

# The Conflicts of Authority Between Ministries or Institutions After the Issuance of Law Number 33 the Year 2014 About Halal Product Guarantee

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## Abstrak

This study aims to reveal the conflict of authority that occurred between ministries and institutions after the enactment of the Halal Product Guarantee Act. It is common in this country that each formation of a new state institution raises pros and cons and even authority conflicts with the previous ministries and institutions, such as conflicts between the Corruption Eradication Commission (KPK) and the Indonesian Police when the KPK was first formed by the Corruption Law. The Halala Product Guarantee (JPH) Law mandates the establishment of a new institution called the Halal Product Guarantee Agency (BPJPH). With its broad mandate of authority, the BPJPH is assigned by the JPH Law to collaborate with ministries and related institutions. The broad BPJPH authority, in reality, intersects with preexisting ministries and other institutions. This is where authority conflicts arise between BPJPH and interesting ministries and institutions to be investigated. This research applied a qualitative approach through a literature study, specifically the study of various laws and regulations to track the source of conflicting authority. Field research is also carried out to obtain more comprehensive information related to conflicts of authority. From the research study, it was found that there were several weaknesses in the JPH Law which caused a conflict of authority between BPJPH and other ministries and institutions, especially MUI institutions that have been carrying out halal certification. Conflicts of authority also occurred between BPJPH with the Ministry of Health and the Ministry of Foreign Affairs since both ministries are bound by regulations, particularly the rules and regulations that apply internationally.

## 1. Introduction

The world's Muslim population in 2010 reached around 1.6 billion, and it is noticeable that about 207 million people were Indonesian residents or represented 87.18% of the total population of Indonesia. By using this data, Indonesia ranks the first position as the country with the largest Muslim population in the world [1]. Currently, after 10 years, the Muslim population in Indonesia has attained the highest figure in the world, which is 87 percent of Indonesia's total population of 261 million, or 12.7% of all Muslims in the world are living in Indonesia [2]. This figure shows the great number of potential consumers in halal products, especially in Indonesia.

Indonesian people are guaranteed by the State to receive comprehensive protection of the rights and obligations arising as citizens of Article 28I, especially paragraph (4) of the 1945

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State Constitution of the Republic of Indonesia. Guarantees of the people's rights and obligations are including the guarantee to have religion/belief and to carry out religious teachings under their respective religions and beliefs as affirmed in Article 29 of the 1945 State Constitution of the Republic of Indonesia will cause sympathy and even broad support and participation of the people in government development programs in all fields. Thus, this attitude is required by a government authority in any country in the world [3].

On the other hand, there has been a development of food science and technology in the world and Indonesia in particular. This also impacts on the development of industry and trade in food products since human needs for food are routine, so this greatly affects the availability of food where nature produces food regularly. Meanwhile, humans can't postpone their needs until harvest time arrives. From this food technology development, preservation technology is created, so that food can be stored for a long period. Preservation techniques also make it possible to distribute food evenly throughout the world, therefore, all of the people in the world can enjoy cuisines from all over the world, and this is because of the technology of food [4].

Progress in the field of food technology also makes people explore everything that can be processed and utilized as a product that consumable. Research and experiments to produce food, beverages, medicines, and cosmetics continue to increase along with population growth that demands an increase in food.

Exploration of food development by utilizing various types of animals, plants, microbial development and the use of synthetic chemicals often does not pay attention to the values and norms prevailing in society, especially religious norms and values. In the Islamic religion, in particular, the issue of consuming food, drinks, medicine, and cosmetics has regulated the provisions for consuming *halal* and *thayyib*.

In the current era of globalization, an era where free trade applies and the Asian Economic Community (AEC) begins, the food products, medicinal drinks and cosmetics that circulate both locally and imported in the community increase. The products circulating and traded certainly cannot be guaranteed *halal*, so they do not provide a sense of security, safety, comfort, and fit for consumption by the Muslim community.

The distribution of various products on the market, both finished and processed products, especially those originating from animals, which are directly and animal derivation products make the Muslim community have difficulty to track the *halal* of a product. Moreover, the majority of people are still laying in understanding the ingredients and production processes of a food product. Thus, efforts to provide consumer protection, especially Muslim consumers, are an essential and urgent matter. This problem arises because consumers are increasingly critical and require certainty about the food products they consume, both in terms of quality and *halal* [5].

For this reason, *halal* certification of food products, beverages, medicines, and cosmetics becomes very important. *Halal* certification becomes a necessity to provide certainty over the *halal* status of a product, therefore, the rights and interests of Muslim consumers to carry out their religious *sharia* to not consume non-*halal* will be guaranteed. Through *halal* certification of a product, it will be known with certainty that the materials used and the production process are following the provisions of the Shari'a religion. A *halal* certification is

a form of government protection for citizens in guaranteeing the practice of religious teachings guaranteed by the Pancasila and the 1945 Constitution of the Republic of Indonesia [6].

According to the explanation above, it is necessary to regulate the halal products that are circulated and traded under the provisions of the halal standard of Islamic law and existing laws and regulations [6]. Nowadays, Muslims are increasingly being triggered to consume halal. They are very careful in choosing and purchasing food products and even traded goods. Products whose doubts are halal will not be bought by them, consequently, people only want to consume and use truly halal products with guaranteed halal marks or halal information [7]. Halal is not only a religious obligation but has become a lifestyle.

## 2. Research Methodology

This legal study applies a normative legal approach and a case approach. The legal approach is carried out by reviewing Law number 33 of 2013 concerning Halal Product Guarantees, while the case approach is carried out by examining the settlement of cases related to disputes over the organization of halal product guarantees between institutions. This approach is used to determine the role and position of the halal product guarantor institution in Indonesia, which was previously an absolute authority of the Indonesian Ulema Council (MUI). This study aims to collect, explain, systematize, analyze, interpret and assess positive legal norms related to the position and authority of the halal product guarantee provider. This study uses primary data both in the form of Law No. 33 of 2013 and secondary data obtained from library research which includes literature on the principles of halal product guarantee. The collected data, both primary and secondary, are then analyzed using qualitative descriptive methods.

## 3. The Meaning of Halal Certification

The halal certification aims to provide legal certainty and legal protection for consumers in the majority of Muslims who can be guaranteed the right to know whether the product halal or not. For the Muslim community, safe food is not just free from physical, chemical or microbiological hazards, it is also safe from the dangers of goods that are forbidden and doubtful (*halalan thoyyibah*) as mandated by the Food Law No. 18 of 2012. Food safety, quality, and nutrition become the government's program in food development to fulfill the most basic human needs and fulfillment is part of the basic rights of every Indonesian people [3].

The existence of Halal Product Guarantee is vital, considering the progress of science and technology in the fields of food, medicine, and cosmetics is growing rapidly. This significantly affects the shift in processing and utilization of raw materials for food, beverages, cosmetics, medicines, and other products from what was originally simple and natural to the processing and utilization of raw materials resulting from scientific engineering. Product processing with the use of advances in science and technology enables a mixture of *halal* and *haram*, both intentional and unintentional. Therefore, to find out the halal and holiness of a Product, a special study is needed that requires multidisciplinary knowledge, such as knowledge in the fields of food, chemistry, biochemistry, industrial engineering, biology, pharmacy, and understanding of *sharia* [8].

Halal certification of food, beverage, drug and cosmetic products has been carried out by the Indonesian Ulema Council (MUI) for 30 years. MUI as a forum for deliberation and gathering of scholars, leaders of Islamic organizations, and Muslim scholars have the obligation to keep and protect the community, both in terms of faith and law (*ri'ayatul ummat aqidatan wa shari'atan*). In that context, MUI became the most authoritative and representative institution for the task of determining fatwas related to problems faced by Muslims.

In 1988 a scandalize case happened, it was the issue of the existence of lard content in instant noodles and soap products. At that time, MUI took the initiative to learn about the issue. Departing from this event and for the sake of seeing the development of food science and technology as well as the importance of protecting Indonesian Muslims from consuming non-halal products, therefore, the MUI then established the Institute for Drug and Cosmetics Food Assessment (LPPOM MUI) on January 6, 1989, as an institution containing Muslim scientists who were experts in the fields of food technology, chemistry, biotechnology, pharmacy, and others with the task of carrying out inspections food products, beverages, medicines, and cosmetics, where the results of the examination are reported to the Fatwa Commission to determine its halal status and then to issue halal certification by the MUI.

In 1996, a Memorandum of Understanding was signed between the Ministry of Religion, the Ministry of Health, and MUI. This is to strengthen the position of LPPOM MUI to carry out the function of halal certification. The memorandum of agreement was then followed by the issuance of the Decree of the Minister of Religion (KMA) 518 of 2001 and KMA 519 of 2001, which strengthened the MUI as a halal certification body and conducted audits, stipulations of fatwas, and issued halal certificates [9].

MUI through LPPOM MUI collaborates with the Food and Drug Monitoring Agency (BPOM), Ministry of Religion, Ministry of Agriculture, Ministry of Cooperatives and SMEs, Ministry of Trade, Ministry of Industry, Ministry of Maritime Affairs and Fisheries, Ministry of Tourism and Creative Economy and some Higher Education Institutions in Indonesia included the Bogor Agricultural University (IPB), Djuanda University, Jakarta State Islamic University, Wahid Hasyim University in Semarang, Muslim University of Indonesia in Makassar, and Hamka Muhammadiyah University. All of this collaboration aims to process and implement halal certification. Meanwhile, the cooperation with institutions has been established with the National Standardization Agency (BSN), Kadin Indonesia Middle East Committee, GSI Indonesia, and Research in Motion (Blackberry). Specifically, with the POM Agency, MUI halal certificate is a requirement in the inclusion of halal labels on packaging for products distributing in Indonesia. MUI increasingly shows its existence as a credible halal certification body, both at national and international levels. The certification system and halal guarantee system designed and implemented by MUI have also been recognized and even adopted by overseas halal certification institutions, which now have 42 institutions from 25 countries [9].

For 30 years, the MUI has conducted halal certification and education, as a result, the Muslim community's knowledge and awareness of halal products have increased significantly. Demands on consumer needs for halal aspects are getting stronger, it is also important to improve the legal aspects of halal certification and food product labeling. This problem is legally regulated by the government, both in food laws, consumer protection laws, and government regulations that manage more technically. However, this has not been sufficient and is felt to have not provided legal guarantees and legal certainty of halal food

products for Muslim consumers in Indonesia. That is because the halal provisions of the product are still voluntary. The existence of halal certainty on food products, drugs, and cosmetics that are the rights of consumers, is one of the government's efforts to protect 88% of Muslim consumer communities [3].

Departing from these conditions, the MUI stated that it is necessary to make stronger and more stringent regulations related to halal product protection. In 2010, the Indonesian Ulema Council (MUI) together with the Indonesian Ministry of Religion took the initiative to draft a Halal Product Guarantee Bill to strengthen the halal certification that has been carried out by the MUI and to affirm the protection of Muslim consumers from consuming non-halal products. After going through a pretty hard discussion process finally was issued Law Number 33 of 2014 concerning Halal Product Guarantee.

In the Law of the Republic of Indonesia Number 33 of 2014 about Halal Product Guarantee, halal certification is no longer voluntary but becomes mandatory or obligatory. Article 3 of the law states that "all products that imported, distributed and traded within the territory of Indonesia must be halal-certified." With this obligation, products circulating among people who have not yet been halal-certified must be halal-certified. This halal certification covers all aspects, from the procurement of production materials, the process to the packaging must be able to guarantee its halal status. In the Halal Product Guarantee Act it is also affirmed that what must be certified halal is not only food, beverages, medicines, and cosmetics, but also chemical products, biological products, genetic engineering products, and used goods. The food and beverage industry an essential role, and most are small and household industries [10].

The existence of the Halal Product Guarantee Act starts with consideration of the noble desire to protect the community. People have the right to get protection and correct, clear and complete information, both in quantity and quality of the products they consume. Thus, expired practices and the use of chemicals that are not intended for food and cause harm to the community, even threatening life, safety, and health can be avoided [11].

Halal product guarantee is carried out following the principles of protection, fairness, legal certainty, accountability and transparency, effectiveness and efficiency, and professionalism. Guaranteed implementation of halal products aims to provide comfort, security, safety, and certainty of the availability of halal products for the public in consuming and using halal products, as well as increasing value-added for businesses to produce and sell halal products [12].

The enactment of Law Number 33 Year 2014 concerning Halal Product Guarantee (JPH Law) which is then elaborated in its technical regulations in the form of Government Regulation (PP) Number 31 Year 2019 regarding JPH has implications for changing the system of procedures and registration of halal certification at the start of the effectuation of the JPH Law, namely October 17, 2019. Besides, the regulation gave birth to a new body called the Halal Product Guarantee Agency (BPJPH) under the Ministry of Religion. The JPH Law is known to mandate counted 5 years after the enactment of the JPH Law (October 17, 2019) then all products must be halal certified by BPJPH. Before the PP JPH was issued, the halal certification process was still carried out by the Indonesian Ulema Council (MUI). However, after PP JPH was issued, the authority to issue halal certification was entirely in BPJPH as the leading sector of halal product assurance.

BPJPH is a government agency tasked with providing halal product guarantees. BPJPH is under the Minister of Religion and is responsible to the minister. According to Article 6 of the JPH Law, the authority of BPJPH in providing halal product guarantees includes: (a) formulating and establishing JPH policies; (b) establish JPH norms, standards, procedures, and criteria; (c) issue and revoke Halal Certificates and Halal Labels on Products; (d) registering Halal Certificates on foreign products; (e) socializing, educating and publishing Halal Products; (f) accredit LPHs; (g) register the Halal Auditor; (h) supervise JPH; (i) fostering Halal Auditors; and (j) cooperating with domestic and foreign institutions in the field of JPH. As the attributive authority mentioned above, the halal product certification process is no longer under the Indonesian Ulema Council (MUI). However, under the JPH Law, MUI still has an essential, decisive and strategic role in the certification process of halal products. Therefore, BPJPH is obliged to collaborate with MUI, especially in 3 matters, namely related to the halal auditor certification process, the accreditation of Halal Examination Institutions (LPH), and the determination of halal products in the form of fatwas [13].

In reality, the implementation of Law Number 33 the Year 2014 concerning Halal Product Guarantee (JPH Law) still causes polemics related to the readiness of the Halal Product Guarantee Agency (BPJPH) and some articles in the JPH Law. Ikhsan Abdullah, an Executive Director of Indonesia Halal Watch stated that preparations for the start of the implementation of the JPH Law are still minimal and unready yet. One of the reasons is there is no additional Halal Examination Institution (LPH) except MUI's LPPOM [14].

Besides, the JPH Law is unable to raise the substantial issues that exist in the community related to the guarantee of halal products. However, the emergence of the JPH Law creates new social problems in society by unsettling the halal of a product. Because the JPH Law has revoked the law that has long lived in society for 30 years by forming BPJPH. BPJPH is currently not ready to assume the authority to run the halal certification system in the JPH Law starting October 17, 2019, due to the ineffectiveness of the organization and its supporting devices. According to Ihsan, the transfer of duties and functions of the LPPOM MUI unilaterally by the state is an act contrary to the 4th paragraph of the Preamble of the 1945 Constitution of the Republic of Indonesia which is the state's goal of protecting all Indonesian people to advance public welfare. It is clear that the JPH Law, in particular Article 5 and Article 6, contradicts Article 27 paragraph (2), Article 28C and E paragraph (2) and Article 29 paragraph (2) of the 1945 Constitution of Republic of Indonesia. Citing Article 1 number 10 of the JPH Law which states that halal certification is recognition of the halal status of a product issued by BPJPH based on a written halal fatwa issued by MUI. According to him, the authority for halal certification is at BPJPH along with MUI [15]. Therefore, BPJPH will never be able to give halal certificates to domestic or foreign products without the participation of MUI in each process. Meanwhile, the negligence of a product can only be done by scholars who are manifested in MUI institutions that have been trusted by the community for 30 years [15].

The presence of new state institutions (BPJPH) as usual, often creates new problems. This is because the authority given to this new institution intersects with the duties and functions of ministries and other institutions that already exist before. In carrying out its duties and functions, as a State institution, BPJPH must be regulated and operational regulations made following statutory provisions. Because the functions and duties are quite extensive, the rules and regulations must be made and harmonized with the existing rules, so that no friction

and collisions occur. Even though harmonization has been carried out in such a way, in practice, there is still friction and clash between institutions/ministries with BPJPH.

From the background mentioned, the writer finds two main problems that become the focus of the analysis in this study, namely: What are the aspects in the JPH Law that can lead to conflicts of authority between ministries and institutions? And What is the solution to the conflict of authority?

#### 4. Analysis and Discussion

The Halal Product Guarantee Act mandates that BPJPH must cooperate with several ministries and other institutions. In Article 7 of the JPH Law states: "In exercising the authority referred to in Article 6, BPJPH cooperates with (a) relevant ministries and/or institutions, (b) LPH; and (c) MUI. Cooperation with these ministries and institutions is following the duties and functions of ministries and institutions (Article 8). While collaboration with MUI related to three aspects as referred to in Article 10. (1) Cooperation between BPJPH and MUI as referred to in Article 7 letter c is carried out in the form of a. Halal Auditor certification; b. determination of Product halalness; and c. LPH accreditation. (2) Determination of Product halalness as referred to in paragraph (1) letter b is issued by MUI in the form of a Decision on Halal Product.

With this credential, at a glance, it seems that BPJPH in carrying out its tasks must cooperate with some ministries and institutions including the MUI following their respective functions. Therefore, in implementing the Halal Product Guarantee by BPJPH, harmonization must be carried out in such a way with other ministries and institutions so that there is no overlapping of authority with ministries and institutions that already exist and are already based on regulations. However, in reality, there are several problems of authority between BPJPH and ministries and other institutions in practice. The Conflict of Authority is as follows:

##### a. The Conflicts of Authority with the Ministry of Health and BPOM

The conflicts of authority between the Ministry of Health and BPOM have occurred over the issue of drug certification. Where the Ministry of Health and BPOM, according to the law, have full authority to register and issue marketing licenses for medicines and medical devices that are tested and can / are suitable for public consumption. Before the JPH Law was issued, certification of voluntary drugs did not become a problem since drug manufacturers only voluntarily wanted or did not to certify halal for their products. However, with the enactment of the JPH Law, where the *halalness* of drugs and even medical devices is obligatory (compulsory), then a new problem arises which stated, if all drugs and medical devices must be certified halal, then to change the ingredients and formulas of drugs and medical devices is not as easy as changing food ingredients or drinks. This is because drugs that may be distributed must be tested and registered with a minimum of 3 aspects those are; 1). quality/material quality, 2). Safe, 3). efficacy / usefulness.

For those three aspects, long and difficult research must be carried out, it must even be tested first for many years to be distributed and marketed. With the halal provisions, it means that all drugs must be certified, and if it is proven using materials that are not halal (*haram*), then the ingredients and the production process must be changed to halal. This step is difficult

because the changing of material must go through long research and test to meet the provisions of the three aspects above.

This is where the combination of the distribution permit and the use of drugs and medical devices between the ministry of health and BPJPH authority as mandated by the JPH Law which must be in effect five years after enactment which is on October 17, 2019.

#### **b. The Conflicts of Authority with the Ministry of Foreign Affairs**

The Conflict of Authority with the Ministry of Foreign Affairs occurred in the aspect of cooperation between BPJPH and the Foreign Halal Certification Agency (LSHLN). For international cooperation, it has been regulated in legislation and international regulations. BPJPH in cooperation with foreign parties (LSHLN) must follow existing provisions through the foreign ministry. The problem occurs when there is a difference between halal provisions in Indonesia as in the JPH Law with provisions in other countries.

Also, LSHLN that is positioned abroad, are managed by non-governmental organizations (NGOs). Only Indonesia and Malaysia have halal certification management carried out by the state. Here a problem arises, BPJPH is a state institution that in conducting international cooperation is regulated by certain provisions. However, the existing rules generally regulated cooperation between state institutions and other state institutions abroad. While cooperation between state institutions and NGOs does not match each other. How could this cooperation happened and how the division of authority between BPJPH and the Ministry of Foreign Affairs needs to be regulated in new and separate regulations so that disharmony does not occur between the two institutions?

#### **c. The Authority Conflict with the Ministry of Industry and the Ministry of Trade**

International trade and industry cooperation have been regulated and agreed between countries and international regulations. Particularly with the implementation of free trade, both at the regional and the international level, therefore, it is not allowed for a country to make discriminatory rules that can hamper and harm other parties or countries as the trading partners. Provision of halal products is a challenge for the ministry of commerce and the ministry of the industry for their ability to run together with BPJPH without hitting any existing regulations, especially regulations that have become international concessions, because if it does, Indonesia could be subjected to trade sanctions from the WTO.

#### **d. The Authority Conflict with the Accreditation Institutions**

Institution accreditation is the authority of the National Accreditation Committee (KAN). KAN is a Non-Structural Institution (LNS) that has the duty and responsibility in the field of conformity assessment accreditation. According to Law Number 20 of 2014 concerning Standardization and Conformity Assessment, KAN is positioned on the bottom and responsible to the President through the Head of the National Standardization Agency (BSN).

In JPH Law Article 6 Point f, BPJPH has the authority to carry out accreditation of the Halal Examination Institution (LPH). With this authority, there was an impression that there was an intersection of authority between BPJPH and KAN. Therefore, the JPH Government

Regulation regulates cooperation between BPJPH and KAN, so that there is no overlapping of authority related to the accreditation of an institution.

#### e. Conflict of Authority with the Indonesian Ulema Council

As explained above, the cooperation between BPJPH and MUI in the JPH Law covers 3 aspects, those are Halal Auditor Certification, Determination of Halal Product, and Accreditation of the Inspecting Agency (LHP). Apart from the three aspects above, there are still other aspects which are referred to as the authority of the JPJ Law in the JPH Law, but in reality, they become the territory of the authority of the MUI, such as recognition of the International Halal Certification Institute (LSHLN), Halal Supervisors, and others.

##### 1). The Acknowledgment of International Halal Certification Institution

Article 46 of the JPH Law stated that the government through BPJPH can carry out international cooperation in the field of Halal Product Guarantee based on existing laws and regulations. The intended international cooperation can take the form of developing JPH, conformity assessment, and/or recognition of Halal Certificates. The Act does not explain that international cooperation must cooperate with any institution.

In the case of international cooperation, BPJPH can cooperate with other institutions abroad without mentioning which institutions in Indonesia must cooperate. Though related to international cooperation, especially in the area of certificate recognition, it contained a very strong aspect of sharia and was therefore closely related to MUI institutions, and this is where the crucial problem arises.

The recognition of foreign halal certificates is an inseparable part of the MUI's task in determining the halal product. Halal food fatwa determined by MUI is based on the results of the examination of halal auditors and the Halal Audit Agency. In the report, MUI must know and believe that auditors who conduct halal examinations are competent, credible, integrity and professional auditors because, in the view of MUI, halal auditors are representatives of ulama in the MUI fatwa commission. Besides, the halal Examination Institution (LPH) accredited by BPJPH and MUI as stipulated in Article 10 of the JPH Law. Ironically, the regulation of LPH and halal auditors is so rigid and strict but in the case of recognition of LSHLN, it is very light and unregulated. Even though the risk of obstructions from LSHLN is very high and strong.

The acknowledgment of overseas halal certificates is closely related to sharia aspects because LSHLN has diverse conditions. It is generally managed by private or non-governmental organizations (NGOs), where there is good management and even worse. Halal certification in Indonesia is based on the fatwa of the MUI fatwa commission. From the MUI fatwa then it was reduced to certification standards. The determination of the halal product is carried out by the Fatwa Commission and therefore, the halal certification of products in the view of the MUI is a written fatwa on a product that is declared halal. Meanwhile, there are some LSHLN that do not have an authoritative *ulama* who decides the halal status of a product, especially LSHLN which is in countries with minority Muslims. Not only do they not have scholars, but they don't even have reference fatwas and product halal standards. Also, some LSHLN has scholars, but due to differences in schools of thought, there are also differences in standards and references in determining the halal product.

Both of these problems become very crucial and very sensitive if the acceptance and recognition of overseas halal certificates are only done by BPJPH without involving the MUI. The MUI itself has been arranged so rigidly related to the recognition and acceptance of LSHLN to maintain the authenticity and capability of a certificate that can be recognized. In Government Regulation (PP) 31/2019 regarding JPH there was no significant and decisive role for the MUI regarding the recognition and the acceptance of LSHLN. This problem seems to be a major obstacle to the implementation of the JPH Law. MUI will not accept recognition of halal certificates from recognized LSHLN but without involving the MUI in the process of acceptance and recognition.

## 2). Halal Supervisor

Halal Supervisor is a very strategic profession to maintain and ensure halal certificates that have been issued so that there are no changes in the production process. It is an essential part of the Halal Assurance System (SJH). In the Act JPH, Halal Supervisory is only regulated in article 28, and it is sufficient to only report to BPJPH. Whereas in MUI's view, a halal supervisor must be someone who has professional competence. For this reason, in MUI, a prospective halal supervisor must be trained and examined as well as certified by Halal Supervisory competencies from the MUI Professional Certification Institute (LSP).

## 3). Determination for Halal Labels

In the JPH Law Article 37, it is mentioned that BPJPH established a form of halal label that applies nationally. While MUI, as explained above, halal certification is a written MUI fatwa regarding the halal status of a product. By obtaining halal certificates, business operators have the right to put halal labels on their product packaging, and halal labels that have been running for 30 years are halal labels that have been well known to the public both nationally and internationally which is halal labels that written there the Indonesian Ulema Council with Arabic and Latin writing and in the middle of it is written halal in Arabic.

The halal label which had been for 30 years has a strategic and historical value. It is strategic because the halal label shows a form of recognition or fatwa from an institution that has the authority to determine a fatwa (MUI) regarding the halal status of a product. While historical since the label/logo has been used for 30 years and is widely known throughout the world. A halal label is also related to the company's economic problems because it is accounted for around 400 thousand businessmen who have produced their packaging with the MUI logo in large quantities.

For this reason, if changes are made to the current halal logo and label it can certainly cause problems, both for the MUI authority and for the business industry. Apart from these 3 aspects, there are still other aspects that could become a conflict of authority between BPJPH and MUI. Such as the issue of halal auditors especially the issue of training education and guidance of halal auditor leveling a halal auditor, the establishment of LPHs that require MUI involvement from sharia aspects as well as LPH classification and authority limits, halal supervision issues, certification financing issues between BPJPH, LPH and MUI, and other issues.

## 5. Conclusion

According to the explanation above, it is noticeable that many authorities intersect each other and have the potential for friction and conflict of authority between the institutions newly formed by the JPH Law (BPJPH) and other ministries/institutions including MUI. Conflicts of authority are common occurred in every formation of state institutions formed by law. For instance, the conflict that took place between the KPK and the Police/Prosecutors Office when the corruption (TIPIKOR) Law was imposed. Every law in the process of enactment is always carried out a study and harmonization with existing legislation. However, conflicts of authority with the enactment of a new law remain unavoidable.

In the context of the JPH Law, the Conflict of Authority between BPJPH and other ministries and institutions can be resolved by making technical regulations under it such as Ministerial Regulations. But some things need to be tackled by making a Joint Ministerial Regulation (PBM). PBM is needed because it involves issues and authority across ministries and institutions.

However, there are also problems of authority conflicts that cannot be finished by making technical rules underneath but must be resolved by deliberation between BPJPH and ministries/institutions including MUI. Deliberations to find a middle ground and solutions to this conflict of authority are carried out by releasing their sectoral egos. Because conflicts of authority occur in areas that intersect and have the same legal basis and strength of each institution. If the deliberations do not reach a win-win solution due to the sectoral egos of each institution/ministry, it can be ensured that the implementation of the Halal Product Guarantee Law will be deadlocked or stagnant.

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