee are safe for consumption (May Lim Charty, 2017). Therefore, based on Government Regulation Number 31 Year 2019, regarding Halal Product Guarantee, all business actors whose products are traded in Indonesia are obliged to give a guarantee regarding their halal status by first submitting for an examination to the authorised officials and having it declared as halal. On one hand there is halal certification for Muslim consumers, meaning that in accordance with Islamic law, while for non-Muslim consumers halal certification represents a symbol of cleanliness, quality, guaranteed in terms of health, purity, and safety (May Lim Charty, 2017).

Before the Governmental Decree No. 31 of 2019 regarding the Halal Product Guarantee, products must go through several institutions for the management of halal product certification, namely the Institute for Food, Drug and Cosmetics Study of the Indonesian Islamic Scholar Council (LPPOM MUI) as the institution which issues halal certificates, and the Supervisory Agency Drug and Food (BPOM) which grants permission to install halal labels and the Ministry of Religion in charge of disseminating and promoting halal food. So, it is hoped that if this decree will be implemented, there will be a simplification of the management of halal product certification, so that it can be faster and more efficient. The goal is that all small,

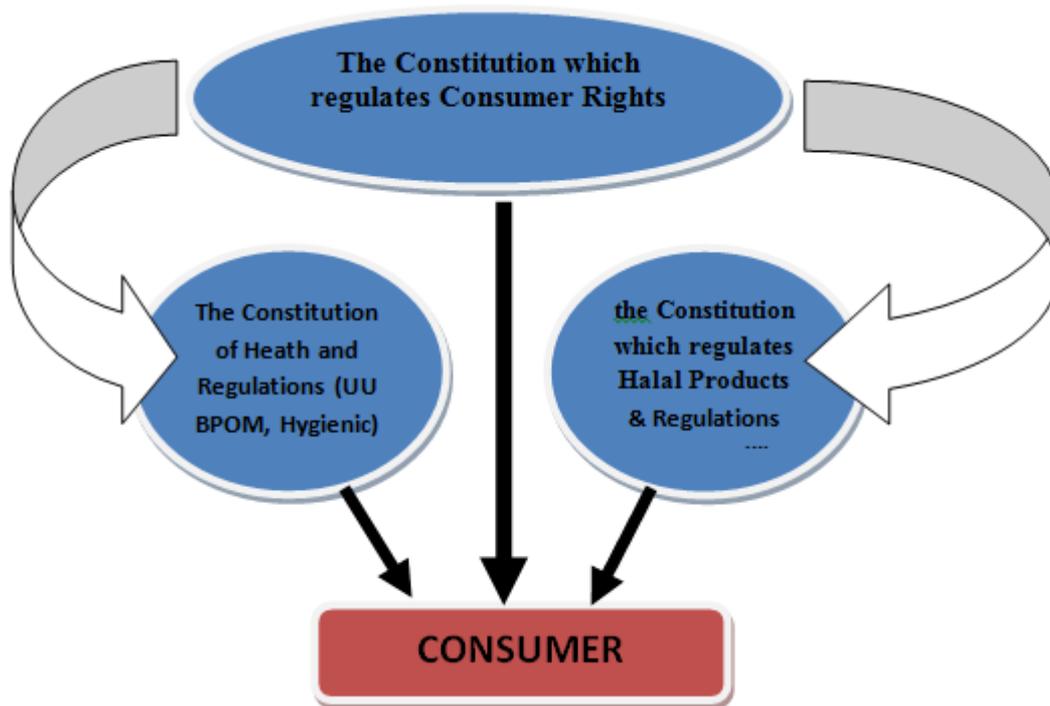


medium and large business entrepreneurs want to make sure that the products they produce get halal certification from the government.

Meanwhile, in the Article 1 point (1) of Law Number 36 Year 2009 Concerning Health (abbreviated as the Health Act), what is meant by health is a healthy condition, both physically, mentally, spiritually, and socially, which enables everyone to live productively socially and economically. Health effort is every activity and/or series of activities carried out in an integrated and continuous manner to maintain and to improve the degree of public health in the form of disease prevention, health improvement, treatment of diseases, and health recovery by the government and/or community. One of the health efforts that can be taken is preventive activity against a health problem/disease.

Related products such as food, drinks, medicines, vaccines, food supplements, and cosmetics must be produced well and with good quality which can guarantee the safety and health for consumers. This includes promotive health services and preventive health services. Whereas service products in the aspect health, such as doctor services, nurse services, midwife services, and workers in the health sector including curative health services, rehabilitative health services and also related to traditional health services. So, based on the sounding of Article 3 of the Health Law that health development aims to increase awareness, willingness, and ability to live a healthy life for everyone so as to realise the highest degree of public health, as an investment for the development of human resources that are socially and economically productive.

So, to realise development in the health sector, there must be synergy and sustainability of the UUPK, UUJPH and Health Law, so that a synergistic system of consumer protection will be formed. The realisation of good consumer protection requires good coordination between the government and/or regional governments, business actors and the community as consumers. Article 19 of the Health Law emphasises that the Government is responsible for the availability of all forms of quality, safe, efficient and affordable health efforts. This is in line with the Government's responsibilities both in the UUPK and in the UUJPH. In addition, law enforcement officials must be prepared to handle consumer and dispute cases related to consumer protection issues, especially in the world of health, both related to goods and related to health services or service products. This can be seen in the following diagram:



### **The Solution to Improve Business and Consumers' Legal Awareness of Consumer Protection and the Guarantee of Products Used In the Health Sector**

The position of consumers in businesses is sometimes unbalanced and consumers are in a weak position. Consumers are always the object of all business activities through promotions, advertisements, and sales methods and the existence of standard agreements that tend to harm consumers. This weak position of consumers is recognised internationally as contained in UN General Assembly Resolution N.A / RES / 39/248 of 1985 concerning Guidelines for Consumer Protection. The resolution contains the position of consumers everywhere in all nations as having certain basic rights regardless of their social status; guaranteed basic rights namely the right to obtain clear, honest and true information, the right to security and safety, the right to choose, the right to be heard, and the right to get compensation. Therefore, the United Nations appealed to its members to enforce these rights in their respective countries, especially in making policy rules (Susanti, 2011).

The main factor which causes the weak condition and position of consumers in Indonesia is the level of knowledge on law and consumer awareness of their rights and obligations. This weakness occurs because education to increase consumer awareness still has not reached the wider consumer community. Efforts to improve education for consumers continue to be made. And, this effort has gained strong momentum since the enactment of the UUPK. This UUPK encourages the government, non-governmental consumer-protection institutions and consumer communities to empower people through education and coaching.

Problems with halal-standard products should have become an integral part of the global trade and the economic practices which require international standards and quality to gain the trust of consumers across countries. So that the flow of goods, services, capitals, and knowledge between countries will become easier (Susanti, 2011).

Food and other products which are halal and safe to be consumed by consumers are the basic rights of every human being. This is not only related to religious beliefs, but there are well-maintained dimensions of health, economy and security. So, with a majority Muslim population, without being asked, the state should be present to protect its citizens in the fulfillment of their citizens' fundamental rights, namely by issuing the Law No. 33 of 2014 concerning Guaranteed Halal Products and PP No. 31 of 2019. In line with that, businesses (producers) should also provide protection to consumers, which is regulated in Law No. 8 of 1999 concerning Consumer Protection. Therefore, the state is demanded to be more active in regulating the economic system that is spelled out in the strategies carried out by the government or the state, in carrying out trade or business instruments including through regulation (Violetta, 2015).

In the current era of globalisation, and the launch of 4.0 industry in the implementation of the MDGs (Millennium Development Goals), the halal lifestyle has indeed become a trend in countries of the world. This phenomenon is not only adopted by countries with a majority of Muslim population but also in countries with a majority of non-Muslim population. In addition, awareness of the fulfillment of halal food is increasing in the global arena along with the stretching of global halal tourism, which is not merely limited to the tourist destination sector which is linked to Islamic sites (religious), but it involves the fulfillment of the tourism needs themselves. Because the international community has realised that halal food is guaranteed in terms of health. This has been implemented by multinational corporations with services and food products based on the halal system, such as Japan Airlines, Singapore Airlines, Qantas, Cathay Pacific (Hong Kong) and America Airlines provide a halal menu (Muslim meal). This phenomenon also spreads to America, Australia, Japan, China, India, and Latin American countries (Ali, 2004).

Even the State of Japan has given very serious attention to the development of halal trends and is now well developed. One of the indications is the convening of the Japan Halal Expo since 2015 until now, which is always crowded, so that it has attracted the attention and interest of various parties. It began mid-2015, with the holding of the Japan Halal Expo, a large-scale exhibition was given, containing halal products made in Japan. Note that, until now there have been more than 400 restaurants in Japan that have provided halal food, 54 of which are special restaurants of the country's food (Japan Halal Expo, 2015). Data from the State of the Global Islamic Economy 2014-2017 states that the indicator of halal business trends seen in five industrial sectors continues to show progress even until 2019 today. These include Islamic financial services, halal food, Muslim fashion, halal media and recreation, as well as halal pharmaceuticals and cosmetics (Waharini, 2018). Unfortunately, Indonesia ranks tenth among

the countries implementing the Islamic economy. The top ten countries are Malaysia, United Arab Emirates, Bahrain, Oman, Saudi Arabia, Qatar, Kuwait, Jordan, Pakistan and then Indonesia (Japan Halal Expo, 2015).

Products with the halal label are very prospective business, because the label can invite loyal customers who are not only Muslims but also non-Muslim communities. Because with the halal certification of the products offered to consumers, people will feel safe in using them. It is inversely proportional for business actors who do not provide halal information in marketing their products in countries such as Indonesia, which has a Muslim majority population. The products are less desirable and the consequences will be detrimental to the business actors themselves. By requiring halal certification for business actors whose products are circulating in Indonesia, based on the Governmental Decree No. 31 of 2019, is not only aimed at giving peace of mind to Muslims and its' society in particular but also the production calms business people. Therefore, in the current era of economic globalisation and free market, halal food certification and labelling is increasingly needed.

In Indonesia, the issue of halal service products and goods (food, drinks, medicines, vaccines and food supplements), has a very important meaning intended to protect Muslim communities especially in order to avoid consuming non-halal food (haram). In Article 8 paragraph (1) letter h of the UUPK, it is stated that business actors are prohibited from producing and/or trading goods and/or services that do not comply with the provisions of halal production, as stated in the "halal" statement stated on the label. Sanctions for business actors violating the provisions in Article 8 of the UUPK pursuant to Article 62 paragraph (1) of the UUPK are punishable by a maximum imprisonment of 5 (five) years or a maximum fine of Rp 2,000,000,000.00 (two billion rupiah). From the statement of the regulation in the UUPK, it is clear that if the seller lists the halal label, the goods sold must be in accordance with the label listed. However, the Consumer Protection Act does not regulate whether the goods traded must bear the halal label or not. So that the regulation of the Article 8 paragraph (1) letter h of the UUPK is further regulated in Law Number 33 of 2014 concerning Halal Product Guarantee.

The halal certificate is very important for Muslim and non-Muslim consumers because it involves religious principles and consumer rights, as well as providing security and safeness in the health sector. However, the birth of UUJPH has not shown significant results from business actors to make sure their products have the halal certification. In Article 2 paragraph (1) UUJPH states that: "Products that enter, circulate and are traded within the territory of Indonesia must be halal certified". This means that with the passing of the Governmental Decree No. 31 of 2019, all products, both services and goods circulating in Indonesia that will be consumed or enjoyed by consumers, are subject to legality and must be halal-certified.

Consumers who are increasingly critical really need the certainty about food products, medicines, vaccines, food supplements they consume and the service products they use both in terms of legality and good halal quality according to Article 8 paragraph (1) letter h of the

Capital Market Law. In UUPK Article 2 concerning the principle of consumer protection which reads "Consumer protection is based on benefits, justice, balance, security and consumer safety and legal certainty". The article clearly states that the consumer has the right to obtain legal protection. Article 4 regulates consumer rights and Article 5 specifically regulates consumer obligations.

Based on the two articles above (article 4 and article 5), it is clear that consumers have the right to get the truth, clearly and honestly, regarding the conditions and guarantees of goods and/or services. They are obliged to read and follow information instructions and procedures for the use or utilisation of goods and / or services, for the sake of security and safety. So, the obligation of entrepreneurs who make products must provide true, clear, and honest information about the conditions and guarantees of the goods or services and provide user explanations, repairment, and maintenance (as regulated in Article 7 of the UUPK). This is where the role of government must be able to enforce the Consumer Protection Act (UUPK) by means of socialising to consumers in using and consuming a product.

On the global level, LPPOM MUI actively cooperates with international halal certification bodies. LPPOM MUI initiated the World Halal Food Council (WHFC). The WHFC Congress in 2004 strengthened steps by issuing agreements between halal certification bodies to create the same halal inspection standards for all countries which are members of the World Halal Council. MUI halal standards and LPPOM MUI halal auditors have become guidelines in Indonesia and are a reference for 43 overseas halal certification bodies in 23 countries (Asrorun, 2015).

Article 29 of the UUPK states that the state is the party which is most responsible for fostering consumer protection, the implementation of which is submitted to the relevant Minister, in this case the Minister of Industry and Trade. In full, Article 29 states:

1. The State is responsible for fostering the implementation of consumer protection that guarantees the obtaining of the rights of consumers and business actors and the implementation of consumer and business actor obligations.
2. That guidance by the state for the implementation of consumer protection as referred to in paragraph (1) shall be carried out by the Minister and/or by the relevant technical ministers.
3. The Minister as referred to in paragraph (2) coordinates the implementation of consumer protection.
4. Fostering the implementation of consumer protection as referred to in paragraph (2) includes efforts to:
  - a. create the business climate and the growth of a healthy relationship between business people and consumers; the development of non-governmental consumer-protection institutions;
  - b. increase the quality of human resources and increasing research and development activities in the field of consumer protection.

5. Further provisions regarding the development of the implementation of consumer protection are regulated by Government Regulation.

In addition to coaching, an important role of the state is supervision of the implementation of consumer protection. Article 30 of the UUPK states that the state, together with the community and non-governmental consumer protection institutions, are the parties that have been given the task of supervision.

State supervision is carried out on the implementation of consumer-protection and the application of the provisions of the legislation. Supervision is carried out by the public and non-governmental consumer-protection institutions, in addition to the implementation of consumer protection and the application of the provisions of the legislation, also carried out on goods and/or services circulating in the market. The form of supervision is carried out by means of research, testing and/or surveying. Supervised aspects include loading information about the risks of using goods, installing and completing information on labels/packaging including halal labels, advertising and others, as required by legislation and trade practices. The results of supervision conducted by the community and non-governmental consumer protection institutions can be disseminated to the public and can be conveyed to the Minister and technical ministers (Sofyan, 2014).

In the provisions of Article 30 above it is also stated, that if in the supervision there are irregularities against the legislation, the state must take administrative action and/or legal action, as sanctions are threatened by the UUPK. This decisive action will increase the consumers' confidence in the consumer protection legal system established by the government, increase public participation in supervision and consumer institutions, as well as encourage businesses to produce quality and create a better business climate, and also to include a halal label on the products they produce.

The solution so that businesses want to take care of halal certification, which aims to provide adequate protection to the interests of consumers, the issuance of Government Regulation Number 31 of 2019 concerning Halal Product Guarantee, is an appropriate alternative from the Government. One of the reasons is the requirement of business actors whose products are circulating in Indonesia to have halal certification from BPJPH Indonesia. So, it is not only applied to Indonesian businesses but foreign business actors, whose products are sold or circulated in Indonesia: food products, medicines, vaccines and so on. In the world of health, pharmaceutical products, vaccines and food supplements that are safe and halal certified are also very beneficial for the community. In addition, halal health services also provide calm and comfort for patients and their families as consumers, such as friendly administration services and promoting the principle of justice, treatment by doctors who prioritise non-discrimination, administering drugs labeled as halal and others, are the principles of service halal health.

The law is an inseparable part of a person's life in the society. The law is a human juridical will. The law works based on the Indonesian legal system which is built and developed not only in legal substances, but also in the legal structure and legal culture. So, to uphold the supremacy of the law as desired in the constitution, the three systems must be developed in a stimulated and integrated manner (Sofyan, 2014). Related to this, the existence of legal substances to protect consumers from the UUPK, UUJPH and Health Law, along with supporting regulations, are already very concrete and clear. The legal structure developed by the Government, together with law enforcement officers and the public (both business and consumers) in establishing a synergistic relationship, is able to realise integrated consumer protection and mutual support. Then the development of a good legal culture includes guidance, and supervision from the Government, and legal awareness to increase consumer protection efforts not only from businesses, but also the public as consumers, whose efforts must be well synergised as well.

## Conclusion

Health development aims to increase awareness, willingness, and the ability to live healthily for everyone, in order to achieve the highest degree of public health, as an investment for the development of human resources, that are socially and economically productive. To realise development in the health sector, there must be synergy and sustainability of the UUPK, UUJPH and Health Law, so that a synergistic system of consumer protection will be formed. The realisation of good consumer protection requires good coordination between the government and or regional governments, business actors and the community as consumers. Article 19 of the Health Law emphasises that the Government is responsible for the availability of all forms of quality, safe, efficient and affordable health efforts. This is in line with the Government's responsibilities both in the UUPK and in the UUJPH.

The Halal certificate is very important for Muslim and non-Muslim consumers because it involves religious principles and consumer rights, as well as providing security and security in the health sector. UUJPH has not shown significant results from business actors to take care of the results of their products in order to get halal certification. In Article 2 paragraph (1) UUJPH states that: "Products that enter, circulate and are traded within the territory of Indonesia must be halal certified". This means that with the passing of the Decree No. 31 of 2019, all products both services and goods circulating in Indonesia must be halal-certified. The need to improve a good legal culture includes guidance and supervision from the Government, and legal awareness to improve consumer protection efforts, that are not only from businesses, but also the public as consumers must also be well built and synergised as well, because in terms of the legal substance, it is already very complete and clear from the UUPK, UUJPH and Health Law along with their derivative rules.



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