

Supervisory Structure and Sanctions for Violations of Halal Product Assurance Regulations in Indonesia

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ABSTRACT

This study comprehensively discusses the characteristics and strengths of legal instruments in the mechanism of supervision and the imposition of sanctions for violations of halal product guarantee provisions in Indonesia. Based on an analysis of the main regulations, particularly Law Number 33 of 2014 and its implementing regulations, this study highlights the role of the Halal Product Assurance Organizing Agency (BPJPH) as the institution granted the authority for supervision and law enforcement. This study identifies that although regulations have provided a strong legal foundation, the implementation of supervision and the imposition of sanctions face challenges in terms of capacity, coordination, and the understanding of business operators. The implications of the study's results highlight the importance of strengthening oversight, consistent enforcement of sanctions, and ongoing education to ensure compliance with halal regulations. This study contributes to the development of more effective policies in ensuring that halal products meet legal standards and provide optimal protection for consumers.

INTRODUCTION

In recent years, public attention to the halal status of products has significantly increased. This is closely related to the increasing awareness of consumers, especially Muslims, regarding the products they consume or use in their daily lives. The halal standard is no longer limited to food products but has expanded to various sectors such as cosmetics, pharmaceuticals, and other consumer goods (Sara et al., 2022; Wahyuni et al., 2022). This change in consumption patterns necessitates strong regulations and consistent oversight to ensure that all circulating products meet the halal requirements set by the state (Harahap et al., 2023).

In Indonesia, the main legal basis regulating the obligation of product halalness is stipulated in Law Number 33 of 2014 concerning Halal Product Assurance (Andoko & Hasibuan, 2022). This regulation serves as an important milestone in protecting Muslim consumers and simultaneously as a legal instrument for the state in maintaining the integrity of the halal market. The regulation requires all products entering, circulating, and traded in Indonesia to be halal certified, and this provision is not optional. To ensure its implementation, the Halal Product Assurance Organizing Agency (BPJPH) was established, which has administrative and coordinative authority in regulating the entire halal certification process (Revin & Suradi, 2017).

However, in practice, this well-established regulation has not fully succeeded in curbing the violations that occur in the field. Products are still found circulating without going through the halal certification process, and there are even allegations of false labeling on products that have not been officially declared halal (Marasabessy, 2022). These cases indicate gaps in the oversight mechanism that should be able to prevent actions that could harm consumers and undermine public trust in the national halal assurance system. Additionally, the administrative sanctions that have been established are often not applied consistently (Hasan, 2015).

This situation leads to the need to legally examine how the mechanisms for supervision and imposition of sanctions for violations of halal product guarantees are implemented. In many ways, the effectiveness of the legal system does not solely depend on the quality of its regulations, but rather on their implementation in the field (Nasyi'ah, 2018). Therefore, a comprehensive understanding of the legal dimensions related to supervision and sanctions within the halal assurance system will provide a stronger foundation for improving existing policies (Yunus, 2021).

One of the main issues that arises in the implementation of the halal product assurance system is the weak supervision of the halal

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certification obligation across various product distribution lines (Mawaddah & Farma, 2022). Although BPJPH has been mandated as the supervisory agency, limited resources and suboptimal coordination with other institutions such as LPPOM MUI and regional government agencies often result in the inaccessibility of non-compliant business actors. Weaknesses in the institutional structure will directly impact the effectiveness of oversight functions in the realm of public law (Sukri, 2021).

Another issue is the indecisiveness in the enforcement of sanctions against violations of halal product guarantees. Many business operators ignore the certification obligation without facing commensurate legal consequences (Hartati, 2019). Administrative sanctions that have been normatively regulated in regulations are often not consistently enforced, leading to the precedent that such violations will not receive real action. Without consistent law enforcement, the law will only become a symbolic document without real coercive power (Hikam & Khasanah, 2023).

Moreover, the lack of data integration between the agencies involved in the supervision and certification processes also complicates the tracking of violations (Putri, 2021). This weakens the control function and creates a gray area that can be exploited by irresponsible parties. In administrative law practice, the effectiveness of oversight requires synergy between agencies and transparency in the decision-making system. When the supervision system operates in a fragmented manner, legal protection for consumers becomes suboptimal (Mandasari, 2019).

Ensuring the validity and guarantee of a product's halal status is not merely an administrative issue, but directly related to consumer trust, business integrity, and the legitimacy of the legal system (Baihaki et al., 2022). When Muslim consumers consume a product, there is a normative expectation that the product is not only safe for health but also meets the Islamic legal standards that have been adopted by the state as positive legal norms. The failure to meet these standards not only undermines beliefs but also erodes trust in the institutions that are supposed to uphold product quality and accountability (Muhammad, 2019). Therefore, supervision and sanctions for non-compliance become critical points in ensuring the implementation of legally-based consumer protection (Sari & Faniyah, 2021).

Furthermore, the rapid growth of the food, cosmetics, and pharmaceutical industries demands a non-static halal assurance monitoring system. Digital transformation, the variety of new products, and the globalization of trade render conventional oversight

mechanisms inadequate (Purnama & Ulinnuha, 2023). In the framework of public law and administration, neglecting violations not only undermines public trust but also increases the chances of systematic deviations. Thus, attention to strengthening the oversight system and the effectiveness of sanctions is an absolute necessity to prevent the degradation of legal norms that have been fought for through formal regulations (Faidah, 2017).

The objective of this research is to systematically examine the mechanisms of supervision and the imposition of sanctions against violations of halal product guarantees by tracing how the applicable legal instruments operate both normatively and functionally in ensuring compliance among business actors. This research also aims to examine the extent of the legal enforcement power possessed by the regulatory instruments in encouraging compliance and preventing deviations. The results of this study are expected to enrich the scientific treasury in the fields of sharia economic law and state administrative law, as well as serve as a reference for formulating policies to strengthen the institutional oversight of halal guarantees.

RESEARCH METHOD

This research uses a descriptive qualitative literature study approach to examine and analyze the legal instruments governing the supervision mechanisms and sanctions for violations of halal product guarantee provisions. This strategy was chosen because it allows researchers to examine normative documents, state policies, and relevant academic views without conducting direct field data collection. The sources examined include books, scientific journal articles, legislation, and official policy documents. Literature review is very important in understanding the legal basis, the purpose of norm formation, and the supervisory function within the framework of the halal product assurance system. According to Creswell (2007), literature-based qualitative studies enable researchers to build strong theoretical arguments and analyze non-empirical data systematically and logically.

Secondary data collection is conducted through the review of primary legal documents such as Law Number 33 of 2014 concerning Halal Product Assurance, as well as its derivative regulations. Data is also taken from journals and academic books that discuss topics related to administrative law and sharia economic law concerning halal assurance issues. This method provides flexibility in interpreting the substance of the law and ensures that this study is rooted in academically accountable sources. Neuman

(2003) emphasizes that in literature-based qualitative studies, validity is obtained from the meticulous interpretation of document content and the relevance between the theoretical framework and the research focus. Therefore, this approach is considered most suitable for depicting the normative structure and legal evaluation of supervision and sanctions in the halal product assurance system.

RESULT AND DISCUSSION

The mechanism for supervising halal product assurance in Indonesia is regulated through a comprehensive legal framework, particularly in Law Number 33 of 2014 concerning Halal Product Assurance (Law JPH). This law stipulates that every product entering, circulating, and traded in the territory of Indonesia must be halal-certified, except for products made from prohibited materials (Baihaki et al., 2022). The Halal Product Assurance Organizing Agency (BPJPH) was established as the institution responsible for the implementation of JPH, including supervision and law enforcement against violations of these provisions (Faidah, 2017).

BPJPH has the authority to supervise the implementation of JPH, which includes oversight of Halal Inspection Institutions (LPH), the validity period of halal certificates, the halal status of products, the labeling of halal products, and other activities related to JPH (Mohammad, 2021). This supervision aims to ensure that products circulating in society meet the established halal standards (Sholeh & Mursidi, 2023).

In the implementation of supervision, BPJPH collaborates with LPH and the Indonesian Ulema Council (MUI). LPH is responsible for inspecting and/or testing the halal status of products, while MUI has the authority to determine the halal status of products through the Fatwa Commission. This cooperation ensures that the halal certification process is conducted objectively and in accordance with Islamic law. The synergy between these three institutions serves as the main pillar in ensuring the quality and validity of the halal certification granted to products. Close coordination between BPJPH, LPH, and MUI minimizes potential conflicts of interest and strengthens the accountability of the certification process (Faridah, 2019). The role of LPH in conducting technical testing complements the function of MUI, which assesses the conformity of products with sharia regulations. The continuous communication mechanism established between the relevant parties allows for a quick response to any indications of violations or deviations (Mandasari, 2019). This cooperation also enhances public trust in

the national halal product assurance system, thereby strengthening the position of Indonesian halal products in both domestic and international markets (Hakim & Nady Putri, 2022).

Sanctions for violations of JPH provisions are regulated in the JPH Law and its implementing regulations. Administrative sanctions can include written warnings, administrative fines, revocation of halal certificates, and product withdrawals from circulation. The administrative fines imposed can reach up to Rp2 billion, depending on the level of violation committed by the business operator (Mandasari, 2019). In addition to administrative sanctions, the JPH Law also regulates criminal sanctions for business actors who intentionally do not include halal labels on products that are required to be halal certified. These criminal sanctions aim to provide a deterrent effect and ensure compliance by business operators with JPH regulations (Suparto et al., 2016).

Based on Law No. 33 of 2014 concerning Halal Product Assurance, there are several types of administrative sanctions regulated under state administrative law. One type of sanction is the reparatory sanction, which aims to restore the unlawful condition to its original state (Hamid, 2017). For example, if a company sells products that are not halal certified, this sanction requires the company to stop the sales and rectify the certification to comply with legal provisions (Al-Mawarid & Rohmah, 2023).

Additionally, there are punitive sanctions that serve as penalties for those who violate the rules (Wibisana, 2019). For example, companies that deliberately ignore the obligation of halal certification can be fined or subjected to other administrative sanctions to deter them from repeating the violation. Another type of sanction is the repressive sanction, which is imposed as a reaction to non-compliance with established regulations (Srilaksmi, 2021). For example, if a business operator refuses or fails to comply with a summons for inspection from the halal authority, repressive sanctions can be imposed as a form of strict action to ensure compliance. Thus, administrative sanctions not only serve to punish but also guide business operators to comply with legal provisions to maintain public trust and ensure the continuity of businesses in accordance with regulations.

In the implementation of state administrative law, there are various types of sanctions that can be applied to ensure compliance with regulations. One form of sanction is government enforcement (*bestuursdwang*), which is the government's action to compel the implementation of legal provisions (Susanto, 2019). For example, if a company does not

fulfill its halal certification obligation, the government can take immediate action to ensure the company complies with the regulations. There is the annulment of State Administrative Decisions (TUN) such as the revocation of permits, subsidies, or payments that were given unlawfully or in violation of regulations.

Another sanction is a penalty payment (*dwangsom*), where the government imposes a certain fee to ensure that business operators comply with the applicable regulations promptly. For example, if a company does not promptly correct an incorrect halal label, it may be subject to an administrative fine as an additional sanction. This fine serves as both a warning and a punishment to prevent business operators from repeating the same violation (Raharja, 2014; Yonnawati, 2022).

Based on Law Number 33 of 2014 concerning Halal Product Assurance in Indonesia, Article 41 paragraph (1) regulates administrative sanctions for business actors who do not include halal labels according to the provisions. These sanctions are imposed gradually, starting with a verbal warning. If the business operator does not follow up on the verbal warning, a written warning will be given. If the written warning is still ignored, the final step is the revocation of the halal certificate (Nasyi'ah, 2018). For example, if a food producer does not include the correct halal label, the government will issue a warning first before taking stricter action.

The standards for displaying halal certification are also strictly regulated by the Halal Product Assurance Management Agency (BPJPH). Halal labels and logos must be affixed to packaging with sizes and designs that meet standards, and placed in easily visible areas for consumers. The label must be durable, not easily damaged or detached, and include a valid halal certificate number (BPJPH, 2022). If entrepreneurs violate this regulation, they may face administrative sanctions ranging from written warnings, fines, to the revocation of halal certification permits (Nasyi'ah, 2018).

Unfortunately, many entrepreneurs still neglect the obligation to include the halal certificate, because the enforcement of sanctions in the field is not yet optimal (Fikri & Suryani, 2019). Therefore, BPJPH routinely conducts direct supervision by visiting companies, taking product samples, and testing the halal status of these products in the laboratory (Mairinda, 2021). This supervisory effort is important to ensure that halal certification and labeling standards are truly implemented to protect consumers and maintain public trust in halal products in Indonesia.

Business operators are required to have halal certificates as proof and assurance that the products sold or produced meet halal standards. Each type of product has different characteristics, so all parties involved need to thoroughly understand these features (Andoko & Hasibuan, 2022). The fulfillment of halal criteria becomes the responsibility of business operators so that the products marketed truly comply with the applicable regulations. In general, the provisions regarding the fulfillment of these criteria are implemented based on the legislation governing halal product assurance in Indonesia.

The imposition of state administrative sanctions by the government on business actors who violate the regulations regarding halal products is regulated in Article 149 of Law Number 33 of 2014 concerning Halal Product Assurance (JPH). This article states that supervision of JPH organizers can be subject to administrative sanctions, including written warnings, administrative fines, revocation of halal certificates, and/or withdrawal of goods from circulation (Sukri, 2021). Furthermore, Article 76 (1) of Law No. 33 of 2014 stipulates that the imposition of administrative sanctions must be adjusted to the level of violation committed. These sanctions can be imposed in a tiered, alternative, or cumulative manner (Paragraph 2). For administrative fines, the maximum amount that can be imposed is Rp 2,000,000,000 (two billion rupiah) as regulated in Paragraph (3) (Sakti et al., 2015).

Based on Government Regulation Number 39 of 2021 concerning the Implementation of Halal Product Assurance, in Article 150, BPJPH (Halal Product Assurance Organizing Agency) has the authority to impose administrative sanctions on business actors who do not comply with the provisions stated in various articles of the law. The sanctions that can be imposed on business operators consist of several types according to the type of violation committed. First, a written warning is given to violators of Articles 49, 65, 82, 84 Paragraph (1), 87 Paragraph (1), 92 Paragraph (1), 93 Paragraph (1), 127 Paragraph (2), 132 Paragraph (4), and 135 Paragraph (1). Second, administrative fines are imposed for violations of Articles 49, 65, 82, 84 Paragraph (1), 87 Paragraph (1), 127 Paragraph (2), and 134 Paragraph (2). Third, the revocation of halal certificates applies to violations of Articles 49, 65, 84 Paragraph (1), and 87 Paragraph (1). Lastly, the withdrawal of goods from circulation is applied for violations of Article 65, 82 Paragraph (2), 84 Paragraph (1), 127 Paragraph (2), 132 Paragraph (4), 134 Paragraph (2), and 135 Paragraph (1) (BPJPH, 2021).

Administrative fines against business operators are rarely imposed. This is due to the serious economic impact considerations, such as the risk of business closure and increased unemployment due to layoffs for employees. Therefore, the government prefers a coaching approach so that businesses can continue to operate and violations can be corrected in accordance with the provisions of Law Number 33 of 2014 concerning Halal Product Assurance (Husna, 2022).

BPJPH also has the authority to provide guidance to business actors in order to enhance understanding and compliance with JPH regulations. This guidance includes socialization, education, and training on the importance of halal certification and the procedures that must be followed by business actors (Sari & Sulistyowati, 2020). BPJPH actively develops training materials tailored to the needs of various business sectors to ensure their relevance and effectiveness. The coaching approach is carried out continuously to build a strong culture of compliance among business actors. This effort also involves collaboration with various related parties to expand the reach and impact of the coaching program (Abduh, 2023).

In terms of supervision, BPJPH has the authority to conduct surprise inspections and surveillance audits on business operators to ensure compliance with JPH regulations. If any violations are found, BPJPH is authorized to take measures in accordance with applicable regulations, including the imposition of administrative sanctions or criminal penalties. This action aims to maintain the integrity and public trust in halal products circulating in the market (Putri, 2021). The monitoring process is carried out systematically and structurally to identify potential violation risks early on. Through this mechanism, BPJPH strives to ensure that all business actors consistently comply with the established standards and requirements (Safura, 2022).

BPJPH also collaborates with relevant ministries and/or agencies, local governments, and international organizations in the implementation of JPH (Astuti, 2020). This cooperation aims to strengthen the halal product assurance system in Indonesia and ensure that products circulating in the community meet the established halal standards (Nur & Harun, 2022).

In the implementation of supervision, BPJPH is supported by JPH Supervisors who have important tasks in identifying, verifying, mapping, collecting, processing, and reporting supervision and JPH inspection data. JPH Supervisors are also actively involved in planning, target mapping, analysis, validation, and the preparation of JPH supervision

and inspection reports, which serve as the foundation for subsequent supervisory actions. The presence of JPH Supervisors is a crucial element in ensuring that the supervision process runs systematically and measurably. To support the optimal execution of their duties, BPJPH has prepared JPH Supervisors who have met strict requirements, including completing specialized JPH supervisor training. These JPH Supervisors have full responsibility to ensure that products circulating in the community meet the established halal criteria (Kementrian Agama RI, 2021; Yunus, 2021). Their role serves as a link between existing regulations and field practices, ensuring that supervision can be carried out accurately and effectively. Through this mechanism, BPJPH is able to minimize the risk of violations while simultaneously improving the quality of halal product guarantees available to consumers. Additionally, the performance of JPH Supervisors directly affects the public's trust in the applied halal certification, thereby strengthening the overall integrity of the halal supervision system (Harahap et al., 2023). Thus, strengthening the capacity and role of JPH Supervisors becomes a strategic priority in supporting the success of halal product guarantee regulation oversight in Indonesia.

In the event that business operators do not fulfill the halal certification obligations, BPJPH can issue a written warning as an initial step. If the business operator continues to violate the regulations, BPJPH can impose an administrative fine or revoke the halal certificate that has been issued (Ilyas, 2017; Mawaddah & Farma, 2022). This step aims to ensure that business operators comply with JPH regulations and maintain consumer trust in halal products.

BPJPH also has the authority to withdraw products from circulation if they do not meet JPH regulations. The product recall aims to protect consumers from products that do not meet halal standards and to maintain the integrity of the halal product assurance system in Indonesia (Sari & Faniyah, 2021). The recall process is carried out firmly and in coordination with the relevant parties so that products potentially harmful to consumers can be promptly addressed. This action serves as a deterrent effect for business operators to comply more with the applicable regulations. Product recalls also serve as a tangible indicator that BPJPH is actively maintaining the quality and safety of halal products in the market (Hikam & Khasanah, 2023). The implementation of product recalls must be carried out with clear and transparent procedures to ensure accountability and public trust. Furthermore, this step helps minimize the risk of spreading

products that do not meet halal standards, thereby providing a sense of security for Muslim consumers. With that authority, BPJPH strengthens its supervisory position as the institution responsible for consumer protection and the maintenance of halal product quality on a national level (Naskhila & Suriaatmaja, 2023).

In the implementation of supervision, BPJPH also collaborates with international agencies in the field of JPH administration. This cooperation aims to strengthen the halal product assurance system in Indonesia and ensure that products circulating in the community meet the established halal standards.

BPJPH also conducts socialization, education, and publication of halal products to the public to enhance understanding and awareness of the importance of halal certification. This step aims to encourage business operators to comply with JPH regulations and increase consumer trust in halal products (Hosen, 2022).

In order to ensure business compliance with JPH regulations, BPJPH conducts halal product registration and certification, accredits Halal Inspection Agencies (LPH), and registers halal auditors. These activities are designed to ensure that the entire halal certification process is conducted objectively, transparently, and in accordance with Islamic law (Simbolon & Hidayat, 2021). With this mechanism, BPJPH can maintain the quality and credibility of halal certification to be widely accepted by the public. The registration and accreditation process serves as an important foundation in the comprehensive halal product supervision system. This also strengthens consumer confidence in the validity of halal certificates issued by the relevant institutions (Mohammad, 2021).

With the presence of clear supervision and sanction mechanisms, it is hoped that business operators can comply with JPH regulations and maintain the integrity of the halal product assurance system in Indonesia. This is important to protect consumers from products that do not meet halal standards and to maintain public trust in halal products. The implementation of such mechanisms can minimize the practices of abusing halal certification that harm consumers and businesses that adhere to the rules. Legal certainty in supervision and enforcement of sanctions also provides a deterrent effect for those who violate the regulations. Thus, the halal product assurance system becomes an effective instrument in maintaining the quality and safety of products circulating in the national market. This effort also contributes to enhancing the competitiveness of Indonesian halal products on a global scale.

CONCLUSION

The conclusion of this study shows that the legal instruments regulating the oversight mechanisms and the imposition of sanctions for violations of halal product guarantee provisions in Indonesia have characteristics that are quite comprehensive and clear. The existing regulations have provided a strong legal foundation for the Halal Product Assurance Organizing Agency (BPJPH) in carrying out its supervisory and law enforcement functions. This regulation includes administrative authority, civil sanctions, and even criminal sanctions that can be applied to business operators who do not comply with halal product guarantee provisions. Nevertheless, the effectiveness of supervision and the imposition of sanctions still face various challenges that require serious attention from stakeholders.

The implications of this study's results emphasize the need to strengthen the supervisory capacity of BPJPH and related law enforcement to ensure the optimal implementation of the supervisory mechanism. Consistent and transparent enforcement of sanctions is the key to deterring business operators who commit violations. Continuous education and socialization for business operators and consumers are essential to enhance understanding of the halal product guarantee obligations. These steps have the potential to strengthen public trust in halal products and ensure comprehensive consumer protection.

The recommendation is for BPJPH to continue enhancing collaboration with law enforcement agencies and other supervisory institutions to strengthen the synergy in halal product oversight. The development of an information technology-based monitoring system is also highly recommended to facilitate the monitoring and reporting of violations. The government needs to tighten regulations and clarify sanction procedures to avoid legal ambiguities. Finally, further research can be focused on evaluating the implementation of sanctions and their impact on business operators' behavior, in order to obtain empirical data that can support more effective halal product supervision policies in the future.

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