

# MUI LEGAL AUTHORITY TO PROVIDE HALAL CERTIFICATES ON MEDICINAL PRODUCTS IN INDONESIA

Kiki Handoko Sembiring

Sultan Agung Islamic University, Indonesia

[dewan\\_medan13@gmail.com](mailto:dewan_medan13@gmail.com)

**Abstract.** The Indonesian Ulema Council (MUI) is an assembly for the deliberation of Muslim scholars, and scholars, and is one of the institutions that are highly trusted by the Indonesian people to determine the idolatry of a product, including in this case medicinal products. MUI also has the Mui Institute for the Study of Medicines and Cosmetics (LPPOM MUI), which is basically tasked with reviewing the page of a product. After the issuance of Act No. 33 of 2014 on Halal Product Guarantee, the role to issue halal certificates was delegated by the government to the Halal Product Assurance Agency (BPJPH), but in the law also did not relinquish the large role of MUI in the determination of the idolatry of a product (drugs). Including halal certificates that have previously been issued by MUI by law are still considered valid. For this reason, after the issuance of the Halal Product Guarantee Law, it is essential to understand MUI's position in its authority to issue halal certificates and also the procedures of a pharmaceutical company / drugs to obtain mui halal label for the products of medicines produced.

The aim of the research is to seek legal position of MUI in providing Halal Certificates on medicinal products and to find out the procedures for labeling HALAL MUI on medicinal products in Indonesia. The research conducted normative juridical research that used secondary data then processed it to three materials; primary legal, secondary legal and tertiary legal.

Based on the results of research it is known that the legal position of MUI in providing Halal Certificates on medicinal products based on Article 1 number 7 and number 10 , Article 7, Article 10, Article 31 paragraph (1), Article 58, and Article 60 of Law No. 33 of 2014. Through LPPOM MUI is basically domiciled to issue a written halal fatwa and establish the validity of the drug products in question, if the MUI does not issue a determination and a written halal fatwa then the halal certificate cannot be issued and cannot be given to determine the validity of the medicinal products. Furthermore, the procedure of labeling HALAL MUI on medicinal products in Indonesia begins with the application for Halal Certificate by Businessman to BPJPH. Furthermore, BPJPH conducts aintertityexamination of the documents. Inspection and/or testing of the product's page is carried out by LPH. The LPH must obtain accreditation from BPJH in cooperation with MUI. The determination of the halal product accomplished by MUI through the MUI halal fatwa signed by MUI. BPJPH issued a Halal Certificate based on the decision of halal product from MUI.

**Keywords:** Authority, Indonesian Ulema Council, Halal Certificate, Medicines.

## 1. INTRODUCTION

In a democracy based on law (a state of democratic law) contained the understanding that power is limited by law and at the same time states that the law is

supreme compared to all the tools of power that exist. In other words, the State places the law as the basis of its power and the exercise of that power in all its forms is carried out under the rule of law.

One of the most democratic legal states is The State of Indonesia. The Republic of Indonesia calls itself a state based on law, a *rechtstaat*. It was stated in the Constitution of the Republic of Indonesia in 1945. Thus the mechanism of life of individuals, society and the State is governed by law (written or unwritten). This means that both members of the public and the government are obliged to comply with the law. In addition, it also contains the meaning of every citizen having the same position before the law and government and is obliged to uphold the law and government with nothing but as stated in Article 27 paragraph (1) of the 1945 Constitution. This is a consequence of the state of law embraced by the State of Indonesia.<sup>198</sup>

The state of law embraced by the State of Indonesia is not only in the formal sense, but also the State of law in the material sense of the Welfare State or *the Welfare State*. In *the welfare state*, the State is also required to participate actively in all aspects of the lives and livelihoods of the people, as stated in paragraph IV of the Opening of the 1945 Constitution. The participation of the State here can in various forms either plunge directly, through the formation of rules in favor of the community, or through independent State institutions that regulate a special thing. Just as the government established the Halal Product Assurance Agency (BPJPH), to ensure the Muslim community in Indonesia gets a halal product in accordance with the one listed in a product label, including medicinal products.<sup>199</sup>

Of course, in doing its job can not be alone, but cooperate with certain other institutions that are competent to determine whether a product is halal or not. In Indonesia, institutions that are highly trusted by the Indonesian Muslim community to determine whether something is halal or not, including in medicinal products are the Indonesian Ulema Council (MUI). Based on Article 1 number 7 of Law No. 33 of 2014 concerning halal product guarantees, it is stated: "The Indonesian Ulema Council which is further abbreviated as MUI is a forum for deliberation of Muslim scholars, zuama, and scholars."

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<sup>198</sup> Eka N.A.M. Sihombing, *Establishment of Participatory Regional Regulations*, (Malang: Media Intelligence, 2018), pp. 11-12.

<sup>199</sup>*Ibid.*, in 12.

Indonesia is a Muslim-majority country, which is 87.18 percent of the total muslim population, on that reason halal products demand is large. Indonesia is a country which gives attention to religious guarantees and worship for the people, it can be seen in Constitution Article 29 (2) which states "The State guarantees the independence of each population to embrace their respective religions and to worship according to that religion and belief". Religious guarantees indicate that residents are given the freedom to determine their chosen beliefs. While the guarantee of worship is the freedom to perform worship by sharia. Muslim people will choose halal products as an obligation because to show a form of worship, that's why Government must have responsibility to provide a protection and guarantee the availability of halal products. The certainty of halal products can assure for people who consume or use them.<sup>200</sup>

the Qur'an and hadith have regulated about halal and haram. Halal is the main thing in Islam. Not only the relationship between people, but also the relationship with God. Consuming halal than haram is the application religion law and showing the obedience of religion embraced. Peace of mind and safety when using medicinal products are very desirable by every Muslim. Consumers should get legal certainty about the products used. Products that are free from haram and processed lawfully.<sup>201</sup>

One of the institutions that are authorized to take care of the idolatry of a product is the Indonesian Ulema Council (MUI). Before a product is declared halal, it must pass the processes that have been established by existing regulations, it cannot be declared halal before obtaining a halal certificate from an authorized institution. The products referred to herein include products in the form of medicines, as stipulated by Article 1 number 1 of the Halal Product Guarantee Act, which states: "Products are goods and/or services related to food, beverages, drugs, cosmetics, chemical products, biological products, genetic engineering products, and use goods used, used, or utilized by the community." Of course, for those who want their medicinal products to be labeled halal from MUI must go through existing legal processes. If there are parties who include the label of MUI on their medicinal products, but have not passed the management procedures as stipulated by the Halal Product Guarantee Law, it will have a legal impact on it.

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<sup>200</sup>HayyunDurrutulFaridah. "Halal Certification in Indonesia: History, Development, and Implementation". *Journal of Halal Product and Research*, Volume 2, Number 2, December 2019, in 69.

<sup>201</sup>*Ibid.*

The realization of stability in every relationship in society can be achieved by the existence of legal regulations that are regulating (*regelen / aanvullenrecht*) and legal rules that force (*dwingenrecht*) of each member of society to obey and obey the law. Any social relationship must not be contrary to the provisions of existing and applicable law in society. Sanctions (legal consequences) in the form of punishment will be imposed on any violator of existing legal regulations in reaction to unlawful acts committed. The result is that the existing legal regulations must be in accordance with the principles of justice in society, to keep the rules of law can continue and be accepted by all members of society.<sup>202</sup>

Related to this, the rules for obtaining halal statements from MUI are rules that are adapted to the conditions in Indonesia, considering that the majority of people living in Indonesia are Muslim. Given this, for consumers who want to consume halal-certified drugs should be protected from the correct information about the drug. If there are parties who produce drugs labeled halal, but not actually it is very detrimental to consumers and can have legal consequences for the perpetrator. The consequences of the law arise from the existence of a relationship between the subject of law with each other, who agreed to create a legal relationship in harmony with the laws and regulations. A legal relationship is a relationship governed by law. In other words, both in terms of the legal position of mui to determine the validity of a drug product and in terms of the procedures for the implementation of halal labeling of the product, it must still be based on existing legal norms.<sup>203</sup>

The absence of muslim consumer awareness when choosing the products they use, whether it is halal or not, makes business people arbitrary about the products they make. Idolatry is also made a thing that does not have to be even though the inner satisfaction of Muslim consumers actually must also be considered. Muslim consumers should get attention and also handling from the government related to a drug product related to its idolatry. Therefore, the government passed the Hala Product Guarantee Act, intended for all products, especially drugs for halal certification. Halal certification and labeling are two different activities, but the two are closely related. To ensure the protection of consumers from people who are Muslim, all medicines are required to be

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<sup>202</sup>Sudarsono, *Introduction to Legal Science*(Jakarta: PT. RinekaCipta, 2007), p.

<sup>203</sup> Peter Mahmud Marzuki, *Introduction to Legal Science*, (Jakarta: Prenadamedia Group, 2018),

halal certified. Because consuming halal food (medicine) is an obligation for every Muslim.<sup>204</sup>

Based on the overall description mentioned above, there are several issues, especially regarding the legal position of MUI itself in providing halal certificates on medicinal products, especially after the issuance of Law No. 33 of 2014 on Halal Product Guarantee, because it is known that there are other State institutions that also have authority, which has been determined by the government for the implementation of halal product guarantees, including in terms of drug products. After that it needs to be examined also the mechanism of implementation of the provision of halal provisions to a drug product, of course the implementation must be by applicable regulations. Based on this, the researchers took the research title "**Mui Legal Authority to provide Halal Certificate on Medicinal Products in Indonesia**"

## **2. PROBLEM FORMULATION**

1. What is the legal position of MUI in providing Halal Certificates on medicinal products?
2. What is the procedure of labeling halal MUI on medicinal products in Indonesia?

## **3. RESEARCH OBJECTIVES**

1. To find out the legal position of MUI in providing Halal Certificates on medicinal products?
2. To know the procedure for inclusion of MUI halal labels on medicinal products in Indonesia?

## **4. RESEARCH METHODS**

Research method is the one aspect that will be discussed, where it is the main way to reach the level of scientific research. In accordance with the conceptual of the problem and the purpose of the research, it used normative legal research (normative juridical) and the approach based on the rules of the laws and regulations. Furthermore, the nature of this research is descriptive analysis. The information source utilized to conduct this regulating juridical investigate is source from auxiliary information that employments

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<sup>204</sup>Isye Aprilia, et al. "Legal Protection of Consumers Through Halal Certification of Medicinal Products Under Law No. 33 of 2014 concerning Halal Product Guarantee". *Journal of Legal Preferences*, VolUme 2, No.Mor 2, July 2021, pp. 288-289.

legitimate materials within the shape of essential lawful materials, auxiliary legitimate materials and tertiary legitimate materials. The information collection tool in this investigate is by considering libraries / documentation thinks about and analyzing existing information and laws and directions. Documentation considers are ponders that look at different reports, both related to laws and controls and existing reports.<sup>205</sup>

Within the conclusion this inquire about will be analyzed data, analysis information is the foremost vital and unequivocal organize in proposition composing. Through the investigate handle, examination and development of information that has been collected and prepared. This ponder employments subjective examination, which is the examination of information that does not utilize numbers, but provides pictures (portrayals) with words of discoveries, and thus prioritizes the quality / quality of the information.<sup>206</sup>

## 5. RESULTS AND DISCUSSIONS

### MUI's Legal Position in Providing Halal Certificates on Medicinal Products

Previously the government through Article 4 of Law No. 33 of 2014 on Halal Product Guarantee has stipulated that: "Products entering, circulating, and traded in the territory of Indonesia must be halal certified". The products referred to herein are inseparable from the products of drugs as outlined in Article 1 number 1 of the JPH Act.

Halal certificate is a fatwa approved by MUI that states the idolatry of a product in accordance with Islamic law. This Halal Certificate is a requirement to include halal labels on products that qualify for idolatry under Islamic law (Triasih et al., 2016). Furthermore, according to (Rahmah&Barizah, 2020) argues that the halal label on the drug convinces consumers, especially Muslims, that the drug is produced in accordance with Islamic law. It can be said to be a halal medicine if it has been prepared, processed, produced or stored using instruments or potions allowed by Islamic Law. One of the focuses of halal certification in Indonesia is the pharmaceutical industry (medicines).<sup>207</sup>

Labels on medicinal products are needed for a ready-made product that is placed on the packaging so that the public knows the information of the product it buys. Usually the information on the label that is often found in the composition, halal logo, the

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<sup>205</sup> Salim HS and ErliesSeptianaNurbaini. *Application of Legal Theory in Tesi Research and Dissertation*(Jakarta: PT. RajaGrafindoPersada, 2019), p.

<sup>206</sup>SoerjonoSoekamto, *Sociological law research*, (Jakarta: PT. RajaGrafindoPersada, 2014), p.

<sup>207</sup>Isye Aprilia, et al. *Op.Cit.*, p. 289.

company that produces the goods, the expiration of the prose and other things that are listed on the products sold.<sup>208</sup>

n arrange to guarantee that each devotee reveres and carries out the lessons of his religion, the state is obliged to supply assurance and confirmation around the worshipful admiration of items expended and utilized by the community. Affirmations with respect to Halal Items ought to be carried out in agreement with the standards of security, equity, lawful certainty, responsibility and straightforwardness, viability and proficiency, and polished skill. In this manner, the ensure of the execution of Halal Items points to supply consolation, security, security, and certainty of the accessibility of Halal Items for the open in devouring and utilizing the Items, as well as expanding the included esteem for Trade On-screen characters to create and offer Halal Items.

This objective gets to be imperative considering the headway of science and innovation within the field of nourishment, medication, and makeup is growing very quickly. It encompasses a genuine impact on the move in handling and utilization of crude materials for drugs, as well as other items from those that were initially straightforward and characteristic to the handling and utilization of crude materials from science designing. Handling items by utilizing propels in science and innovation permits the blending between halal and haram both purposefulness and inadvertent. Hence, to know the legitimacy and holiness of a item, a special consider is required that requires multidisciplinary information, such as information within the areas of nourishment, chemistry, natural chemistry, mechanical building, science, drug store, and understanding of sharia.<sup>209</sup>

One of the parties that have the authority to issue halal certification in Indonesia is MUI. However, since the issuance of Act No. 33 of 2014, the granting of halal certificates by MUI in collaboration with relevant agencies that have been established by the Government, in this case, is BPJPH (Halal Product Assurance Organizing Agency). BPJPH is authorized to issue halal certificates in accordance with Article 6, but moreover, there must be a choice on the assurance of halal items from the MUI. The obligation of the important contribution of MUI, contained in Article 7 of the Halal Product Guarantee Law, states: "In exercising the authority as referred to in Article 6, BPJPH cooperates with MUI". It is also in line with the provisions of Article 10, which outlines:

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<sup>208</sup> Irene Svinarky and ParningotanMalau. "Issuance of Halal Certificate Based on Legal Perspective in Indonesia". *Journal of Light Justice*, Volume 8, Number 1, April 2020, p.

<sup>209</sup> Explanation of Law No. 33 of 2014 tHalal Product Guarantee.

1. BPJPH's cooperation with MUI as referred to in Article 7 letter c is carried out in the form of:
  - a. Halal Auditor certification;
  - b. the determination of the product; and
  - c. LPH accreditation.
2. The determination of the page of the Product as alluded to in section (1) letter b is issued by MUI in the form of a Halal Product Determination Decision.

Talking about the legal position of MUI must first have a legal rule that is the basis. The legal norms must certainly be born from the sources of applicable law in Indonesia. The source of the law is everything that gives rise to binding and binding rules, so that if the rules are violated it will cause firm and real sanctions for violators. What is meant by everything is the factors that affect the emergence of the law, the factors that are the source of the force of formal legal enactment means where the law can be found, where the law originated, where the law can be sought or the judge finds the law, so that the basis of the verdict can be known that a certain regulation has binding or applicable power and so on.<sup>210</sup>

The legal aspect provides qualifications to the particular relationships it chooses. With the qualified fiction by this law, it becomes a legal relationship. Here again found the same situation as in the previous description of the relationship between the world of reality and the world of law (*Das sollen* and *Das Sein*). In order for a legal relationship to occur, it is necessary for the parties who do it who are referred to as legal subjects, while those who are subjected to the relationship are called legal objects. These three things, namely the subject of law, legal relationships and legal objects are called legal categories or understandings that are basic to the law. It is referred to as such, therefore there cannot be a legal order without the subject of law and so on.

The provision of legal qualifications to the relationships between members of society, so that real relations are transformed into legal relations, immediately gives rise to a certain connection between the subjects who are conducting the relationship. This connection is in the form of authority that exists on legal subjects as a continuation of the occurrence of the legal relationship. This authority is commonly referred to as a right.

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<sup>210</sup>Soeroso, *Introduction to Legal Science*, (Jakarta: SinarGrafika, 2009), p.

From this also can be seen the right owned by MUI to provide halal certificates to a product (medicines). If there is a rule of law set by the laws and regulations.<sup>211</sup>

The release of rules regarding halal product guarantees, can be expected to be the initial guideline for entrepreneurs as producers of products and consumers as product users, so that it can be used to show the necessity to consume medicinal products both from plants and animals / animals that have been halal. The problem of the idolatry of a product is a very big problem if consumers who are Muslim, consume products that contain ingredients that are not halal. The idolatry of a product against drugs, then halal is part of the muslim faith that cannot be bargained. With the LPPOM which is now JPH in accordance with UUJPH, then MUI continues to carry out its duties as the assembly that issues fatwas and also BPJPH as a container that issues certificates, the implementation of the duties contained in UUJPH is adjusted by the government.<sup>212</sup>

Related to the position of MUI in the granting of halal certificates previously Article 1 number 10 itself has mentioned: "Halal Certificate is the recognition of the page of a Product issued by BPJPH based on a written halal fatwa issued by MUI". This means that halal certificates cannot be issued before a written halal fatwa from mui. In other words, although the halal certificate is currently issued by BPJPH after the issuance of Law No. 33 of 2014, but still before the issuance of the certificate must go through the determination of a written fatwa from MUI, halal certificates cannot be issued if there is no halal fatwa from MUI.

In addition, Article 58 of the Halal Product Guarantee Act also reveals: "Halal Certificates that have been established by MUI before this Law took effect are declared to remain valid until the term of the Halal Certificate expires". Reiterated in Article 60 that: "MUI continues to carry out its duties in the field of Halal Certification until bpjph is formed". Here it is clear that MUI has an important position in the issuance of halal certificates on a product, especially pharmaceutical products / drugs. So it is clear that the position of MUI in the granting of halal certificates in Indonesia either before or after the issuance of Law No. 33 of 2014, still the party who determines the product (drugs) can be issued halal certificate or not.

Products circulating in Indonesia are exceptionally assorted both neighborhood items and imported items from overseas. In each of these items there must be halal markers to encourage shoppers in choosing halal items. In this manner, there must be

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<sup>211</sup>SatjiptoRahardjo, *Legal Science*( Bandung: PT. Aditya Bakti,2012), p.

<sup>212</sup> Irene Svinarky and ParningotanMalau. *Op.Cit.*, pp. 74-75.

certification and labelization of items in giving halal item ensures to the community, particularly Muslims. Certification and labelization are two distinctive but interrelated things. Halal certification is the method of getting a halal certificate by going through a few stages of examination to demonstrate that the crude materials, generation handle, and halal affirmation framework of items in a company are in understanding with built up measures.

Certification is carried out by conducting a arrangement of examinations conducted by competent evaluators in their areas to at that point be decided the status of their page to form a composed fatwa expressing the page of the item within the shape of halal certificates. Halal certificate is substantial for a period of four a long time. At that point an expansion can be done. The company must give halal ensures by continuously keeping up the consistency of the item page. Intermittently each six months must report the usage of the Halal Ensure Framework (SJH) to his company.

Halal labelization is the incorporation of halal names or logos on halal item bundling. This name serves to appear buyers that the item may be a halal item. The office authorized to allow authorization for the incorporation of halal names is the Nourishment and Medicate Supervisory Office (BPOM). Certification and labelization are two things that are interrelated. Halal certificate issued by MUI gets to be a prerequisite to incorporate the halal logo or name on the item (counting within the shape of restorative items). In expansion, in article 33 passage (1) of the Halal Item Ensure Law too affirms that the assurance of item (drugs) is carried out by MUI.<sup>213</sup>

It is reiterated that with the halal certification this can provide guarantees to the Muslim community in Indonesia for the protection of comfort and security in the use of drugs because in addition to pharmaceuticals and basic materials also do not conflict with applicable national laws, Islamic religious law and provide awareness for the use of halal products for Muslim communities.<sup>214</sup>

### **3. Mui Halal Labeling Procedure on Medicinal Products in Indonesia**

As of September 2021, a total of 63,599 halal products with 1,510 active halal certificates from 1,291 companies circulating in Indonesia have conducted halal certification processes through the Halal Examination Board (LPH) of the Indonesian Institute of Food, Medicine, and Cosmetics (LPPOM MUI). With such a large number,

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<sup>213</sup>HayyunDurratulFaridah. *Op.Cit.*, p. 72.

<sup>214</sup>Isye Aprilia, et al. *Op.Cit.*, p. 290.

of course, preventive measures are needed to minimize the occurrence of fraud or counterfeiting of products in the market, especially related to the use of halal logos. Controls related to the consideration of halal logos on item bundling have been composed in Act No. 33 of 2014. Article 38 states that trade individuals who have gotten a Halal Certificate must incorporate a Halal Name on the item bundling, certain parts of the item, and/or certain places on the item.<sup>215</sup>

Halal product guarantees included in medicines are also related to the responsibility of the drug company to consumers who buy drugs. Because often consumers who consume the drug first pay attention to the halal label in the packaging. After the consumer sees the packaging of the drug there is a halal label MUI, then the consumer buys and consumes the drug in question. Consumers feel safe to consume drugs because they feel guaranteed because the drugs consumed have been declared halal sharia. Halal guarantee is an obligation of the drug company in accordance with Article 26 of Act No. 8 of 1999 which states: "Business actors who trade services must meet the agreed and/ or promised guarantees and / or guarantees". If the drug business does not comply with the article, it can be imposed due to the legal damages against him in accordance Article 60 (2) of the Consumer Protection Act, which he said: "Administrative sanctions in the form of determination of compensation of at most Rp 200,000,000.00 (two hundred million rupiah)". Although the rules have been established, but still there are still parties who include halal labels on medicinal products even though they have not gone through the process of managing the page and have not obtained a halal certificate from MUI, so it is necessary to make good preventive efforts to minimize these things.

One of the preventive measures that can be done as mentioned above is by actually carrying out mui halal management procedures or labeling to the parties who take care of each product, including in this case farmas / drug industry products. Do not let any drug products labeled halal, but in fact there are still ingredients that are prohibited in the manufacture of these drugs. Because according to Article 26 of the Hala Product Guarantee Act, products (drugs) containing prohibited ingredients are excluded to apply for halal certificates. For this reason, it is essential for State educate that have a work as an expansion of the government to require care of certain

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<sup>215</sup> LPPOM MUI. "This is the Terms of Use of THE MUI Halal Logo on Packaging". Online article, <https://www.halalmui.org/mui14/main/detail/inilah-ketentuan-penggunaan-logo-halal-mui-pada-kemasan>, was accessed on March 4, 2022, at 00:29 Wib.

assignments, counting the assignment of supervision and administration of halal items, particularly in restorative items that have an vital direness for open wellbeing.

State institutions have a strategic function in an effort to realize the objectives of the State. In the context of the Republic of Indonesia, the government consists of State institutions that are fully regulated by the Indonesian Constitution of 1945 and other laws and regulations. According to the 1945 Constitution, Indonesia's system of statehood from mpr supremacy changed to the system of people's sovereignty regulated through the Constitution of the Republic of Indonesia in 1945. The Constitution is the basis and main reference in exercising the sovereignty of the people. The rules of the 1945 Constitution govern and divide the exercise of people's sovereignty through various State institutions that carry out parts of the sovereignty of the people according to their authority, duties and functions. The position of each State institution depends on the authority, duties and functions granted by the 1945 Constitution.<sup>216</sup> Related to the management of the idolatry of a product in Indonesia based on Law No. 33 of 2014 is given its authority to the government-formed institution, BPJPH in collaboration with MUI to determine and determine the product.

Most of the people of Indonesia are Muslim. Therefore, the guarantee of halal products against the goods consumed becomes very important in everyday life. Halal product guarantees in Indonesia are issued by the Halal Product Assurance Agency (BPJPH) which is in charge of supervising halal products in Indonesia and issuing halal certification as in accordance with the authority of the Indonesian Ulema Council in halal certification.<sup>217</sup>

Halal certificate could be a explanation issued by the Indonesian Ulema Board (MUI) and contains the articulation of the excessive admiration of a item in understanding with Islamic sharia. The reason of halal certification is to supply legitimate certainty for shoppers. In expansion, buyers will feel more calm and comfortable on the off chance that the items devoured are labeled halal. Agreeing Act No. 33 of 2014, halal items are items that have been announced halal in understanding with Islamic sharia. Particularly for nourishment items, medications and makeup there are their claim educate that conduct inquire about, appraisal, analyze whether the item is secure for utilization.

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<sup>216</sup>Deddy Ismatullah and Beni Ahmad Saebani *Constitutional Law: Reflections on The Life of The State in the Republic of Indonesia* (Bandung: CV. Setia Library, 2018), p.

<sup>217</sup> Yeti Eka Yuniati. "Case Study of Inclusion of Non-Halal Labels on Drugs Linked to Law No. 33 of 2014 concerning Halal Product Guarantee". *Journal of Law Pulpit Justitia*, VolUme 5, No.Mor 2, December 2019, in 132.

The institution is the Established for the Evaluation of Nourishment, Medication and Makeup of the Indonesian Ulema Chamber (LPPOM-MUI).<sup>218</sup>

Related to that, in reality numerous items circulating within the community are not all ensured worshipful admiration. In the mean time, different laws and directions related to the direction of Halal Items have not given legitimate certainty and ensures for muslim communities. Hence, the arrangement with respect to JPH ought to be controlled in a law that comprehensively covers items that incorporate products and/ or administrations related to nourishment, refreshments, drugs, makeup, chemical items, organic items, and hereditarily built items and utilized products utilized, utilized, or utilized by the community.<sup>219</sup>

Products that are often consumed by humans and are basic needs are food and drink, as well as drugs consumed by people who are having problems with their health. Most food and beverage products in Indonesia already have halal certificates and are listed on the food or beverage label. The inclusion of halal labels indirectly protects business actors and provides legal certainty about the validity of the drug.

The halal status of pharmaceutical products, especially drugs, is a concern after the enacting of the Law on Halal Product Guarantee. A drug is an ingredient or mixture of ingredients used to prevent disease, treat, assist in the enforcement of diagnoses, make it infertile or make muscles limp in the surgical process. LPPOM MUI as much as possible provides halal guarantees for Muslim consumers through halal certification instruments, as outlined in the MUI fatwa on the idolatry of a product in accordance with Islamic sharia with the aim of providing halal certainty of a product so that it will make people who consume the product comfortable.<sup>220</sup>

Of course, to take care of the page of a product must first pass the procedures/procedures that have been established by the laws and regulations, not separated in the determination of halal certificates on medicinal products. Based on Act No. 33 of 2014, several stages must be done by a person / business actor including pharmaceutical industry companies (drugs) who want to obtain MUI halal certificates and labels. The stage is regulated from Article 29 to Article 36 of the Halal Product Guarantee Law, basically can be outlined the stages / procedures of the management of halal certificates as follows:

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<sup>218</sup>*Ibid.*, p. 133.

<sup>219</sup> Explanation of Law No. 33 of 2014 tHalal Product Guarantee.

<sup>220</sup> Yeti Eka Yuniati. *Op.Cit.*, pp. 134-135.

1. Application;
2. Establishment of Halal Inspection Board;
3. Inspection and Testing;
4. Product Designation;
5. Issuance of Halal Certificate.

After these stages are carried out at that point the medicate items in address are halal sertifikat. Against sedate items that have gotten Halal Certificates must incorporate Halal Names on Items that have gotten Halal Certificates, this is often in understanding with the arrangements of Article 25 and Article 38 of Act No. 33 of 2014. Besides, to be able to see in full the strategy of applying for halal certificates to a item, counting restorative items can be depicted as takes after:

1. Halal Certification Application submitted by Business Actors by attaching documents in the form of names and types of products, data from business actors, product lists and materials used in processing products;
2. Requesting to be carried out a product inspection by the Halal Auditor Institution (determined by MUI in accordance with Article 10 of the JPH Law);
3. Auditing is carried out in the factory where the product is manufactured, if in doubt laboratory testing will be carried out;
4. LPH submits audit results to BPJPH;
5. BPJPH submits a product page to MUI for the issuance of halal certification;
6. The determination of idolatry is carried out by MUI;
7. The Halal Fatwa session included halal experts, government agencies and related agencies. The hearing is no later than 30 (thirty) working days from the MUI receiving the results of the audit;
8. Halal decision is signed by MUI and submitted to BPJPH as the basis for issuing halal certificates;
9. BPJPH issues halal certificates, if the product is declared not halal BPJPH returns the certificate application accompanied by a reason to the applier (employer);
10. The certificate is issued for a maximum of 7 days from the time the decision on the product page is received from MUI.<sup>221</sup>

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<sup>221</sup>Isye Aprilia, et al. *Op.Cit.*, pp. 291-292.

Looking at the flow or procedure of submitting halal certificates as outlined above it is seen that the role of MUI to issue fatwas against the idolatry of a product is very important, this is also because before the fatwa was issued regarding the page of the product, halal certificates cannot be issued. After the establishment of BPJPH, the authority of BPJPH is contained in Article 6 of UUJPH. The procedure specified in the UUJPH explanation, can be explained about the procedure for obtaining a halal certificate beginning with: Business actors apply for Halal Certificate to BPJPH; After that, the examination of documents is carried out by BPJPH; Then, testing and also examinations are carried out by LPH which already has accreditation from BPJPH in collaboration with MUI; The fatwa session was conducted by MUI to establish the validity of a product in the form of a Halal Product Determination Decree signed by MUI.<sup>222</sup>

Certification on products that have been declared halal will receive a halal certificate from BPJPH. Halal certification issued by BPJPH has passed the fatwa trial stage issued by MUI. MUI in the stage of halal certificate exit determines the temporary nature of products according to Islamic law. This also applies to products in the form of drugs, because drug products in accordance with Article 1 number 1 of Law No. 33 of 2014, are the part of the product that is required to take care of its halal certificate. In other words, in addition to taking care of permits to BPOM, the party producing the drugs must also take care of its halal certificate to BPJPH, and will get the halal certificate after the written halal fatwa from MUI.<sup>223</sup>

Halal labels that have been obtained by a drug product in this case must still be maintained in accordance with Article 25 of Law No. 33 of 2014. If it is violated LPPOM MUI will suspend or revoke the license for the use of halal logo, if the business actor proves negligent or fails to meet the requirements and rules of halal product certification. Business actors are also required to publish the granting, cancellation, suspension, and revocation of certificates through public media so that the public can know the status of their products. Such action, he continued, in the form of stopping the use of halal logos on products and publications on brochures or advertisements accompanied by cancellation, suspension, revocation, or return of halal provisions.<sup>224</sup>

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<sup>222</sup> Irene Svinarky and ParningotanMalau. *Op.Cit.*, p. 77.

<sup>223</sup>*Ibid.*, p. 80.

<sup>224</sup> LPPOM MUI. *Loc.Cit.*

## 6. CONCLUSION

Mui's legal position in providing Halal Certificates on medicinal products is understood to have an important contribution either after or before the issuance of Law No. 33 of 2014 on Halal Product Guarantee, including in this case drug products in Article 1 number 1 of the JPH Act. It has been mentioned in several articles in the legislation about the strategic position of the Indonesian Ulema Council in granting halal certificates on medicinal products. Among them are outlined in Article 1 number 7 and number 10, Article 7, Article 10, Article 31 paragraph (1), Article 58, and Article 60 of Law No. 33 of 2014. Basically, on the issuance of mui halal certificate domiciled to issue a written halal fatwa and establish the validity of the drug product in question, if mui does not issue a determination and written halal fatwa then the halal certificate cannot be issued and cannot be given to determine the validity of the drug products.

The procedure of labeling HALAL MUI on medicinal products in Indonesia can be seen from the provisions of Article 29 to Article 36 of the Halal Product Guarantee Law, which basically can be said as follows: beginning with the application of Halal Certificate by Business Actors to BPJPH. Furthermore, BPJPH conducts a completeness examination of the documents. Inspection and/or testing of the product's page is carried out by LPH. The LPH must obtain accreditation from BPJH in cooperation with MUI. The determination of the halal product is carried out by MUI through the MUI halal fatwa session in the form of a decision on the Determination of Halal Products signed by MUI. BPJPH issued a Halal Certificate based on the decision of halal product determination from mui.

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