

CRIMINAL LIABILITY OF FOOD MANUFACTURERS WHO FALSIFY HALAL MUI LOGOS ON PACKAGING WITHOUT OFFICIAL PROCEDURES

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Abstract. In Indonesia, the community's need for processed food / packaged food products is high, it is the government's responsibility to ensure food products are in the packaging in accordance with applicable provisions including the inclusion of the halal logo of the Indonesian Ulema Council (MUI). Of course this is related to the large number of Muslim occupations in Indonesia, so the Muslim community wants to look for food products that already have a halal logo from MUI that is smoked to meet halal standards in accordance with applicable legal procedures. But sometimes there are food manufacturers who include the HALAL MUI logo on their food packaging, without first going through official procedures. Of course, the information that is not actually in the food packaging is very detrimental to consumers, so that normal norms can have criminal consequences for the perpetrator. Therefore, there needs to be an assessment of criminal liability can be forced on producers who incorporate the MUI halal symbol on nourishment bundling without official strategies

The reason of this consider is to discover out the lawful security for buyers for the activities of producers who fake MUI halal logos on nourishment bundling, as well as to discover out criminal risk for nourishment producers who misrepresent MUI halal logos on the bundling. The investigate conducted is regulating juridical investigate utilizing auxiliary information by preparing information from essential legitimate materials, auxiliary lawful materials and tertiary lawful materials.

Based on the comes about of the consider it is known that lawful assurance for buyers for the activities of producers who adulterate mui halal logos on nourishment bundling is drained a preventive and repressive way. Preventive can be within the frame of the application of prohibitions for producers and requires producers to supply the proper data in bundling names, particularly related to the item page, whereas oppressive assurance can be within the form of the burden of emolument commitments for makers to buyers who are hurt by the consideration of fake MUI halal names within the bundling. The application of this recompense certainly does not cruel barring criminal arrangements. Besides, criminal risk for nourishment manufacturers who distort mui halal symbol on bundling can be authorized in agreement with Article 62 section (1) of Act No. 8 of 1999 within the shape of detainment with a most extreme jail term of 5 (five) a long time or a greatest fine of Rp 2,000,000,000

Keywords: Criminal, Food, Indonesian Ulema Council, Halal, Counterfeiting.

1. INTRODUCTION

Against the dynamics of daily life there are often conflicts between individuals and others. Conflicts often cannot be resolved by the parties concerned. To be able to solve the problem is often required the intervention of special institutions that provide

impartial solutions , the solution must certainly be based on objectively applicable benchmarks. The problems that arise in society of them is related to activities involving consumers and producers.¹⁶⁰

Basic needs for every human being consist of clothing, food and board needs. However, food needs are still a very essential staple in human life. However, to trade a food product, business people, in this case producers, often do various ways so that the products they sell sell in large quantities although sometimes justify various ways that consumers are interested in buying them. One of the cases committed by business people is fraud in terms of trading their food products using fake halal labels.¹⁶¹

Given the limited ability of consumers to research the truth of the contents of halal labels, the state uses various legal and institutional tools to regulate the process of labeling halal on packaged food products. Therefore, the government makes various rules to protect the public / consumers from the actions of producers who counterfeit food products / food, including both in Act No. 33 of 2014, Act No. 18 of 2012, Act No. 8 of 1999.¹⁶²

The products referred to herein as outlined in Article 1 of Act No. 33 of 2014, "Products are goods and/or services related to food, beverages, drugs, cosmetics, chemical products, biological products, genetic engineering products, and useful goods used, used, or utilized by the community.". While the understanding of food referred to Act 31 of 2018 which states: "Nourishment is everything that comes from the organic source of agrarian items, manors, ranger service, fisheries, animals, waters, and water, both treated and natural aiming as nourishment or drink for human utilization, counting nourishment added substances, nourishment crude materials, and other materials utilized within the arrangement, preparing, and/or make of nourishment or refreshments."

Based on the high needs of nourishment items, particularly in Indonesia, it is suitable for buyers to be entitled to assurance from the ensure of the nourishment items in address. Seen from an Islamic point of view, the concept of halal is crucial for a Muslim. Halal implies allowable or passable in Islam. In this manner, Muslims will search for items to be consumed by the acknowledged devout lessons. Usually characterized by the numerous demands for halal products that already have halal certificates within the world. Muslim buyers in Indonesia are seeking out for true halal certification issued by

¹⁶⁰Suhrawardi K. Lubis, *Ethics of the Judge's Profession*, (Jakarta: SinarGrafika, 2015), p.

¹⁶¹ Irena Revin, et al. "Legal Protection for Consumers Against Counterfeiting of Halal Labelization in Imported Food Products". *Diponegoro Law Journal*, Volume 6, Number 2, 2017, in 2.

¹⁶²*Ibid.*

MUI (Indonesian Ulema Committee). This certification gives specialist to companies (nourishment producers) within the utilize of halal logos to be printed on item bundling or to be shown on company premises.¹⁶³

The produce in this case could be a commerce performing artist who is every company or commerce substance, whether within the shape of a lawful substance or not a legitimate substance built up and domiciled or conduct exercises inside the locale of the Republic of Indonesia, both alone and together through assentions to organize trade exercises in different financial areas (counting credit exercises).¹⁶⁴

Based on this, it is appropriate for every manufacturer who wants to trade their food products in the form of packaging in Indonesia who claims to have a halal certificate from MUI must include the halal logo on their food packaging products. But indeed before the food manufacturer can include the halal logo on its food packaging, it must first follow the procedures that have been established by the laws and regulations and in accordance with existing legal principles.

Legitimate standards are essential rules and lawful standards that are theoretical and by and large behind concrete directions and the usage of laws. Concrete directions (such as laws) must not strife with legitimate standards, nor ought to they in judges' decisions, the conduct of laws, and the legitimate framework. On the off chance that within the lawful framework there's a strife, at that point the legitimate guideline will show up to overcome the strife. For example, there is a conflict between one law and another, so it must again see the principle of law as the basic principle underlying the rule of law applies universally. Similarly, when talking about social contexts, it means that legal concepts and principles are always born as a result of the thoughts of certain societies.¹⁶⁵

It is expected that the legal principle is not just a symbol for concrete regulations in the legal system and judicial system in Indonesia. The legal principle has a relationship with the legal system and the judicial system, so that every conflict occurs in its mechanism of action, always will be resolved by the legal principle.¹⁶⁶ Associated with the inclusion of mui halal logo, it should be the food producers follow the existing legal

¹⁶³CuniaWulan Sari and DidahDurrotunnafisah. "Illegal Halal Labelization on The Practice of Buying and Selling Food Products InUin Bandung Campus Environment as well as relevance of Sharia Economic Law Views". *Journal of Sharia Economic Law*, Volume VI, Number 1, January 2019, in 59.

¹⁶⁴ZaeniAsyhadie, *Business Law (Principles and Implementation in Indonesia)*(Jakarta: PT. RajaGrafindoPersada, 2014), p.

¹⁶⁵ Marwan Mas, *Introduction to Law*, (Bogor: Ghalia Indonesia, 2011), 109.

¹⁶⁶*Ibid.*, p. 111.

provisions before including the MUI halal logo. In other words, it cannot be the manufacturer in question to include the MUI halal logo on its food packaging, if it does not pass the previously established legal provisions so that it is finally allowed to legally condemn the MUI halal logo.

The number of products that are not yet halal-certified causes it consumers, especially Muslim consumers, it is difficult to distinguish completely halal products and those that are not, and, unfortunately, most food product owners are not too concerned about the goods he sells are halal or not, and sometimes only think about the benefits, even many restaurant owners or restaurants only include illegal halal logos, without having with halal certification from MUI.¹⁶⁷

The actions of food manufacturers are part of the fraud that is very detrimental to consumers, especially against Muslim consumers who expect to buy halal food, but are deceived over the mui halal logo that is not actually on the packaging of the food in question. Of course this is an act that falls into the criminal domain and for the perpetrator can be held criminally responsible (in this case the manufacturer who commits counterfeiting).

Criminal liability for perpetrators of counterfeiting the inclusion of mui halal logos that are not actually / *illegal* on food packaging products cannot be immediately taken based on the provisions of the article in the Criminal Code. However, the criminal article used is outside the Criminal Code or in other words specifically regulated. This is given that the act is related to consumers and halal products, therefore criminal provisions are used specifically outside the Criminal Code.

Indonesia now developing with its laws outside the Criminal Code. One thing, the development of criminality in society has encouraged the birth of special criminal laws, namely criminal laws that exist outside the Criminal Code. The position of special criminal law in the criminal law system is a complement to the criminal law codified in the Criminal Code. A codification of criminal law however perfect at some point it will be difficult to meet the legal needs of society.¹⁶⁸ Therefore, imposing criminal liability to manufacturers who falsify mui halal logos on food packaging must also pay attention to provisions outside the Criminal Code in this case the article of criminal provisions in Law No. 33 of 2014 on Halal Product Guarantee and Law Nomor 18 of 2012 on Food.

¹⁶⁷CuniaWulan Sari and DidahDurrrotunnafisah. *Loc.Cit.*

¹⁶⁸ Aziz Shamsuddin, *Special Crimes*, (Jakarta: SinarGrafika, 2018), p.

Based on the overall description mentioned above, there are several problems, especially regarding the criminal application for food manufacturers who falsify the MUI halal logo on the food packaging they make. Criminal liability to these manufacturers is certainly inseparable from legal protection efforts for consumers for information that is not contained in the food packaging in question. Based on this, the researchers took the title of the study **"Criminal Liability of Food Manufacturers Who Falsify THE HALAL MUI Logo on Packaging Without Official Procedures"**

2. Problem Formulation

1. What is the legal protection for consumers for the actions of manufacturers who fake MUI halal logos on food packaging?
2. What is the criminal liability for food manufacturers who fake MUI halal logos on the packaging?

3. Research objectives

1. To find out the legal protections for consumers for the actions of manufacturers who falsify the MUI halal logo on food packaging.
2. To find out criminal liability for food manufacturers who falsify mui halal logos on packaging.

4. Research Methods

Inquire about strategies are one of the components of a issue that will be talked about, where the investigate strategy is the most way that points to reach the level of logical investigate. In agreement with the detailing of the issue and the purpose of investigate, within the inquire about strategy is utilized standardizing legitimate inquire about (standardizing juridical) and the approach is based on the rules of the laws and controls. Moreover, the nature of this investigate is clear examination. The information source utilized to conduct this investigate is sourced from auxiliary information that employments legitimate materials within the shape of essential lawful materials, auxiliary lawful materials and tertiary lawful materials. The information collection in this consider is by writing thinks about and/or documentation thinks about and analyzing existing

information and laws and controls. Documentation ponders are ponders that look at different reports, both related to laws and controls and existing archives.¹⁶⁹

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 prepare, examination and development of information that has been collected and prepared. This consider employments subjective examination, which is the examination of information that does not utilize numbers, but provides pictures (portrayals) with words of discoveries, and so prioritizes the quality / quality of the information.¹⁷⁰

5. RESULTS AND DISCUSSIONS

1. Legal Protection for Consumers Over The Actions of Manufacturers Who Falsify MUI Halal Logos on Food Packaging

Against the thought of Act No. 8 of 1999, that national improvement points to realize a fair and affluent society that's impartial really and profoundly and the period of financial vote based system based on Pancasila and the 1945 Structure. Subsequently, the advancement of the national economy must be able to back the development of the commerce world so that it is able to create different merchandise and / or administrations that have innovative substance that can progress the welfare of numerous individuals and at the same time get certainty on merchandise and / or administrations gotten from exchange without causing customer misfortunes.

The goal to improve the dignity and dignity of consumers needs to increase awareness, knowledge, care, ability and consumer independence to protect themselves and develop the attitude of responsible business actors. Based on these considerations, legislation is needed to realize the adjust of assurance of the interface of shoppers and commerce performing artists to make a sound economy. The intended law is Act No. 8 of 1999. Consumer protection is based on benefits, fairness, balance, security, consumer safety and legal certainty.¹⁷¹

The existence of a legal principle in the legal system which is a provision of principle in resolving conflicts in the legal system itself (including in the framework of consumer protection) Included in the development of social engineering, legal principles

¹⁶⁹ Salim HS and ErliesSeptianaNurbaini. *Application of Legal Theory in Tesi Research and Dissertation*(Jakarta: PT. RajaGrafindoPersada, 2019), p.

¹⁷⁰SoerjonoSoekamto, *Sociological law research*, (Jakarta: PT. RajaGrafindoPersada, 2014), p.

¹⁷¹ZaeniAsyhadie. *Op.Cit.*, pp. 191-192.

can be used as a basis for their function to realize the development of dynamic and conducive national laws. Maintaining adherence to the legal principle, will make the legal system and its justice system work by their respective functions. The principle of law is always related to the rules of law or the rule of law written. The principle of law is the foundation and heart of concrete regulation as the foundation of abstract thought, and in it contained ethical values that must be embodied in written regulations.¹⁷²

Trading activities are very complex, continuous, and continuous activities due to interdependence between producers and consumers. Its activities start from production carried out to meet market demand. Products produced by the manufacturer to be consumed by the public must go through the distribution chain, products that have reached the level of distributors, then a product requires an identifier that is called a label.

The label serves as an identifier of a product that contains information about the product in question, such as the name of the product, the weight / clean content, the material used, the name and address of the manufacturer, expiration date and price and halal label. Considering that the products on the market are halal and not halal, then what needs to be considered is how consumers can buy halal products, so they will feel calm in consuming them.

The label is a consumer window because observant consumers can see and research a product from the label. Information on a clear label will make it easier for consumers to appropriately be able to make their choices before buying and or consuming food / a food product and unclear information on the label will cause and can occur frauds¹⁷³ related to consumer protection the government has also determined that the product sold by the manufacturer including packaged food products must include the correct information. This is independent on the information about the page of the food products sold by the manufacturer in question.

Of course, before packaged food products marketed by manufacturers to consumers are obtained halal status / certificate by MUI, must first go through the processes that have been established by the laws and regulations. Including from the ingredients used by producers to process food / food to be sold / marketed. Article 17 of Law No. 33 of 2014 concerning the Halal Product Guarantee, has outlined the ingredients used in the halal product process (PPH), which are outlined as follows:

¹⁷² Marwan Mas. *Op.Cit.*, p. 114.

¹⁷³ Mela Septiani. "Inclusion of Halal Labels in The Packaging of a Food Product Is Associated With Law No. 8 of 1999 concerning Consumer Protection". *Journal of Media Law Justitia Nusantara*, VolUme 7, No.Mor 1, February 2017, in 84.

1. The materials used in PPH consist of raw materials, processed materials, additives, and auxiliary materials.
2. The material referred to in paragraph (1) comes from:
 - a. animals;
 - b. plants;
 - c. microbes; or
 - d. Materials are produced through chemical processes, biological processes, or genetic engineering processes.
3. Materials derived from animals as referred to in paragraph (2) letter a are basically halal, except those prohibited according to sharia.

Furthermore, the special things prohibited in the use of animal materials are outlined in Article 18 paragraph (1) of Law No. 33 of 2014, namely covering carcasses, blood, pigs and/or animals slaughtered not in accordance with sharia. As for other materials plants and microbes reaffirmed the things prohibited in the use of such materials in Article 20 paragraph (1) and paragraph (2), which outline:

1. Ingredients determined from plants as alluded to in Article 17 passage (2) letter b are basically halal, but those that are inebriating and/or destructive to wellbeing for individuals who expend them.
2. Materials inferred from organisms and materials created through chemical forms, organic forms, or hereditary building forms as alluded to in Article 17 section (2) letter c and letter d are disallowed in the event that the method of development and /or make is blended, contained, and / or sullied with precluded materials.

After the ingredients have been confirmed, or no use of illegal ingredients that have been described above, then this food producer can continue the process of managing halal product guarantee (JPH) to the Halal Product Assurance Agency (BPJPH). If the entire process of managing halal standards on food produced by the manufacturer is fulfilled, then the manufacturer can put the halal logo on the packaging. Previously Article 8 of the Decree of the Minister of Religious Affairs No. 518 of 2001 on Guidelines and Procedures for The Examination and Determination of Halal Food, has mentioned:

1. If the food examined by the Examiner's Institution has met the requirements of halal food and has been certified halal, the Examiner's Institution issues a Halal Certificate.
2. The Halal Certificate as referred to in paragraph (1), is valid for 2 (two) years and may be renewed for the same period of time by applicable laws and regulations.
3. Halal Certificate as referred to in paragraph (2) can be revoked by the Examination Board if the producer or importer of the Certificate holder commits a violation in the field of halal food as stipulated in the applicable laws and regulations.

Talking about legal protection for consumers certainly cannot be separated from the provisions of the laws and regulations on Consumer Protection, including if it intersects with the falsification of MUI halal logos on food packaging carried out by manufacturers. In other words, to see the legal protection of consumers themselves, of course, must pay attention to the rights that should be accepted by consumers, including the right to get halal products as stated in the food packaging in question.

Article 1 Number 2 of Law No. 8 of 1999 on Consumer Protection, states that consumers are every user of goods and / or services available in society, whether for the benefit of themselves, families, others, or other living things and not for trafficking. As a consumer, you have legal protection. The material that gets protection is not just physical, but moreover its abstract rights. In other words, comment protection is identical to the protections provided by the law on consumer rights. In general, there are 4 (four) basic rights of consumers, namely:¹⁷⁴

1. The *right of safety*;
2. *Right to be informed*;
3. The *right to choose*;
4. *Right to be heard*;

The four basic rights mentioned above are internationally recognized. In its development, consumer organizations that depend on *The International Organization of*

¹⁷⁴ Celina Tri SiwiKrisyanti, *Consumer Protection Law*(Jakarta: CV. Graphic Light, 2008), p. 30.

Consumer Union (IOCU) add some more rights, such as the right to consumer education, the right to compensation and the right to a good and healthy living environment.¹⁷⁵

Still related to consumer protection, the Consumer Protection Act outlines in Article 4 the rights contained in a consumer. In addition to the rights in Article 4, there are also consumer rights formulated in subsequent articles, especially in article 7 which regulates the obligations of business actors. Human rights and rights are antinomies in law, so the obligations of business actors can be seen as consumer rights.¹⁷⁶

Related to that also Article 2 of Law No. 8 of 1999 on Consumer Protection, states "Consumer protection is based on benefits, balance, security, and consumer safety, as well as legal certainty". The basic explanation of legal certainty is intended so that business actors and consumers obey the law and obtain legal justice in conducting consumer protection and the State ensures legal certainty.

Considering the substance of Article 2 of Law No. 8 of 1999 on Consumer Protection as well as the explanation, it appears that its formulation refers to the philosophy of national development, namely Indonesian human development entirely based on the philosophy of the Republic of Indonesia. The five principles mentioned in the article, when considered the substance, can be divided into 3 (three) principles, namely:

1. The principle of usefulness in it, includes the principle of consumer security and safety.
2. The principle of justice in which it covers the basics of balance, and
3. Principle of legal certainty.¹⁷⁷

In connection with legal protection for consumers for producing actions that falsify mui halal logos on food packaging in Article 8, especially in points d, e and h the Consumer Protection Act has mentioned the prohibitions for manufacturers / business actors not to sell goods that are not by the actual. Especially related to the halal logo has outlined a ban on manufacturers not to trade and / or produce food that "does not follow the provisions of halal production, as the statement "halal" listed on the label". This provision reflects the existence of legal protections for consumers related to the inclusion of halal logos on food packaging.

¹⁷⁵*Ibid.* 31.

¹⁷⁶*Ibid.* 32.

¹⁷⁷ Ahmadi Miru and Sutarman Yodo *Consumer Protection Law*, (Jakarta: PT. RajaGrafindoPersada, 2014), in 26.

Furthermore, Article 9 letter a and Article 10 letter c of Law No. 8 Tahun 1999 have also affirmed the prohibition for manufacturers/business actors including food manufacturers to trade / offer food products that seem to meet a certain quality standard (in this case halal standards) and also prohibit making untrue or misleading statements about guarantees (halal products / labels) on the food sold.

The idolatry of food products is crucial for Muslims and will be taken into consideration for them in buying or consuming them. If the food (food or drink) contains illegal ingredients, then the food is considered not to be consumed, therefore in choosing food products in the consumer's own packaging is required to be more careful and observant. Consumers have limitations, because today's food manufacturing technology is increasingly complex and often can no longer be reached by the senses. For the purpose of the legal protection of consumers against manufacturers who falsify mui halal logos on food packaging, the government has also set the rules in Article 10 of the Minister of Religious Affairs Decree No. 518 of 2001, which outlines the following:¹⁷⁸

1. Manufacturers or importers who have obtained a Halal Certificate, must include a Halal Label on the packaging of their products.
2. The Halal Label as referred to in paragraph (1) must be included halal certificate number and the inscription "Halal" with Arabic letters and Latin letters.
3. Halal label as referred to in paragraphs (1) and paragraph (2), must be made in a form that is not easily damaged and cannot be falsified, as well as in a certain size.
4. The Minister of Religious Affairs established a printing company that can make Halal Labels by the provisions referred to in paragraphs (2) and paragraphs (3).

The above provisions are also in line with the description of Article 2 of the Food Drug Supervisory Agency Regulation No. 31 of 2018 on the Label of Processed Food, which states as follows:

1. Everyone who produces processed food in the country to be traded in retail packaging must include a label.

¹⁷⁸ Mela Septiani. *Loc. Cit.*

2. Everyone who imports Processed Food for trade-in retail packaging must include a Label at the time of entering the territory of the Unitary State of the Republic of Indonesia.
3. Retail packaging as referred to in paragraphs (1) and paragraph (2) is the final package of food that should not be opened to be repackaged into smaller packaging and ready for trade.
4. Processed Foods as referred to in paragraphs (1) and paragraph (2) include Processed Foods distributed for donation purposes and/or government programs.

To affirm the provisions of Article 2 of BPOM Regulation No. 31 of 2018 above reaffirmed in Article 5 paragraph (1) letter e, namely "the label as referred to in Article 2 must contain information including about halal for required". So in Article 32 paragraph (1) it is reiterated that: "Business Actors who produce or import processed food packaged retail for trade in the territory of Indonesia must include halal information after obtaining a halal certificate".

The terms or conditions for including the MUI halal logo on the packaging of food products as mentioned above are part of legal protection for consumers for the actions of manufacturers who want to falsify the MUI halal logo on their food packaging. So that the inclusion of the MUI halal logo on food packaging also has its own standard provisions that have been set by the rules. That way the manufacturer cannot necessarily fake the MUI halal logo.

The existence of laws and regulations governing halal certification and labelization is seen as a form of protection from the State, especially for Muslims to get legal certainty over food products on the market, so there is expected to be no doubt for Muslims to consume food products labeled halal. Entrepreneurs can just attach halal labels on their products, without any inspection and testing, so that the contents of a product are not in accordance with the label they include, referring to Lukman Nul Hakim's opinion to address it, it is wiser if food products that have not been through halal testing and examination in religious law (fiqh), then for the product is placed as a product.¹⁷⁹

¹⁷⁹*Ibid.*, p. 85.

Furthermore, after the prevention of legal protections (prevention) provided to consumers against the actions of manufacturers who include fake MUI halal logos on food packaging produced / sold, there are also repressive legal protections that can be imposed on the perpetrator either in the form of compensation or even criminal liability. Related protection in the form of compensation to consumers has been stipulated in Article 19 Law No. 8 of 1999 which states:

1. Business performing artists are capable for giving stipend for harm, contamination, and / or customer misfortunes due to shopper products and / or administrations created or traded. 2.
2. Indemnity as alluded to in passage (1) may be within the frame of discount or substitution of products and / or administrations of comparative esteem or identical esteem, or wellbeing care and / or recompense in understanding with the arrangements of pertinent laws and regulations.
3. Indemnity is carried out inside a beauty period of 7 (seven) days after the date of the transaction
4. The granting of harms as alluded to in sections (1) and passage (2) does not kill the plausibility of criminal charges based on advance prove of the presence of an component of error. 5.
5. The arrangements alluded to in passage (1) and section (2) don't apply on the off chance that the trade on-screen character can demonstrate that the mistake is the blame of the consumer.

Through the compensation from the manufacturer to the consumer as mentioned above is a form of legal protection that has been set by the government to consumers for the actions of producers who provide incorrect information on the packaging label they sell, until finally specifically for Muslim consumers are certainly very disadvantaged to the information of the MUI halal logo listed in food packaging when it is not the truth. Of course, protection in the form of compensation does not mean eliminating criminal liability that should be charged to the perpetrator.

It should be properly understood that halal certificate and halal labelization are two different activities but have a relationship with each other. The extreme objective of halal certification is the formal legitimate acknowledgment that the item issued has met halal controls. Halal labelization is the consideration of halal composing or explanation on the item bundling to appear that the item in address may be a halal item. In other

words, to be able to a individual / trade performing artist / producer to incorporate halal names on the symbol of nourishment bundling created / sold must to begin with get an official halal certificate from the institution authorized to issue it. After that, the MUI halal symbol can be included on the nourishment bundling in address.¹⁸⁰

Customers require widespread lawful securities. In common, the position of customers is frail compared to the position of more grounded makers in numerous ways, so the discourse of shopper security will continuously feel genuine and continuously imperative to consider. Security of customers is seen substantially and formally progressively feel exceptionally critical, considering the progressively progressed science and innovation that's the driving drive for the efficiency and productivity of makers for the products or administrations they produce in arrange to attain trade objectives, within the conclusion either straightforwardly or in a roundabout way, at that point buyers will by and large feel the affect.¹⁸¹

2. Criminal Liability for Food Manufacturers Who Falsify MUI Halal Logos on Packaging

The reason of the incorporation of halal logos on nourishment and refreshment items is to secure the rights of Muslim buyers against non-halal items. The halal symbol contained on the bundling of nourishment and refreshment items gives legitimate certainty to Muslim customers, that the nourishment and refreshment items are really halal as expressed by Islamic Law. Muslim buyers will not falter to purchase nourishment and refreshment items, since on the bundling of nourishment and refreshment items may be a genuine halal symbol from MUI. If nourishment and refreshment items are to supply lawful certainty and lawful security to Muslim buyers, businesses are obliged to grant a non-halal sign in a put that's effectively seen and studied by shoppers, that the nourishment and refreshment items are not halal.¹⁸²

Standard halal labels on food packaging, medicine and cosmetics are the most appropriate way to sell products and are more reliable. Halal label standardization efforts can improve the quality of Halal Product Guarantee. The existence of products labeled halal standards can have an impact both on the community and among entrepreneurs.¹⁸³

¹⁸⁰ Irena Revin, et al. *Op.Cit.*, p. 5.

¹⁸¹ Mela Septiani. *Loc.Cit.*

¹⁸² Syafrida. "Responsibility of The Perpetrator To Use Fake Halal Certificate Logo". *Journal Judicial Volume*, Volume XIV, May 2018, p.

¹⁸³ CuniaWulan Sari and DidahDurrutunnafisah. *Op.Cit.*, p. 63.

Halal labeling on a product must be done, but in this case some manufacturers or traders are naughty and use illegal halal logos, in this case traders want to take advantage and want to convince consumers that the products processed or traded are halal with the inclusion of halal labels.¹⁸⁴

Against the actions of manufacturers who include *illegal* halal labels or who falsify the MUI halal logo on food packaging that they trade will be bad for consumers and very detrimental, for that of course the actions of the manufacturer are acts that fall into the realm of criminal acts. Business people who have committed fraudulent, dishonest acts that do not have good intentions trading food and beverage products using fake halal logos against products that are not halal or halal logos listed on the packaging of food and beverage products are doubtful of the authenticity of MUI, then the actions of these perpetrators are categorized as violating criminal law that can be threatened with punishment.¹⁸⁵

Criminal is act that by the run the show of law are disallowed and debilitated with guiltiness, where the understanding of activities here in expansion to dynamic activities (doing something that's really prohibited by law) is additionally an act that's detached (not doing something that's really required by law). As has been clarified that the understanding of criminal law incorporates arrangements approximately 3 (three) sorts / things, to be specific as takes after:

1. The common run the show of criminal law and those related or in things relating to the disallowance of committing certain acts is went with by a criminal danger to the party who damages the disallowance in address (said to be a criminal offense). 2
2. Special conditions must be satisfied for those who abuse the rules of criminal law as said at first over, so that those who abuse it can be rebuffed criminally as threatened.
3. State endeavors that must and can be made by state hardware within the occasion that the state upholds or actualizes the said criminal law.¹⁸⁶

¹⁸⁴*Ibid.*

¹⁸⁵Syafrida. *Loc. Cit.*

¹⁸⁶AdamiChazawi I, *Criminal Law Lessons: Interpretation of Criminal Law, Basic Elimination, Enforcement & Commemoration, Crime of Complaints, Concompanity& Teaching of Causality*(Jakarta: PT. RajaGrafindoPersada, 2017), pp. 2-3.

In the discussion of criminal law certainly can not be separated in the discussion of criminal accountability. This is considering for people who violate the provisions of criminal articles, then if proven to be held criminally accountable against him. The obligation that's at the center of the botches alluded to in criminal law is responsibility concurring to criminal law. In spite of the fact that really concurring to morals everybody is dependable for all his activities, but in criminal law the subject matter is as it were behavior that comes about within the judge dropping the criminal.¹⁸⁷

Criminal liability is a form of law enforcement itself, including in this case law enforcement for perpetrators (manufacturers) who falsify the MUI logo on the packaging of food sold / marketed. Law requirement is planning as an endeavor to create lawful thoughts or wants come genuine. For the purpose of realizing these legitimate thoughts or wants cannot be isolated from the administration angle, specifically a set of exercises or forms to arrange and integrate the utilize of assets to realize objectives through individuals, methods and data carried out based on a particular organizational structure. Hence, in an organization law authorization is additionally secured by individuals, behavior, offices additionally organizational culture.¹⁸⁸

Responsibility in criminal law is closely related to the dependable capacity of a individual. In case a individual or commerce substance or legitimate subject commits an act that abuses the arrangements of the laws and controls within the criminal space, it'll be imposed on him due to the law within the shape of criminal law obligation.

Against liability in criminal law adheres to the principle of no criminal without error (*geenstrafzonder should*). Although not formulated in law, but embraced in practice. There is no separation between guilt and accountability for deeds. People who commit with mistakes alone are burdened with accountability for the criminal acts they commit. After the realization of the criminal act, it is only seen whether the person who made it was there was accountability what not, in the sense of whether there was a mistake or not in the maker. Only those who are to blame can be charged with criminal responsibility. This can be as it were addressed in terms of setting up a decision by the judge so that the verdict reaches the most elevated degree of equity. Within the hone of law, it as it were

¹⁸⁷TeguhPrasetyo. *Op.Cit.*, p. 85.

¹⁸⁸ M. Shamsudin, *New Construction of Judge's Legal Culture*, (Jakarta: Kencana, 2015), p.

gets to be a address after there's question around the soul of the creator, whether or not it can be accounted for the deeds he did.¹⁸⁹¹⁹⁰

With regard to the installation of halal labels that are not in accordance with the provisions, or it can be said that halal labeling in the sense that the product has not obtained a halal certificate from BPJPH. It can be known, business actors who include halal labels not in accordance with the provisions (such as listed on the packaging, certain parts and / or certain places that are easy to see and read and not easily removed, removed, and damaged) can first be subject to administrative sanctions,¹⁹¹ in accordance with Article 27 of Law No. 33 of 2014 concerning halal product guarantees, in the form of:

- a. verbal reprimand;
- b. written warning; or
- c. revocation of Halal Certificate.

Furthermore, in accordance with Article 26 of the Halal Product Guarantee Law, it is known for Business Actors (manufacturers) who produce Products (food) from Ingredients derived from prohibited Materials must include non-halal information on the Product. If this is not done by the manufacturer concerned, it can be subject to administrative sanctions in the form of:

- a. verbal reprimand;
- b. written warning; or
- c. administrative fines.

The above administrative sanctions are only applied to manufacturers who do not maintain the authenticity of their products that have obtained halal certificates and also for manufacturers who produce / sell products made from haram as Article 18 and Article 20 of the Halal Product Guarantee Act, but do not include halal information on their packaging products. As for perpetrators who falsify the MUI halal logo label on food packaging, sanctions can be imposed in the form of criminal sanctions.

Criminal liability can be applied to manufacturers who falsify mui halal logos on food packaging, if there has been evidence that finally proves the manufacturer is guilty of doing the deed. Proof is the central point of examination of cases in court hearings.

¹⁸⁹AdamiChazawi II, *Lessons in Criminal Law: Criminal Investigations, Criminal Acts, Theories of Prosecution, and Limits of Criminal Law*(Jakarta: PT. RajaGrafindoPersada, 2018), p.

¹⁹⁰*Ibid.*, p. 154.

¹⁹¹ErizkaPermatasari. "Consumer Protection If you include a halal logo that does not comply with national standards". Online article, <https://www.hukumonline.com/klinik/a/jika-mencantumkan-logo-halal-yang-tak-sesuai-standar-nasional-lt5a30fb38752da>, accessed on March 02, 2022, at 00:15 Wib.

Proof is the provisions that contain a ruler and guidelines on the ways that the law justified proving guilt or being charged to the accused.

Proof is also a provision that regulates the legally justified evidence that the judge can use to prove the alleged guilt. The court should not be at will and arbitrarily prove the guilt of the accused. Similarly, in the way of using and assessing the power of proof attached to every means of evidence, done within the limits of the law, so that in realizing the truth to be handed down, the judges avoid the sacrifice of the truth that must be justified.¹⁹²

Kuhap does not deliver a definition of the meaning of "verification". In any case, the Kuhap gives courses of action with respect to the sorts of substantial prove agreeing to the law as stipulated within the arrangements of article 184 section (1) of the Kuhap, hence the understanding of "verification" refers to master supposition within the field of criminal occasion law. MartimanProdjohamidjojo contends that the method of confirmation or demonstrating contains the expectation and exertion to state the truth of an occasion, so that it can be acknowledged by reason to the truth of the occasion. The SelainDarwanPrinst contended that proof means that it is genuine that a criminal occasion has happened which the litigant is blameworthy of doing so, so he must be held responsible.¹⁹³

As said prior, the confirmation is required to see the plausibility of the culprit (maker) in this case being subject to criminal risk, in the event that it has been demonstrated at that point criminal sanctions are built up in understanding with the articles stipulated by the criminal law. Criminal law specialists for the most part classify criminal law into two huge bunches, common criminal and extraordinary criminal. A few researchers recognize it from the part of a delik within the Criminal Code, consequently it is called a common criminal. Moreover, on the off chance that the declik is directed in laws other than exterior the Criminal Code, it is called a uncommon criminal. Of course, to see the criminal risk of producers who adulterate mui halal symbol on nourishment bundling can not as it were be based on the Criminal Code alone, but too criminal arrangements on other related laws and controls.¹⁹⁴

¹⁹²Mhd. TeguhShauhada. *Law of Proof in Justice in Indonesia*(Field: CV. Prima Library, 2021), pp 51-52.

¹⁹³ Aristo Pangaribuan, et al, *Introduction to Criminal Procedure Law in Indonesia*, (Depok: Rajawali Pers, 2018), pp. 273.

¹⁹⁴ Ruslan Renggong, *Special Criminal Law: Understanding TheDelik-delik Outside the Criminal Code*, (Jakarta: Kencana, 2017), p.

After seeing the verification and fulfillment of the component of blunder for the producer, it can be that producers who distort the MUI halal symbol on nourishment bundling can be held criminally at risk. Known for commerce on-screen characters / producers who don't keep up the legitimacy of items that have gotten halal certificates can be inquired for criminal liqan in agreement with the arrangements of Article 56 of Law No. 33 of 2014 on Halal Item Ensure, which diagrams: "Business Actors who don't keep up the legitimacy of items that have gotten Halal Certificates as alluded to in Article 25 letter b are culpable by detainment of a greatest of 5 (five) a long time or criminal fines. at most Rp2,000,000,000.00 (two billion rupiah)".

Furthermore, about manufacturers who falsify the MUI halal logo on food packaging or in other words manufacturers who do not follow the provisions of halal production, as the statement "halal" contained in the label (food packaging) must withdraw it from circulation, and can be punished in accordance with the provisions of Article 62 paragraph (1) of Law No. 8 of 1999 on Consumer Protection which states: "¹⁹⁵Business actors who violate the provisions as referred to in Article 8, Article 9, Article 10, Article 13 paragraph (2), Article 15, Article 17 paragraph (1) letter a, letter b, letter c, letter e, paragraph (2), and Article 18 are punishable by imprisonment of a maximum of 5 (five) years or a maximum fine of Rp 2,000,000,000.00 (two billion rupiahs)".

Based on the description above, manufacturers who falsify and include the MUI halal logo on food packaging without official procedures can be held criminally accountable according to the rules. In connection with the number of food and beverage products that do not have halal logos or halal logos doubting the authenticity of MUI, the government must increase the sense of care and not take samples of products that allegedly use fake logos.¹⁹⁶ The use of halal labels that are not in accordance with the provisions can cause legal implications if Muslim consumers object and are fooled by the halal label. This is because consumers are entitled to correct, clear, and honest information about the condition and guarantee of goods and / or services.¹⁹⁷

¹⁹⁵ErizkaPermatasari. *Loc.Cit.*

¹⁹⁶Syafrida. *Op.Cit.*, p. 81.

¹⁹⁷ErizkaPermatasari. *Loc.Cit.*

6. CONCLUSION

Legal protection for consumers for the actions of manufacturers who falsify mui halal logos on food packaging can be done in 2 (two) ways, namely preventive and repressive ways. Preventive means in the form of prevention by forming rules in the form of prohibitions that are not allowed by food producers as business actors. Especially against the inclusion of the MUI halal logo label on food packaging manufacturers are prohibited from listing as if it meets certain (halal) standards and includes halal product guarantees when they are not the real ones. And manufacturers are prohibited from producing and/or trading food that does not follow the provisions of halal production, as stated "halal" listed in the label. The prohibitions are a form of legal protection as outlined in Article 8 letter d, e and h, Article 9 letter a and Article 10 letter c of Law No. 8 of 1999 on Consumer Protection. The government also in the framework of consumer protection has determined the standards of the MUI halal logo listed in the food packaging and the conditions for obtaining the halal certificate. This must meet the provisions in Article 8 and Article 10 of the Decree of the Minister of Religious Affairs No. 518 of 2001 on Guidelines and Procedures for The Examination and Determination of Halal Food, Article 2, Article 5 and Article 32 of the Regulation of the Food Supervisory Agency Number 31 of 2018 concerning The Label of Processed Food, as well as the provisions of the management of food idolatry in Law No. 33 of 2014 concerning Halal Product Guarantee. There are also repressive efforts in the form of compensation and criminal sanctions.

Criminal liability for food products that falsify mui halal logo on packaging can use criminal provisions in the form of special laws and regulations outside the Criminal Code. So that the manufacturer concerned can be subject to the provisions of Article 62 paragraph (1) of Law No. 8 of 1999 on Consumer Protection because it has included the actual halal logo (falsifying it) and includes guarantees and standards (halal) that are not actually, for it can be punished with a maximum prison term of 5 (five) years or a maximum fine of Rp 2,000,000,000.00 (two billion rupiahs). In addition, manufacturers who have obtained halal certificates that do not maintain the validity of their products can also be punished in accordance with Article 56 of Law No. 33 of 2014 on Halal Product Guarantee in the form of imprisonment of a maximum of 5 (five) years or a maximum fine of Rp2,000,000,000.00 (two billion rupiah).

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