

# Reconstructing the Concept of Halal Product Guarantee in Realizing Justice and Benefit

## Rekonstruksi Konsepsi Jaminan Produk Halal dalam Mewujudkan Keadilan dan Kemaslahatan

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### ABSTRACT

*Halal product assurance in Indonesia presents challenges requiring correction, particularly concerning (1) conception, (2) implementation, and (3) reconstruction of halal product guarantees. The current concept results in a passive government, dependent on public initiatives. Reconstruction is essential to highlight the active governmental role and reinforce societal engagement. This research formulates the halal product guarantee concept, assesses its Indonesian implementation, and proposes reconstruction for justice and benefit. Employing doctrinal research methods, the study analyses legislation, concepts, history, and cases, utilizing primary and secondary legal materials with documentation as the primary data collection technique. Findings reveal the current halal product assurance concept renders the government passive, prompting a public call for its active involvement. Reconstruction becomes pivotal to prevent controversies. The revamped concept should focus on enhancing community involvement and ensuring an active government role. Community engagement with a uniform understanding is crucial, and the government should actively participate, including empowering investigations. This study contributes conceptual insights, urging an evaluation and reformulation of halal product guarantees, emphasizing the active state role through the government. The recommendations aim to improve the conception of halal product guarantees and foster a more active, inclusive approach to ensure justice and societal well-being.*

**Keywords:** Halal; Government; Reconstruction

### ABSTRAK

*Jaminan produk halal di Indonesia menimbulkan berbagai problematika dan kendala yang perlu diperbaiki, khususnya terkait (1) konsepsi, (2) pelaksanaan, dan (3) rekonstruksi jaminan produk halal. Konsepsi saat ini membuat pemerintah bersikap pasif, menunggu inisiatif dari masyarakat. Diperlukan rekonstruksi untuk menekankan peran aktif pemerintah dan penguatan peran masyarakat. Penelitian ini bertujuan merumuskan konsep jaminan produk halal, menganalisis implementasinya di Indonesia, dan mengusulkan rekonstruksi demi keadilan dan kemaslahatan. Kajian ini menggunakan metode penelitian doktrinal melibatkan analisis perundang-undangan, konsep, sejarah, dan kasus. Sumber data melibatkan bahan hukum primer dan sekunder, dengan teknik pengumpulan data berfokus pada dokumentasi. Hasil penelitian menunjukkan konsep jaminan produk halal saat ini membuat pemerintah bersifat pasif. Masyarakat mendesak keterlibatan aktif pemerintah untuk menjamin kehalalan produk. Rekonstruksi konsep jaminan produk halal menjadi krusial untuk menghindari polemik. Rekonstruksi konsepsi jaminan produk halal harus memfokuskan pada penguatan peran masyarakat dan peran aktif pemerintah. Masyarakat perlu lebih terlibat, dengan pemahaman yang seragam, sementara pemerintah harus aktif, termasuk memberikan kewenangan untuk melakukan investigasi terhadap produk. Kajian ini menjadi sumbangan pemikiran terkait konsepsi jaminan produk halal, memberikan rekomendasi untuk mengevaluasi dan mereformulasi konsepsi jaminan produk halal yang melibatkan peran aktif negara melalui pemerintah.*

**Kata Kunci :** Halal; Pemerintah; Rekonstruksi

### INTRODUCTION

Indonesia is a country regulating halal products. Halal Product Guarantees are regulated in Law Number 33 of 2014 concerning *Jaminan Produk Halal (UU JPH)* or Halal Product Guarantees and Law 11 of 2020 concerning *Cipta Kerja (UU Ciptaker)* or Job Creation. Article 1 point (5) of Law Number 33 of 2014 concerning Halal Product Guarantee states that Halal Product Guarantee, hereinafter abbreviated to JPH, is legal

certainty regarding the halalness of a product as proven by a Halal Certificate. The concept of Halal Product Guarantee regulated in the JPH Law and the Ciptaker Law conceptualizes the State as the controller of halal products. The state with legal and non-legal instruments carries out investigations and audits of halal products. The legal instrument in this case is statutory regulations. Meanwhile, non-legal instruments are institutions authorized by the State to conduct investigations and audits. The institution in question is the government that appoints *Badan Penyelenggara Jaminan Produk Halal* (BPJPH) or the Halal Product Guarantee Organizing Agency. The concept of Halal Product Guarantee by the state through the government is with an approach to halal products. There are two conceptions of Halal Product Guarantee in Indonesia. The first conception is the Halal Product Guarantee flow. It starts from the product, then audit, legal determination, and finally results (halal or haram). The second conception is that the state of society is related to products that will wait to be guaranteed halal. This conception leaves the country in a passive condition regarding guaranteeing halal products. In principle, the state is just waiting for an active role from the community to carry out halal certification (Baihaki, Adawiah, and Hermawati 2022; Hartati 2019; Hosen, Hutagalung, and Suma 2022; Maghfirotn and Wirdayaningsih 2022; Suwardi and Billah 2021).

Meantime, the concept of guaranteeing halal products requires an active role from the state like the concept of security that requires an active role from the police as a security organ. In Indonesia, as mentioned previously and based on the JPH Law and the Ciptaker Law, there are at least two concepts of Halal Product Guarantee, namely the plot conception (Conception I) and the role conception (II). Conception I is related to the Halal Product Guarantee flow starting from the product, then audit, legal determination, and finally results (halal or haram). Conception II is that the state is waiting from the public regarding products halal guarantees of which will be guaranteed. Conception I and II are *das sollen* in halal products. Conceptions I and II certainly create many gaps in the existence of disparities with the reality on the ground, thus often giving rise to conflict in society. For example, the sale of pork rendang in the community has caused polemics and an imbalance between *das sollen* and *das sein*. With regulations and concepts related to Halal Product Guarantee (*das sollen*), there should be no polemic about the sale of pork rendang (*das sein*). In its implementation, the Halal Product Guarantee Regulation should ensure that pork is haram, where the processing or cooking is still haram for Muslims. However, because regulations provide opportunities for the state to be passive, the phenomenon of selling pork rendang cannot be anticipated quickly by the state. As a result, people have a polemic because the term "rendang" is a term for typical Minangkabau cuisine which is closely related to Islam and is a halal food preparation. There should be no polemic about pork rendang if the state, through the instruments it has, can be active by carrying out supervision through prevention and early action (Editorial 2022; C. Indonesia 2022b).

The researchers have an interest in studying the concept of Halal Product Guarantee. Besides, there are only few studies or discussions related to it. Studies about Halal Product Guarantee more descriptively examine existing problems. These studies have not provided concrete solutions for problems related to the conception and implementation of Halal Product Guarantees, for instance, the studies conducted by Charity (2017); Faridah (2019), and Sudjana (2020). This also includes studies related to the phenomenon of pig rendang. The scientific study discourse regarding processed pork since the pork rendang case emerged has been commented by public perception (Boy and Efendi 2020; Kushardiyanti, Khotimah, and Mutaqin 2022;

Laata et al. 2022), pork culinary history (Sulistiyawati 2023), product registration (Wirajaya, Frederik, and... 2023), as well as contestation in da'wah discourse (Muhlis and Hannan 2023). Until this article was written, researchers had not found any scientific studies specifically related to the phenomenon of pork rendang being linked to the concept of guaranteed halal products. Therefore, the significance of this research is to examine the phenomenon of pork rendang and the concept of halal product guarantees. This research also has the urgency to look again and continue to encourage the role and activeness of the state in ensuring the halalness of a product. So far, studies or discussions related to guaranteeing halal products are mostly related to the role of the state to legalize halal products (Charity 2017; Faridah 2019; Sudjana 2020). There is still a discussion deficit in terms of examining the state's role more actively in guaranteeing halal products. Thus, this research can close the discussion deficit so that it can fill the existing spaces in academic studies, especially in the study of halal product guarantees.

Furthermore, in order to ensure the originality of the research. The researchers compared this research with previous research. First, the research title is about Halal Product Guarantee in Indonesia by May Lim Charity (2017). This research speaks in relation to; (1) regulation of halal products before the halal product guarantee law; (2) halal product guarantee law; and (3) JPH organizing body. The second research is from Hayyun Durrotul Faridah (2019) with the title Halal Certification in Indonesia: History, Development and Implementation. This research examines (1) halal certification in several countries; (2) history and development of certification in Indonesia; (3) halal certification and labeling; (4) certification after Law Number 33 of 2014 concerning Halal Product Guarantees; (5) differences in certification before and after the JPH Law; (6) certification mechanism; (7) BPJPH collaboration with related institutions; and (8) implementation of halal certification. The third research or study related to Halal Product Guarantees was studied by Sudjana (2020) with the title Consumer Protection of Halal Product Guarantees from a Legal System Perspective. The study conducted by Sudjana focuses on (1) fulfilling consumer rights to guarantee halal products from a legal system perspective; (2) legal responsibility of business actors for violations of halal product guarantees; (3) responsibility under civil law; and (4) responsibility under criminal law. These three studies still do not focus on the active role of the state in guaranteeing halal products. Some have mentioned the role of the state, but only limited to the role of legalization through certification or labeling (Charity 2017; Faridah 2019; Sudjana 2020). Based on previous research, it needs to be emphasized that this article is different from previous research. Previous research is more descriptive in nature, but this research is more prescriptive in nature, namely by providing suggestions and formulas related to the concept of Halal Product Guarantee.

Therefore, research on Reconstructing the Concept of Halal Product Guarantee in Realizing Justice and Benefits needs is considered important. The formulation of the problem in this research is: (1) what is the conception of Halal Product Guarantee according to statutory provisions? (2) How is the Halal Product Guarantee implemented in Indonesia? (3) how is the reconstruction of the concept of Halal Product Guarantee in realizing justice and benefit? The objectives of this research are: (1) to find out the concept of halal product guarantees according to statutory provisions; (2) to find out the implementation of Halal Product Guarantee in Indonesia; and (3) to reconstruct the concept of Halal Product Guarantee in realizing justice and benefit.

## **THEORETICAL FRAMEWORK**

The theory used in this research is the Legal System Theory from Lawrence M. Friedman. Legal System Theory emphasizes aspects of law enforcement. Law according to Legal System Theory can be enforced if there are various elements interrelated and run according to corridors. The elements in question are legal substance, legal structure and legal culture. Legal substance in this case is legal norms or statutory regulations that have been issued and are in force. The legal structure is an enforcement body or institution given the authority to enforce applicable laws and regulations. Legal culture is related to the culture in society that is implementing statutory regulations. These three elements must not overlap with each other. These three elements must be interrelated and in accordance with their respective corridors (Friedman 1975).

Relation to this research, Legal System Theory is used to construct related to the implementation of Halal Product Guarantees in Indonesia. Legal System Theory in this research is also used to describe and explain the phenomenon of Halal Product Guarantee in Indonesia. The construction, depiction and explanation of Halal Product Guarantees in Indonesia are viewed using three elements in Legal System Theory. It means that this research looks at the implementation of Halal Product Guarantees from legal substance, legal structure and legal culture.

In addition, this research also uses the Concept of Halal Product Guarantee because it is needed to support the Legal System Theory in constructing this research. The concept of Halal Product Guarantee is not based on book literature or articles but on the concept contained in the JPH Law and the Ciptaker Law. This law conceptualizes the state as controlling halal products. Control of Halal Product Guarantees is carried out by the government through BPJPH. There are two conceptions of Halal Product Guarantee contained in the JPH Law and the Ciptaker Law. Concept I is the existence of a Halal Product Guarantee channel, starting from the product, then audit, legal determination, and results (halal or haram). The second conception is that the state is waiting from the public regarding products that will be guaranteed to be halal. This conception leaves the country in a passive condition regarding guaranteeing halal products. In principle, the state is just waiting for an active role from the community to carry out halal certification. Conception II is that the state is waiting from the public regarding products whose halal guarantees will be guaranteed. (Baihaki et al. 2022; Hartati 2019; Hosen et al. 2022; Maghfirotnun and Wirdayaningsih 2022; Suwardi and Billah 2021).

## **RESEARCH METHOD**

This research method was a doctrinal type of research with normative juridical provisions. Normative juridical research IS examining legal aspects using a pure research approach (Diniyanto and Suhendar 2020; Muhtada and Diniyanto 2021; Said and Diniyanto 2021). This research examines the normative Halal Product Guarantee law. The research approach used was a statutory approach, conceptual approach, historical approach and case approach (Diniyanto 2019b; Diniyanto and Sutrisno 2022; Marzuki 2005; Muhtada and Diniyanto 2021). Legislative approach is examining research topics using statutory regulations related to Halal Product Guarantees. The conceptual approach was carried by examining research based on concept or theory analysis. Case approach was done by linking research and relevant cases.

Data sources in this research included primary legal and secondary legal materials. The primary legal material in this research is statutory regulations. The statutory regulations in question are Law Number 33 of 2014 concerning Halal

Product Guarantees (UU JPH) and Law 11 of 2020 concerning Job Creation (UU Ciptaker). Secondary legal materials in this research are literature materials such as articles and books that support primary legal materials. The data collection technique was carried out by document study. Data was validated using triangulation. Data analysis was carried out using an interactive model (Bachri 2010; Diniyanto 2019a; Diniyanto and Muhtada 2022; Diniyanto, Muhtada, and Sofanudin 2021; Diniyanto and Sutrisno 2022; Miles and Huberman 1994; Miles, Huberman, and Saldaña 2016; Muhtada and Diniyanto 2021).

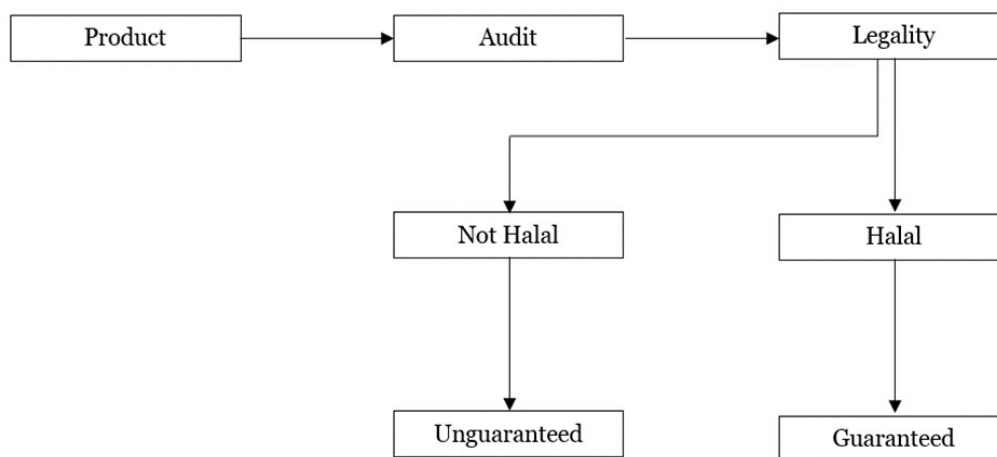
## RESULTS AND DISCUSSION

Halal products often lead to polemics in society due to some factors polemic, including the existence or absence of state regulations as well as aspects relating to cultural diversity, religious beliefs, personal interpretations of halal, and transparency and integrity factors in the food and beverage industry. Countries that do not regulate halal products certainly do not have a lot of polemics because without regulations governing there are no legal consequences because there are no violations or prohibitions on the halalness of a product. However, for countries that regulate halal products, polemic dynamics often take place. This is of course because there is a gap between *das sollen* (necessity) and *das sein* (reality). This inequality then creates a polemic. This research examines the issue of Halal Product Guarantee as a *das sollen* and the existence of polemics in society as a *das sein*. This certainly creates an inequality. This research finds and explains related to (1) the concept of halal product guarantees according to statutory provisions; (2) implementation of halal product guarantees in Indonesia; and reconstructing the concept of halal product guarantees in realizing justice and benefit.

### Concept of Halal Product Guarantee according to Legislative Regulations

As previously mentioned, the concept of Halal Product Guarantee carried out by the state through the government is contained in the JPH Law and the Ciptaker Law. There are two conceptions of Halal Product Guarantee according to the JPH Law and the Ciptaker Law. The two conceptions are the plot conception (Conception I) and the role conception (II). Concept I, as in the JPH Law and the Ciptaker Law, is related to the Halal Product Guarantee flow that starts from the product, then audit, legal determination, and results (halal or haram). This conception is depicted as in Figure 1.

**Figure 1.** Conception of Halal Product Guarantee Flow



Source: Author Data 2023

Figure 1 shows that the conception of the Halal Product Guarantee flow is carried out through several stages. The first is product. Before there is certainty regarding the Halal Product Guarantee, there must be a product used as the object of the Halal Product Guarantee. The product is then audited by the state through the government. The state or government in this case gives audit authority to BPJPH. The audit process is carried out in various stages. First, the community begins by submitting the product to the government for an audit. Second, the government then determines the law for the product being audited. Third, the results of the audit carried out by the government, in this case BPJPH, consist of halal and non-halal. The results of halal and non-halal audits have their respective legal consequence. The results of a halal audit have legal consequences that the product is guaranteed to be halal. In this case, the state guarantees the halalness of a product that has been claimed to be halal. The results of a non-halal audit have the legal consequence that the product is not guaranteed to be halal. The state does not provide a guarantee regarding the halalness of a product. Even though the State does not make haram claims about a product, it is not guaranteed to be halal.

Concept II is to look at the JPH Law and the Ciptaker Law, where the state is waiting from the public regarding products whose halal guarantees will be guaranteed. This condition focuses on public legal awareness to guarantee a product to the state. The role of society is very large and strong. The state's role in this matter tends to be weak. Public awareness regarding submitting halal guarantees to the state is low. As a result, the number of products guaranteed to be halal by the state is low. The state has not been actively involved in engaging with the community in guaranteeing the halalness of a product. The state is still passive. In fact, the concept of guaranteeing halal products requires an active role from the state. This is the same as the concept of security which requires an active role from the police as a security organ. For example, the state visits business actors and then conducts an audit and provides the audit results to the business actors instead of waiting for applications from the public or business actors first.

That is the conception of the Halal Product Guarantee flow based on statutory regulations. This conception is based on the researcher's analysis of the regulations regarding Halal Product Guarantees. Of course these conceptions can vary depending on perspectives. The researchers in this case look at the involvement and role of the state in Halal Product Guarantee. From these two conceptions, the role of the state in Halal Product Guarantee is still lacking (passive). The state should be able to play a big and active role in guaranteeing halal products. Therefore, reconstruction of Halal Product Guarantee arrangements needs to be carried out in order to strengthen the state's position and role in Halal Product Guarantee.

### **Implementation of Halal Product Guarantees in Indonesia**

Having found out the concept of Halal Product Guarantee according to statutory provisions, it is necessary to implement the Halal Product Guarantee in Indonesia. It is very important to see whether the provisions contained in the laws and regulations have been implemented consistently. Studies related to the implementation of the Halal Product Guarantee are also important to see the extent of law enforcement of the Halal Product Guarantee. Seeing that it is related to law enforcement cannot be separated from the existence of the legal system, is it effective or not? Lawrence M. Friedman stated that the law will operate or be upheld if there is a functioning legal system. The legal system consists of various system elements that are interrelated and do not overlap. Furthermore, Lawrence M. Friedman stated that

this sub-system consists of legal substance, legal structure, and legal culture (Friedman 1975). If you look at the implementation of the Halal Product Guarantee from the perspective of the legal system and sub-systems as stated by Lawrence M. Friedman, it can be seen whether the implementation of the Halal Product Guarantee is effective or ineffective.

First, from the perspective of legal substance or legal norms that regulate Halal Product Guarantees, there are at least two things that cause the legal substance of Halal Product Guarantees to need to be improved. First, the conception of Halal Product Guarantee as regulated in statutory regulations places the role of the state only as a supervisor through an audit system. The state's job is only as a supervisor, not directly involved in guaranteeing halal products. Second, the state's role is still passive in monitoring halal products. This cannot be separated from statutory regulations that make the state more passive. This is certainly a criticism of the legal substance of the Halal Product Guarantee. The role of the state should be regulated to be stronger in guaranteeing halal products, not just as a supervisor or passive.

Second, from the perspective of the legal structure or enforcement agency in Halal Product Guarantee, there are still many products that have not been certified halal. Data from the Halal Information System of the Halal Product Guarantee Organizing Agency (BPJPH) of the Ministry of Religion states that there have been 31,529 business actors who have applied for halal certification. This amount is up to November 5 2021. This amount consists of various businesses. The majority of business actors who apply for halal certification are micro and small businesses. There are 19,209 micro business actors who applied for halal certification or the equivalent of 60.92% of the total business actors who applied for certification. Then there are 5,099 small business actors who applied for halal certification, equivalent to 16.17%. The total number of micro and small business actors who applied for halal certification is 76%. The latest data is as of October 2022. It has been recorded that 749,971 products have been certified halal during the 2019-2022 period. This data also shows that the achievement of halal certification is still low. Because the Ministry of Religion's target in carrying out halal certification is 10 million halal certifications in the 2019-2024 period. Then in terms of number, the percentage is still small. Considering that the number of registered business actors is more than 64 million, it can be said that the halal certification program has not been effective because it has not reached the target and is not in accordance with the percentage of the total number of business actors (Indah 2022; Liputan6.com 2022; Mastuki 2021; Pamuji 2022; Setya 2022).

The halal certification program is also not yet effective because the states mostly just waits for applications for halal products from the public. The state does not actively search for and label products circulating in society. The state should actively "patrol" to find and label products circulating in society, not only halal products, but also haram products. As stated by Yusril Ihza Mahendra. Yusril stated that what the state should label is haram products. This is because Indonesia is a country with a majority Muslim population. It is irrational if what is labeled is a halal product. Because automatically, products circulating in Muslim-majority countries should be halal products. In contrast to countries where the majority of the population is non-Muslim and Muslims are a minority, halal labeling of a product is very important in order to maintain and guarantee the rights of minorities to obtain halal products (Dzikry 2014; Ihsanuddin 2014). Yusril's proposal is interesting to study. This proposal can also be used as material for closing matters related to the regulation and implementation of Halal Product Guarantees.

Third, from a legal culture perspective, there is a polemic related to pork rendang. The pork rendang polemic carries over the local wisdom of certain tribes and if left unchecked it can threaten unity and have the potential to create distortion. The polemic related to pork rendang can also be related to the legal culture of society. Many people do not understand the Halal Product Guarantee. There are different views regarding the Halal Product Guarantee. On the one hand, the concept of Halal Product Guarantee lies in the product. On the other hand, the concept of Halal Product Guarantee is not only attached to the product but also to historical, sociological, psychological and other aspects (Fadhilah 2022; Fitria 2022; B. N. Indonesia 2022; C. Indonesia 2022a; Kurniawan 2022).

There are certainly different views about pork rendang. People who conceptualize Halal Product Guarantee as limited to products consider pork rendang does not violate the concept of Halal Product Guarantee because there is no halal labeling on pork. But in society, the concept of Halal Product Guarantee is more than just a product. Pork rendang clearly violates the Halal Product Guarantee. This is because rendang is identified with a certain tribe or region which is definitely considered halal. Because rendang has its own characteristics. These two different conceptions can certainly lead to misconceptions which can cause polemics. The existence of these two conceptions is because the legal culture of society in understanding the law is still different. This is a problem for everyone to come together to equalize perceptions regarding Halal Product Guarantees. Therefore, there needs to be a cooperative role between the government and the community. The government must continue to educate the public. The education in question is related to halal products. Education carried out by the government must also pay attention to the conditions of multicultural Indonesian society.

Viewed from the legal substance, legal structure and legal culture, the implementation of Halal Product Guarantee in Indonesia has not been effective. This is in line with research conducted by Aminudin Yakub (2021). Aminudin in his dissertation research stated that the regulation of Halal Product Guarantees is unfair because of ineffective implementation. He explained the legal system in the guarantee law for implementing Halal Product Guarantees. Judging from the substance of the law, there are conflicting norms and legal norms that are vague. Then the regulations in the Halal Product Guarantee law also cause conflicts of authority. Besides, viewed from the legal structure, there are still several problems. First, the problem is related to the duties and functions and authority of BPJPH that are not proportional to the institution's capacity. Second, BPJPH experiences structural limitations and also limited human resources. Third, BPJH still only exists at the central level, but there are no BPJPH organs in the regions. Finally, in terms of legal culture, there are also three things that need to be considered because they are obstacles. First, there is still a lack of awareness and understanding of halal certification among state administrators. Second, there is still a lack of knowledge and understanding about the importance of halal certification for business actors. Third, public literacy and legal awareness are still lacking regarding halal (Yakub 2021).

Jacob's research confirms that the implementation of the Halal Product Guarantee has not been effective in terms of the legal system. Jacob's research and analysis by researchers provide a sign or trend that the implementation of the Halal Product Guarantee is still not effective. This effectiveness can be seen from at least two things. First, qualitatively the legal system in Halal Product Guarantee which includes legal substance, legal structure and legal culture is still not running effectively. Second, quantitatively, the target of 10 million Halal Product Guarantee certifications

has not been achieved this year. Even though the target is up to 2024, 2022 has not yet reached 10% of the target figure. More than 50% of the target should have been achieved. This certainly needs to be corrected in the implementation of the Halal Product Guarantee.

### **The Concept of Halal Product Guarantee in Realizing Justice and Benefit**

As mentioned before, it is suggested to reconstruct the arrangements of Halal Product Guarantees. This also ensures that the legal substance in the Halal Product Guarantee is better and the implementation of the Halal Product Guarantee can be effective. The question is what kind of reconstruction it is. The reconstruction of Halal Product Guarantee arrangements must start from the reconstruction of the concept of Halal Product Guarantee. With the reconstruction of the concept of Halal Product Guarantee, it will later become a legal norm. These legal norms then become part of the Halal Product Guarantee arrangements. The regulation in question is the regulation in the legislation regarding Halal Product Guarantee. Therefore, in the future there needs to be reconstruction related to the concept of guaranteeing halal products. This is important so that polemics such as pork rendang do not occur in society. There are several things importantly to do in reconstructing the concept of Halal Product Guarantee.

The government and the community need to participate and cooperate actively for the concept of halal product guarantee. Without community, it is certainly very difficult for the government to run alone. If you look at the history of the birth of the state as stated by Thomas Hobbes. The state was born because of a social contract among the people. The people made an agreement to create a state and hand over power to the state. The state then gave power to the government and other branches of power to carry out state functions and duties. The main task of the state is to help solve the problems that exist among the people. The implementation of state duties is carried out through the government given that the government is as the representative of the state in exercising state power. Therefore, the people should be the center of problem solving, not the state, let alone the government. The state's task, through the government, is only to help solve the problems that the people are facing.

Dealing with the concept of halal product guarantees, it is recommended that Halal Product Guarantee should involve the community's strong role. The role of the state through government is only to help or collaborate, but the state is also not passive. Currently, community participation has been given strongly, where the community can apply for a Halal Product Guarantee. However, why isn't public enthusiasm for Halal Product Guarantees high? This needs a solution to the problem of low public enthusiasm for Halal Product Guarantees such as focusing on work. This means there needs to be a division of roles. The people and the government must share roles with other roles. The government can act as a supervisor like what is happening now. The government has become a supervisor. However, in this case the government must actively monitor halal products. This means that the government is not only an audit but also an investigator. The audit process only makes the government passive in Halal Product Guarantee. On the other hand, with an investigative process, the government can be more active.

That is why it is time for the government to be given investigative authority. Halal Product Guarantee Regulations must provide investigative authority to the government. The investigative authority that exists in the government can encourage itself to go into the field. The aim is to investigate all products circulating in the field or on the market. This investigative process involves labeling or providing halal

certification for products that have been declared halal. This investigative process can certainly increase the number of products that receive a Halal Product Guarantee. This is because the government does not need to wait first for product applications from the public. The government can immediately go to the field to carry out halal certification. If investigative authority is given to the government. Then the government, through investigative authority, took to the field effectively. It is certain that products that receive halal certification will increase significantly. But it also needs to be strengthened regarding community culture, especially regarding community understanding. For example, related to investigative authority. That the government has investigative authority does not mean that the government is acting arbitrarily. The government's investigation is an effort to "pick up the ball" for Halal Product Guarantees, so that the public does not need to bother with the administration of applying for Halal Product Guarantees.

The government must be all out to conduct investigations. Polemic products must be investigated for prevention. In the other words, the government must look at the vulnerability of a product that has the potential to cause polemics. It is challenging for the government to monitor products that are prone to polemics considering there are so many such products on the market. Therefore, the role of cooperation between government and society plays. The government must collaborate with various elements of society. At least the public can work together to provide information related to products that can become a polemic. If cooperation between the community and the government works, then polemics like pork rendang will not occur. The pork rendang polemic occurred because the state was passive and did not involve strong community participation.

In addition, to reconstruct the concept of Halal Product Guarantee is related to labels. Products that should be labeled are not only halal but also haram products. It is interesting to raise the suggestion from Yusril Ihza Mahendra regarding the labeling of haram products. However, halal product labeling is eliminated. There must be two labels, namely a halal product label and a haram product in order that there is clarity regarding a product. If the product already has a label, then there is already a law/claim. If the product label is halal then the product is halal. If the product label is haram, then the product is haram. If a product does not have a label, then there is no legal certainty from the State. People can participate in informing the state through the government to label a product that does not yet have a label, so it is important for the government to be able to label products, instead of wait for applications from the public.

## **CONCLUSION**

Guaranteeing halal products in Indonesia still leads to problems and obstacles. There are three things to be improved, namely: (1) the concept of halal product guarantees; (2) implementation of halal product guarantees; and (3) reconstructing the concept of halal product guarantees. The current concept of guaranteeing halal products positions the government as passive. The role of government is still waiting for the community. The conception occurring is that people apply for products to guarantee halal products. Then the government makes a claim for a proposed product.

Based on legal substance, legal structure and legal culture, the implementation of halal product guarantees is still not effective. The legal substance of guaranteeing halal products is still not correct and needs to be improved. The legal substance in the JPH Law and the Ciptaker Law is still not optimal in ensuring an effective state role. The legal structure, especially the limitations of the enforcement agency (BPJPH), as well as the legal culture of the community which does not fully understand the importance of halal certification, are also obstacles, especially regarding the concept of

halal product guarantees. The legal structure in guaranteeing halal products has a passive role only as an audit. The community's legal culture regarding halal product guarantees needs to be equalized in perceptions about the concept of halal product guarantees in order to eliminate misconceptions about halal product guarantees.

To make halal product guarantees more effective, it is necessary to reconstruct the concept, involving the active participation of the government and society. The government must have investigative authority to proactively involve itself in halal certification without having to wait for applications from the public. This will help overcome the problem of the number of products that have not been optimally certified. Cooperation between the government and the community is also very important, especially in providing information related to products that potentially become polemic. Moreover, labeling products that are not only as halal, but also as haram can provide clarity and legal protection for consumers.

This research highlights the importance of reconstructing the concept of halal product guarantees to strengthen the role of the state, increase investigative authority, and activate community participation. This study contributes especially to identify obstacles and provide suggestions for improvement to realize a more effective and fair halal product guarantee system. For further research, it is recommended to be more in-depth in analyzing certain aspects that still require improvement, as well as involving related parties to support the implementation of recommended changes. This article is also a form of contribution of thoughts or ideas about the concept of halal product guarantees. Also it at least provides recommendations to legislators, i.e. the Government and the House of Representatives, to reevaluate the concept of halal product guarantees. Eventually, it recommends reformulating the concept of halal product guarantees that involve the active role of the state through the government.

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