

LEGAL PROTECTION AGAINST CONSUMER GUARANTEE OF HALAL PRODUCTS IN ENTERING THE ERA OF THE INDUSTRIAL REVOLUTION 5.0

Helmi

helmidosen@gmail.com

Sultan Agung Islamic University Semarang Indonesia

ABSTRACT

Legal protection for consumers must be based on the values of justice for halal product guarantees in entering the era of the industrial revolution 5.0 this must be a concern of the government, especially the Ministry of Religion through the Halal Product Guarantee Agency as a form of legal certainty for consumers. The Halal Product Guarantee Agency is required to make preparations to face the era of society 5.0 creatively and optimally. The writing of this scientific paper uses a normative research method with a statutory approach whose sources of information are legal materials such as primary, secondary, and tertiary legal materials with information gathering techniques from document/library studies that are analyzed qualitatively which are presented descriptively.

Keywords: *Legal Protection, Consumers, Guarantee of Halal Products.*

A. Introduction

The Government of Indonesia in issuing Law Number 8 of 1999 concerning Consumer Protection with considerations including that the development of the national economy in the era of globalization must be able to support the growth of the business world so that it can produce various goods and/or services that contain technology that can improve people's welfare. Furthermore, at the same time obtain certainty of goods and/or services obtained from trade without causing consumer losses. The more open the national market as a result of economic globalization must continue to guarantee the increase in the welfare of the community and the certainty of the quality, quantity, and security of the goods and/or services obtained in the market. To increase the dignity of consumers, it is necessary to increase awareness, knowledge, concern, ability, and independence of consumers to protect themselves and develop the attitude of responsible business actors.¹ Policies are laws, regulations, procedures, administrative actions, incentives, or voluntary practices of governments and other agencies.² As a rule of law, actions taken by both the government and citizens must be based on law.³ Every citizen has the right and must be treated as a human being have the same degree as others, so also have equal standing before the law and the government.⁴

2 Ma'ruf Cahyono, Bahtiyar Efendi, and Anis Mashdurohaturun, Restructuring Institutional and Legal Policies in Fostering the Ideology of Pancasila, *Lex Publica* Vol. 7, No. 1, 2020, Page 28-39

The Government of Indonesia in issuing Law Number 33 of 2014 concerning Guaranteed Halal Products considering that the 1945 Constitution of the Republic of Indonesia mandates the state to guarantee the independence of each resident to embrace their respective religions and worship according to their religion and beliefs. In order to guarantee every adherent of religion to worship and carry out their religious teachings, the state is obliged to provide protection and guarantees regarding the halalness of products consumed and used by the community to ensure legal certainty.⁵

To implement the halal product guarantee, the Government of Indonesia issued an implementing regulation, namely Government Regulation of the Republic of Indonesia Number 31 of 2019 concerning Implementing Regulations of Law Number 33 of 2014 concerning Halal Product Guarantee. In its implementation, the Halal Product Guarantee Agency is formed, which is located under and responsible to the Minister of Religion.

Consumer protection law is getting enough attention because it involves rules for the community's welfare. The community as consumers who get protection, but business actors also have the same right to get protection. Each has rights and obligations. The government plays a role in regulating, supervising, and controlling so as to create a conducive system that is interrelated with one another so that the general welfare of the community can be achieved.⁶

Everyone, at one time, in a single position/alone or in groups with other people, under any circumstances must be a consumer for a particular product or service. This universal situation on several sides shows the existence of various weaknesses in consumers so that consumers do not have a safe position. Therefore, consumers also need legal protection that is universal. Given the weak position of consumers in general compared to the position of producers, which is relatively more robust in many respects, the discussion of consumer protection will always feel actual and very important to be reviewed. Consumer protection is seen materially and formally as increasingly felt very important given the increasing speed of science and technology, which is the driving force for productivity and efficiency of producers for goods or services produced to achieve business goals.⁷

The purpose of writing this scientific paper is to find out how the legal protection for consumers for halal product guarantees is in the 5.0 industrial revolution. The writing of this scientific paper uses a normative research method with a statutory approach whose sources of information are legal materials such as primary, secondary, and tertiary legal materials with information gathering techniques from document/library studies analyzed qualitatively and presented descriptively.

B. Research Method

To answer the writing questions that have been formulated above, the authors will use the normative research method.⁸ The research specifications used in this study used descriptive analytical.⁹

5 Undang-Undang Nomor 33 Tahun 2014 tentang Jaminan Produk Halal

6 Celina Tri Siwi Kristiyanti, *Hukum Perlindungan Konsumen*, Ed.1. Cet. 8, Jakarta: Penerbit Sinar Grafika, 2019, page 1

7 *Ibid*, page 5

8 Bimo Bayu Aji Kiswanto, and Anis Mashdurohatun, The Legal Protection Against Children Through A Restorative Justice Approach, *Law Development Journal*, Volume 3 Issue 2, June 2021, Page 223-231

9 Julizar Bimo Perdana Suka, Bambang Tri Bawono, and Andri Winjaya Laksana, The Implementation of Code of Conduct for Members of

C. Results and Discussion

According to Satjipto Rahardjo, legal protection is to protect human rights that others have harmed. That protection is given to the community to enjoy all the rights granted by law.¹⁰ According to CST Kansil, legal protection is a variety of legal measures provided by law enforcement officers to provide a sense of security, both mentally and physically, from interference and various threats from any party¹¹.

Philipus M. Hadjon argues that legal protection is an action to protect or provide assistance to legal subjects by using legal instruments.¹² Consumer protection is all efforts that guarantee legal certainty to protect consumers.

Consumers are every person who uses goods and/or services available in the community, both for themselves, their families, other people, and other living creatures, and not for trading.

The business actor is any individual or business entity, whether in the form of a legal entity or not, a legal entity established and domiciled or conducting activities within the jurisdiction of the Republic of Indonesia, either alone or jointly through agreements to carry out business activities in various economic fields.

Goods are any object, both tangible and intangible, whether movable or immovable, consumable or non-expendable, which can be traded, used, used, or utilized by consumers. Service is any service in the form of work or achievement provided to the public to be utilized by consumers. Halal product guarantee is legal certainty regarding the halalness of a product as evidenced by a halal certificate.

Products are goods and/or services related to food, beverages, drugs, cosmetics, chemical products, biological products, genetically engineered products, and goods used, used, or utilized by the public. The halal certificate acknowledges the halalness of a product issued by the Halal Product Guarantee Agency based on a written halal fatwa issued by the Indonesian Ulema Council.

Society 5.0 is an industrial revolution formulated by the Prime Minister of Japan Shinzo Abe in March 2017 at the CeBIT exhibition, Hannover, Germany to deal with all the problems in Japan and was only inaugurated on January 21, 2019. At that time, Japan was experiencing a challenge of reducing population that makes the population/workers of productive age decrease, so Japan is trying to improve these conditions by implementing Society 5.0. Society 5.0 itself is a solution to the 4.0 industrial revolution. Many people think that industry 4.0 will use high-tech machines to reduce the amount of work done by human labor. Society 5. This goal is expected to create new value through the development of advanced technology that can reduce the gap between humans and economic problems in the future.¹³

Reporting from the Japanese government website, namely Cao.go.jp, it was stated that Society 5.0 or Society 5.0 was proposed in the fifth science and technology basic plan as a future society that Japan

Police as Accurators of Murder, *Law Development Journal*, Vol 4 No 2, June 2022, Page 197-204

10 Satjipto Rahardjo dalam GOD Carma, 2018 lihat <http://e-journal.uajy.ac.id/16725/3/HK111272.pdf>, was accessed 14-03-2022, 09.50

11 C.S.T. Kansil dalam GOD Carma, 2018, lihat <http://e-journal.uajy.ac.id/16725/3/HK111272.pdf>, was accessed 14-03-2022, 09.50

12 Philipus M. Hadjon dalam GOD Carma, 2018, lihat <http://e-journal.uajy.ac.id/16725/3/HK111272.pdf>, was accessed 14-03-2022, 09.50

13 Cao.go.jp dalam Warta Ekonomi, 2020, lihat <https://wartaekonomi.co.id/read313729/era-society-5.0-apa-bedanya-dengan-industry-4.0>, was accessed 14-03-2022, 09.50

should aspire to. Society 5.0 is a human-centered and technology-based concept of society developed by Japan. This concept was born as a development of the industrial revolution 4.0, which is considered to have the potential to degrade human roles. In society 5.0, much information from sensors in physical space is accumulated in cyberspace. In cyberspace, this big data is analyzed by artificial intelligence, and the analysis results are fed back to humans in physical space in various forms. In society, people, things, and systems are all connected in cyberspace and the optimal results obtained by artificial intelligence exceed human capabilities are fed back into the physical space. This process brings new value to industry and society in previously impossible ways. Innovation in society 5.0 will achieve a forward-looking society that breaks the existing sense of stagnation. A society in which members respect one another and where everyone can lead an active and enjoyable life. Through society 5.0, artificial intelligence will transform big data collected through the internet in all areas of life into new wisdom, which is dedicated to improving human capabilities and opening up opportunities for humanity.¹⁴

Consumer protection is based on benefits, justice, balance, security, consumer safety and legal certainty. Meanwhile, halal product guarantees are based on protection, justice, legal certainty, accountability and transparency, effectiveness and efficiency, and professionalism. The importance of legal protection for consumers for halal product guarantees in order to increase awareness, ability and independence of consumers to protect themselves and then create a consumer protection system that contains elements of information disclosure for legal certainty and raises awareness of business actors about the importance of consumer protection so that an honest and responsible attitude grows in attempted. Furthermore, improving the quality of goods/services that ensures the continuity of the business of goods/services, health, security, convenience, and safety for the availability of halal products and increasing added value for business actors to produce and sell halal products, especially in entering the era of society 5.0. The role of the Halal Product Guarantee Agency is vital in protecting and providing legal certainty to consumers in entering the era of the industrial revolution 5.0, where increasing human resources is the main thing in this regard. Improving the ability of human resources is an essential capital in carrying out their duties and functions to enter the era of society 5.0 based on artificial intelligence whose analysis results are given back to humans.

Aristotle's theory of justice, Aristotle makes between numerical equality and proportional equality. Numerical equality equates all citizens are equal before the law. Proportional equality gives each person what is due according to his abilities, achievements, and performance.¹⁵ In his Rhetoric writings, Aristotle distinguishes justice in two types, namely distributive justice as justice that gives each person based on their services or distribution according to their respective rights, and cumulative justice as justice received by each member regardless of the merits of each. Respectively. This cumulative justice is based on transactions, whether voluntary or not.

John Rawls, who is seen as a liberal-egalitarian perspective of social justice, argues that justice is the main virtue of the presence of institutions. However, virtue for the whole community cannot override

14 Super Administrator, 2019, lihat <https://disperin.semarangkota.go.id/news/mengenal-society-5-0-masyarakat-5-0>, was accessed 14-03-2022, 09.50

15 Gunarto, *Bahan Ajar Teori Hukum Disertasi*, Universitas Islam Sultan Agung, Semarang, 2022, page 5

or challenge the sense of justice of everyone who has obtained a sense of justice. Especially the weak people are seeking justice. Specifically, John Rawls develops the idea of the principles of justice by using entirely his created concepts known as the original position and the veil of ignorance. Rawls's view positions the existence of a similar and equal situation between each individual in society. There is no distinction of status, position, or having a higher position from one another, so that one party with the other can make a balanced agreement, Rawls's view as an original position which rests on the notion of reflective equilibrium based on the characteristics of rationality, freedom, and equality in order to regulate the basic structure of society. At the same time, Rawls translates the concept of the veil of ignorance that everyone is faced with the closure of all facts about himself, including certain social positions and doctrines, thus blinding the concept or knowledge of developing justice. That concept, Rawls leads the community to obtain the principle of fair equality with his theory referred to as Justice as fairness. Rawls's theory of justice aims to articulate a series of general principles of justice that underlie and explain the various moral decisions considered in particular circumstances. The meaning of a moral decision is the set of moral evaluations we have made that lead to social action. Well-considered moral decisions refer to the moral evaluations we make reflectively. Rawls's theory of justice is assumed to have the ability to explain moral decisions related to social justice. John Rawls's view of justice is that justice enforcement programs with a populist dimension must pay attention to two principles of justice: first, to provide equal rights and opportunities for fundamental freedoms. Second, it can reorganize the social inequalities that occur to provide benefits between individuals who have different social statuses. The principle of the existence of differences demands that the layers of society be regulated so that gaps in matters relating to welfare, income, authority are given to groups of less fortunate people. In this regard, social justice must be fought for to make corrections to the inequality experienced by the weak. Every regulation must issue policies to correct injustice for the weak.¹⁶

Justice is a primary virtue in social institutions, as is true in systems of thought. However elegant and economical, a theory must be rejected or revised if it is untrue, so laws and institutions, no matter how efficient and orderly, must be reformed or abolished if they are unjust. Everyone has an honor based on justice so that even the whole society cannot cancel it. As the main virtues of humanity, truth and justice are inviolable. (John Rawls in the translation of Uzair & Heru, 2011: 3-4).

An economic system regulates what goods are produced and in what way, who receives them and, as a result, for what donations, and how much of the social resources are provided to save and complement the good of society. Ideally, all of these issues should be managed to satisfy the two principles of justice. Nevertheless, we must ask whether this is possible and what these principles require.¹⁷

Legal protection for consumers must be based on the values of justice for halal product guarantees in entering the era of the industrial revolution 5.0 this must be a concern of the government, especially the Ministry of Religion through the Halal Product Guarantee Agency, a form of legal certainty for consumers. Make preparations to face the era of society 5.0 creatively and optimally.

16 Ferry Irawan Febriansyah, *Keadilan Berdasarkan Pancasila*, Ed. 1. Cet. 1, Yogyakarta: Deepublish, 2016, page 43-46

17 John Rawls, *A Theory of Justice*, 1995 terjemahan Uzair Fauzan & Heru Prasetyo, *Teori Keadilan Dasar-Dasar Filsafat Politik Untuk Mewujudkan Negara Kesejahteraan Sosial Dalam Negara*, Cet. II, Yogyakarta: Pustaka Pelajar, 2011, page 342-343

The 5th International Conference And Call Paper

Deputy for Early Childhood, Primary and Secondary Education at the Coordinating Ministry for Human Development and Culture, Raden Wijaya Kusuma Wardhana, conveyed that the era of society 5.0 places humans as its main component. Critical thinking, communication, and collaboration. Wijaya explained that education plays a vital role in welcoming smart society 5.0, education aims to create an intelligent, characterized, and humane society.¹⁸

D. Conclusion

Products are goods and/or services related to food, beverages, drugs, cosmetics, chemical products, biological products, genetically engineered products, and goods used, used, or utilized by the public. The halal certificate acknowledges the halalness of a product issued by the Halal Product Guarantee Agency based on a written halal fatwa issued by the Indonesian Ulema Council. Legal protection for consumers must be based on the values of justice for halal product guarantees in entering the era of the industrial revolution 5.0 this must be a concern of the government, especially the Ministry of Religion through the Halal Product Guarantee Agency, a form of legal certainty for consumers. Make preparations to face the era of society 5.0 creatively and optimally.

REFERENCE

Celina Tri Siwi Kristiyanti, *Hukum Perlindungan Konsumen*, Ed.1. Cet. 8, Jakarta: Penerbit Sinar Grafika, 2019

Gunarto, *Bahan Ajar Teori Hukum Disertasi*, Universitas Islam Sultan Agung, Semarang, 2022

Ferry Irawan Febriansyah, *Keadilan Berdasarkan Pancasila*, Ed. 1. Cet. 1, Yogyakarta:Deepublish, 2016

John Rawls, *A Theory of Justice*, 1995 terjemahan Uzair Fauzan & Heru Prasetyo, *Teori Keadilan Dasar-Dasar Filsafat Politik Untuk Mewujudkan Negara Kesejahteraan Sosial Dalam Negara*, Cet. II, Yogyakarta: Pustaka Pelajar, 2011

Laws:

Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen

Undang-Undang Nomor 33 Tahun 2014 tentang Jaminan Produk Halal

Journal :

Ahmad Faisol and Anis Mashdurohatun, *Law Enforcement against the Criminal Action of Little Theft*, Vol 2 Issue 4, December 2020,

Bimo Bayu Aji Kiswanto, and Anis Mashdurohatun, The Legal Protection Against Children Through A Restorative Justice Approach, *Law Development Journal*, Volume 3 Issue 2, June 2021,

Julizar Bimo Perdana Suka, Bambang Tri Bawono, and Andri Winjaya Laksana, The Implementation of Code of Conduct for Members of Police as Accurators of Murder, *Law Development Journal*, Vol 4 No 2, June 2022,

Ma'ruf Cahyono, Bahtiyar Efendi, and Anis Mashdurohatun, Restructuring Institutional and Legal Policies in Fostering the Ideology of Pancasila, *Lex Publica* Vol. 7, No. 1, 2020, Page 28-39

The 5th International Conference And Call Paper

Muhammad Yusuf , Andri Winjaya Laksana, Upaya Kejaksanaan Dalam Pembuktian Tindak Pidana Pengeroyokan Dalam Persidangan Pidana (Studi Kasus Kejaksanaan Negeri Demak), *Prosiding Konferensi Ilmiah Mahasiswa Unissula (KIMU) 2* Universitas Islam Sultan Agung Semarang, 18 Oktober 2019,

Internet:

Satjipto Rahardjo dalam GOD Carma, 2018 lihat <http://e-journal.uajy.ac.id/16725/3/HK111272.pdf>,

C.S.T. Kansil dalam GOD Carma, 2018, lihat <http://e-journal.uajy.ac.id/16725/3/HK111272.pdf>,

Philipus M. Hadjon dalam GOD Carma, 2018, lihat <http://e-journal.uajy.ac.id/16725/3/HK111272.pdf>,

Cao.go.jp dalam Warta Ekonomi, 2020, lihat <https://wartaekonomi.co.id/read313729/era-society-5.0-apa-bedanya-dengan-industry-4.0>,

Super Administrator, 2019, lihat <https://disperin.semarangkota.go.id/news/mengenal-society-5-0-masyarakat-5-0>,

Kemenkopmk, 2021, lihat <https://www.kemenkopmk.go.id/pendidikan-berperan-penting-dalam-menyongsong-smart-society-50>,