

Legal Consequences of Using Fake Halal Logos In The Food Industry

Vivi Sylvia Purborini

Law Faculty, Wisnuwardhana University
velioraps1@gmail.com

ABSTRACT

This study aims to determine the legal consequences of counterfeiting halal logos on food products that have an important background from various perspectives, including law, economy, social, and ethics. Producers bear great responsibility in realizing halal products, so the responsibility of producers must be embodied in the production process itself by using halal ingredients accompanied by the installation of labels on the product packaging. This writing uses a normative method where in writing. The approach taken is the Conceptual Approach, starting from existing legal regulations and building a concept from views or doctrines that develop in Legal Science. Counterfeiting halal logos is a serious violation, both in terms of law and ethics. The sanctions imposed are not only intended to punish the perpetrators, but also to protect consumers and maintain market integrity. Law has an important role in regulating people's lives. For society, law is used as protection that can provide security and order in society. The halal certification and markings that have been carried out so far have only reached a small portion of food, beverage, drug, cosmetic, and other halal consumer products circulating in the community.

Keywords: **Halal, Certification, Logo**

INTRODUCTION

Halal certification and markings that have been carried out so far have only reached a small portion of food, beverage, medicine, cosmetic, and other halal consumer products circulating in the community. This is caused by, among other things, the lack of information and regulations on the halal product assurance system, halal certification and halal markings, thus reducing the competitiveness of domestic products in the domestic, national and international markets. Ultimately, this will disrupt the smooth increase in national production in improving the country's economy as is currently felt. The Halal Product Guarantee is important considering the rapid development of science and technology in the fields of food, medicine, and cosmetics. This has a real impact on the shift in the processing and utilization of raw materials for food, beverages, cosmetics, medicines, and other products from what was originally simple and natural to the processing and utilization of raw materials resulting from scientific engineering. Product processing by utilizing advances in science and technology allows for the mixing of halal and haram, both intentionally and unintentionally. Therefore, to find out the halalness and purity of a product, a special study is needed that requires multidisciplinary knowledge, such as knowledge in the fields of food, chemistry,

biochemistry, industrial engineering, biology, pharmacy, and an understanding of sharia. In relation to that, in reality, many products circulating in the community are not all guaranteed to be halal. Meanwhile, various laws and regulations that are related to the regulation of Halal Products have not provided certainty and legal guarantees for the Muslim community.

Therefore, the regulation regarding JPH needs to be regulated in one law that comprehensively covers Products that include goods and/or services related to food, beverages, medicines, cosmetics, chemical products, biological products, and genetically engineered products as well as goods used, utilized, or utilized by the community. Halal is not just certification, that is only the smallest part of it. Halal is also about how the process can guarantee the halalness of the industry. The food and beverage industry plays a very important role, and most of them are small and household industries. Writing an article on the legal consequences of counterfeiting halal logos on food products has an important background from various perspectives, including law, economics, social, and ethics.

The following is the background that underlies the importance of writing an article on this topic:

Consumer Protection

a. Consumer Interests: This article is important to educate consumers about the risks and impacts of halal logo counterfeiting. Muslim consumers rely on the halal logo to ensure that the products they consume are in accordance with their religious teachings. Counterfeiting can put consumers at risk of health and breach of faith; b. Education and Awareness: Raise awareness among consumers about their rights and the actions they can take if they feel they have been deceived.

Legal and Regulatory Compliance

a. Legislation: Provide information about the regulations and laws governing halal certification and the sanctions for violators. This includes Law No. 33 of 2014 concerning Halal Product Assurance and Law No. 8 of 1999 concerning Consumer Protection; b. Law Enforcement: Discuss how law enforcement is carried out in cases of halal logo counterfeiting, as well as the criminal and civil sanctions that can be imposed.

Market and Economic Integrity

a. Economic Impact: Understand the economic impact of halal logo counterfeiting on the food market. Counterfeiting can damage consumer trust and affect a company's reputation, which in turn can affect profitability and economic stability; b. Business Competition: Explain how counterfeiting of halal logos can damage healthy business competition, because companies that commit counterfeiting gain unfair advantages compared to competitors who comply with the rules.

Ethical and Social Aspects

a. Business Ethics: Underlines the importance of ethics in business, especially in the context of products related to faith and religion. Counterfeiting of the halal logo reflects a failure to adhere to the principles of business ethics; b. Social Responsibility: Highlights the social responsibility of companies to ensure that their products not only meet legal standards but also respect the beliefs and convictions of the community.

Impact on Halal Standards

a. Importance of Halal Standards: Discusses how counterfeiting can affect the integrity and trust in the halal certification system. High halal standards are essential to maintaining public trust in certified products; b. Certification Process: Explains how halal certification is carried out and why it is important to ensure that the entire process is carried out transparently and in accordance with regulations.

Real Cases and Examples

a. Case Studies: Presents real-life examples of halal logo counterfeiting, including how the case was investigated and the decisions taken. This provides a concrete illustration of how theory is applied in practice; b. Preventive Actions: Explains the steps that companies can take to prevent counterfeiting and protect the integrity of halal certification.

Recommendations and Solutions

a. Recommendations for Business Actors: Provide recommendations for business actors on how they can ensure regulatory compliance and avoid counterfeiting; b. System Improvement: Suggest improvements in the certification and supervision system to prevent counterfeiting in the future.

Writing an article on the legal consequences of counterfeiting the halal logo on food products is important to raise public awareness, support legal compliance, maintain market integrity, and educate all parties involved in the food supply chain. It also contributes to the creation of a fairer and more ethical business environment.

RESEARCH METHODS

This writing uses a normative method where in this writing a literature search is conducted. Peter Mahmud stated that Legal Research must find coherent truth, namely legal rules in accordance with legal norms or are there norms in the form of commands or prohibitions that are in accordance with Legal Principles and whether a person's actions are in accordance with Legal Principles or Legal Norms. The approach used is the Conceptual Approach, starting from existing legal rules and building a concept from views or doctrines that develop in Legal Science and this writing uses the Statute Approach, namely using various Regulations.

DISCUSSION

Manufacturers bear a great responsibility in realizing halal products, so the responsibility of the manufacturer must be embodied in the production process itself by using halal ingredients accompanied by the installation of labels on the product packaging. In the regulation of Law No. 20 of 2008 it is explained that the government is trying to create a conducive business climate, one of which is by facilitating the legality or licensing of products, by providing convenience or simplifying the procedures for managing permits and freeing up licensing fees or product legality. With the exemption of fees and simplifying the procedures for licensing the legality of products, it will increase the number of MSMEs that already have legality and their MSME products are more guaranteed and can even be used to borrow capital to expand their MSMEs. With the legality of MSME products, many benefits will be obtained by MSME actors, one of which is that MSME actors can market their products outside the region, modern supermarkets and even abroad.¹

The halal logo is a sign that shows that a product or service is in accordance with Islamic sharia principles. The use of the halal logo has a deep background, both in terms of religion and economy. Here are some important backgrounds to the use of the halal logo: The definition of halal itself requires producers to know the halal criteria and apply them in every production. With the provision that producers must use halal ingredients and avoid non-halal ingredients. Meanwhile, consumers as end users of a product must also know the halal criteria and be critical.

The objectives of consumer protection are as follows: a. increasing consumer awareness, ability and independence to protect themselves; b. raising the dignity of consumers by preventing them from negative excesses in the use of goods and/or services; c. increasing consumer empowerment in choosing, determining, and demanding their rights as consumers; d. creating a consumer protection system that contains elements of legal certainty and openness of information and access to obtain information; e, raising awareness of business actors to understand the importance of consumer protection so that an honest and responsible attitude grows in business; f. improve the quality of goods and/or services that guarantee the continuity of the production of goods and/or services, health, comfort, security and safety of consumers.²

¹ Amelia, Rita. 2023. Implementasi program Legalitas Produk Di Dinas Koperasi dan Usaha Mikro Kecil Kabupaten Karawang. *Jurnal Hukum Bisnis (J-Kumbis)*. LPPM-Universitas Bina Taruna Gorontalo. Vol 1 No. 1, Maret 2023. h, 58

² Sri Olawati Suaib. 2023. Dimensi Perlindungan Hukum Customer Terhadap Perbuatan Penyebaran Data Pribadi Yang Disertai Pencemaran Nama Baik Oleh Online Shop. Vol 1 No. 1, Januari 2023. h, 61

Principles of Consumer Protection

a. Principle of Benefit; mandates that all efforts in the implementation of consumer protection must provide the greatest possible benefits for the interests of consumers and business actors as a whole, b. Principle of Justice; participation of all people can be realized maximally and provide opportunities for consumers and business actors to obtain their rights and carry out their obligations fairly, c. Principle of Balance; provides a balance between the interests of consumers, business actors, and the government in a material or spiritual sense, d. Principle of Consumer Safety and Security; provides guarantees of security and safety to consumers in the use, consumption and utilization of goods and/or services consumed or used; e. Principle of Legal Certainty; both business actors and consumers obey the law and obtain justice in the implementation of consumer protection, and the state guarantees legal certainty.

Entrepreneurship is currently one of the best choices for everyone in finding a job. This happens because the availability of jobs is still relatively small compared to the population which will certainly increase the unemployment rate. In addition, the income generated from entrepreneurship is quite promising. To reduce the unemployment rate, one of the efforts that can be implemented is to support the development of the MSME sector (micro, small and medium enterprises). Business actors in this sector have an important role in creating new jobs and providing opportunities for the community to be involved in productive economic activities. Prasetyo Yuwinanto stated that MSMEs are the main contributors to national development and have a very significant role in reducing unemployment in Indonesia by providing jobs. With the halal label certification, MSME food products can be accepted by the wider community, especially for Muslim consumers who are the majority of the population in Indonesia.

The provision of a halal label is a guarantee in providing comfort, security, safety and certainty of product availability for consumers in consuming a product. In addition, the provision of a halal label proves that the product has gone through a production process that is guaranteed to be halal, such as in the use of production materials that do not use pork and alcohol or other ingredients so that they are free from all use of ingredients that are prohibited in Islamic law. Adilti stated that halal certification has a positive influence on the interest in buying a product

Principles of Islamic Sharia

a. Sharia Compliance: The halal logo indicates that a product or service has met the requirements set out in Islamic law. This includes that the ingredients used in the product must be halal (permissible for consumption) and the production process must comply with Islamic principles; b. Certification Process: Products that wish to claim to be halal usually have to go through a certification process by an

authorized body, which ensures that all aspects of the product or service are in accordance with sharia provisions.

Consumer Needs

a. Market Demand: With the increasing number of Muslims around the world, the demand for halal-certified products is increasing. Muslim consumers often seek products that are safe and in accordance with their religious beliefs; b. Trust and Assurance: The halal logo gives consumers confidence that the product has gone through rigorous inspections and can be accounted for.

Economy and Business

a. Market Opportunities: Halal certification can open up vast business opportunities in the global market. Many companies seek to obtain halal certification to enter markets in countries with large Muslim populations; b. Product Differentiation: The halal logo can help companies differentiate their products in a competitive market. This can be an important factor in attracting customers who are concerned about compliance with sharia principles.

Regulation and Standardization

a. Regulatory Compliance: Many countries have regulatory bodies that issue halal certification and set standards to ensure that products meet halal requirements. These include bodies such as LPPOM MUI in Indonesia, JAKIM in Malaysia, and various international bodies; b. Enforcement of Standards: Halal certification usually involves regular audits and inspections to ensure that standards are maintained.

Ethics and Welfare

a. Animal Welfare: In some cases, halal certification also includes ethical aspects such as the proper treatment of animals used in the product. For example, slaughtering animals in a humane and sharia-compliant manner.

Globalization and Interconnection

a. Global Market: Globalization has made it easier to access products from all over the world. The halal logo makes it easier for Muslim consumers in different countries to find products that suit their beliefs in the international market.

The use of the halal logo without a halal certificate can have a number of serious legal and ethical consequences, both for producers and consumers. Here are some of the legal consequences that may arise:

Legal Sanctions

a. Fines and Penalties: In many countries, using the halal logo without official certification can result in fines or penalties. This is especially true if the use of the logo is considered to be deceiving consumers or violating consumer protection laws; b. Legal Action: Companies or individuals who use the halal logo

illegally may be subject to legal action by the competent authorities. This action can take the form of a lawsuit or a lawsuit from a legitimate halal certification body.

Reputational Damage

a. Loss of Consumer Trust: Using the halal logo without certification can damage the reputation of a company or product, as consumers may feel deceived. This reputational damage can negatively impact customer relationships and long-term impacts on the business; b. Product Recall: In some cases, products that use the halal logo without certification may be withdrawn from the market if they are found to not comply with halal standards. This can result in significant financial losses for the company.

Ethical Consequences

a. Deceiving Consumers: Using the halal logo without certification is a form of deception against consumers who rely on the logo to choose products that are in accordance with their religious beliefs; b. Violation of Sharia Principles: In the Islamic context, using the halal logo without meeting sharia requirements can be considered a violation of religious principles, which can have moral and spiritual implications.

Regulation and Compliance

a. Local Regulations: Many countries have strict regulations regarding the use of the halal logo. In Indonesia, for example, the Halal Quality Assurance Agency (BPJPH) and LPPOM MUI are the authorities that regulate halal certification. Violation of these regulations can result in administrative sanctions; b. International Regulations: In a global context, the use of the halal logo without certification may violate international regulations governing halal standards, especially in countries with strict certification requirements.

Compliance with Industry Standards

a. Decreased Quality Standards: Without valid certification, there is a risk that products will not meet the required quality standards or halal requirements. This can affect consumer safety and satisfaction.

Impact on the Supply Chain

a. Impact on Suppliers: Suppliers or business partners involved with companies using the halal logo without certification may also be affected. They may face reputational issues or difficulties in establishing future business relationships.

Overall, the use of halal logos without a certificate not only involves legal risks but can also harm the company's reputation and affect consumer confidence. It is important for companies to ensure that they obtain valid halal certification and comply with the standards set to avoid such problems.

Falsification of halal logos on food in Indonesia is a serious violation that can be subject to criminal and civil sanctions. The following are details of the sanctions that can be imposed in cases of halal logo forgery:

Criminal Sanctions

a. Consumer Protection Law (Law No. 8 of 1999)

Article 62: In the Consumer Protection Law, forgery of labels or logos with the aim of deceiving consumers can be considered an act of fraud. If proven, the perpetrator can be subject to criminal penalties in the form of imprisonment for a maximum of 5 years and/or a maximum fine of IDR 2 billion.

a. Law Number 33 of 2014 concerning Halal Product Guarantee

Article 45: This law regulates criminal sanctions for forgery of halal certificates. Violation of this provision can be subject to criminal penalties in the form of imprisonment for a maximum of 5 years and/or a maximum fine of IDR 2 billion.

b. Criminal Code (Criminal Code)

Article 378: Forgery resulting in fraud can be subject to criminal sanctions based on the provisions regarding fraud in the Criminal Code. Prison sentences can be up to 4 years.

2. Civil Sanctions

a. Civil Lawsuit

Consumer Losses: Consumers who feel aggrieved by the forgery of the halal logo can file a civil lawsuit to claim compensation. Companies that are found guilty can be required to pay compensation to affected consumers.

b. Lawsuit from the Certification Body

Reputational Loss: A legitimate halal certification body, such as LPPOM MUI or BPJPH, can file a lawsuit against the party that forged the halal logo to claim reputational and financial losses caused by the forgery.

c. Confiscation and Cessation of Operations

Product Confiscation: The court can order the confiscation of products that use the fake halal logo. In addition, companies that are proven to have committed forgery can be ordered to stop production or distribution of the product.

d. Law Enforcement and Regulation

Revocation of Permit: If the forgery of the halal logo is carried out by a company that has a permit from the relevant authority, the permit can be revoked as an administrative sanction, which also has an impact on civil aspects.

3. Legal Process and Enforcement

a. Supervision and Enforcement: The Food and Drug Supervisory Agency (BPOM) and other related institutions, such as LPPOM MUI, have the authority to supervise and follow up on cases of forgery of the halal logo. The law enforcement process involves investigation, evidence collection, and court proceedings.

b. Investigation Procedure: The authorities will conduct an investigation to gather evidence related to the forgery. If sufficient evidence is found, the legal process, both criminal and civil, can be continued in court.

Counterfeiting the halal logo is a serious violation, both in terms of law and ethics. The sanctions imposed are not only intended to punish the perpetrators, but also to protect consumers and maintain market integrity. The law has an important role in regulating the lives of society. For society, the law is used as protection that can provide security and order in society.³

CONCLUSION

Counterfeiting of halal logos on food is a serious violation that has wide-ranging legal, economic, reputational and ethical implications. Effective prevention efforts require cooperation between governments, certification bodies, companies and consumers to maintain market integrity and protect the interests of all parties involved.

BIBLIOGRAPHY

Book:

M. Peter.(2016). *Metode Penelitian Hukum*. Jakarta: Prenada Media. (2016).

Scientific Work/Journal/Thesis/Dissertation:

Amelia, Rita. (2023). Implementasi program Legalitas Produk Di Dinas Koperasi dan Usaha Mikro Kecil Kabupaten Karawang. *Jurnal Hukum Bisnis (J-Kumbis)*. LPPM-Universitas Bina Taruna Gorontalo. Vol 1 No. 1, Maret 2023. h, 58

Sri Olawati Suaib. (2023). Dimensi Perlindungan Hukum Customer Terhadap Perbuatan Penyebaran Data Pribadi Yang Disertai Pencemaran Nama Baik Oleh Online Shop. Vol 1 No. 1, Januari 2023. h, 61

Jufri Samadi. 2023. Peran Notaris Dalam Memberikan Penyuluhan Hukum Kepada Masyarakat Dan Tanggung Jawab Notaris Setelah Pensiun. *Jurnal Hukum Bisnis (J-Kumbis)*. LPPM-Universitas Bina Taruna Gorontalo. Vol 1 No. 2, Juli. h, 91

Armini, E. (2021). *Sertifikat Halal Menjadi Strategi Pemasaran Bagi Umkm Nonmuslim dalam Meningkatkan Penjualan', Analisis Pengetahuan Keuangan, Kepribadian Dan Sikap Keuangan Terhadap Perilaku Manajemen Keuangan*. 11(1). 192–201. Available at: https://journals.ekb.eg/article_243701_6d52e3f13ad637c3028353d08aac9c57.pdf.

³ Jufri Samadi. 2023. Peran Notaris Dalam Memberikan Penyuluhan Hukum Kepada Masyarakat Dan Tanggung Jawab Notaris Setelah Pensiun. *Jurnal Hukum Bisnis (J-Kumbis)*. LPPM-Universitas Bina Taruna Gorontalo. Vol 1 No. 2, Juli 2023. h, 91

- Cahyani, R., Andrian, A. and Sumantyo, F.D.S. (2023). *Peran Labelisasi Halal, Harga Dan Kualitas Produk Terhadap Minat Beli Konsumen AiCha Ice Cream & Tea Summarecon Bekasi*. Jurnal Economina. 2(9). 2258–2273. Available at: <https://doi.org/10.55681/economina.v2i9.747>.
- Asri.(2016), *Perlindungan Hukum Bagi Konsumen Terhadap Produk Pangan Yang Tidak Bersertifikat Halal*, Magister Ilmu Hukum Universitas Mataram, Jurnal IUS Vol. IV Nomor 2 Agustus 2016, Mataram,
- Zumroh Najiyah (2016), *Implementasi Kewajiban Pendaftaran Sertifikasi Halal Dalam Pasal 4 Undang-Undang Nomor 33 Tahun 2014 tentang Jaminan Produk Halal (Studi Pada LPPOM-MUI Jatim dan Industri Makanan dan Minuman Kota Pasuruan)*, Skripsi Fakultas Syariah, Universitas Islam Negeri Maulana Malik Ibrahim Malang, Malang.

Legislation:

- Kitab Undang-Undang Hukum Perdata (KUHPerdata)
 Undang-undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen
 Undang-undang Nomor 18 Tahun 2012 tentang Pangan
 Undang-undang Nomor 33 Tahun 2014 tentang Jaminan Produk Halal
 Undang-undang Nomor 23 Tahun 1992 tentang Kesehatan Peraturan Pemerintah Nomor 69 Tahun 1999 tentang Label dan Iklan Pangan.
 Undang-Undang No. 20 Tahun 2008
 Undang-Undang Nomor 33 Tahun 2014 tentang Jaminan Produk Halal
- UU No. 8 Tahun 1999 tentang Perlindungan Konsumen
 Peraturan Pemerintah Nomor 80 Tahun 2017 tentang Badan Pengawas Obat dan Makanan Peraturan Menteri Kesehatan Republik Indonesia No. 76/Menkes/Per/III/78 tentang Label dan Periklanan Makanan
 Peraturan Kepala Badan POM No. 12 Tahun 2016 tentang Pendaftaran Produk Pangan
 Peraturan Badan Pengawas Obat dan Makanan Nomor 31 Tahun 2018 tentang Label Pangan Olahan