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Criminal Sentences Application towards Offences of *Halal* Products Guarantees in Aceh

¹ Rais Ulhaq, ² Mohd. Din, ³ Teuku Ahmad Yani

¹ Student, Faculty of Law, Universitas Syiah Kuala, Indonesia, Banda Aceh, Indonesia

^{2,3} Lecturers, Faculty of Law, Universitas Syiah Kuala, Indonesia, Banda Aceh, Indonesia

Corresponding Author: **Rais Ulhaq**

Abstract

The regulation of halal products has been established in Act No. 33 of 2014 on the Guarantee of Halal Products. According to paragraph (2) of Article 1, "Halal products are products that have been officially declared halal by Islamic Shariah." Halal items that are assured are also subject to regulation under Article 47 of the Act of Aceh No. 8 of 2016, which pertains to the system for ensuring the halal status of products. According to initial investigations, there have been instances of breaches in the community, namely in Aceh. These cases have not yet been tried by the Aceh Sharia Court, but can still be addressed by the halal auditors at the LPPOM MPU Aceh, in collaboration with other institutions such as the Aceh Drug and Food Supervisory Chamber (BBPOM Aceh), the Pamong Praja Police Unit, and the police. They will conduct on-site reviews, testing, and verification on every product available in the market. Whether it pertains to nourishment,

beverages, or personal care products. The research conducted for this study employed the Yuridis empirical research approach. This study aims to elucidate the implementation of criminal penalties for infringements of the Halal Product Warranty in Aceh. According to the research findings, the implementation of penal punishments for violations in Aceh is still flawed since the violations that occur are not severe enough to warrant the application of the Qanun. The LPPOM only employs a persuasive strategy by publicly condemning and cautioning those who commit infractions against the legal guarantee system in Aceh. There are several instances of legal guarantees on food goods being violated in Aceh. The LPPOM guarantees that in the event of highly severe cases about this matter, it will collaborate to eliminate and enforce the consequences outlined in the 8th Law of 2016 with utmost precision.

Keywords: Criminal Sentences Application, Offences, Halal Products Guarantees

Introduction

The guarantee of halal products has been regulated in Act No. 33 of 2014 on the Guarantee of Halal Products (hereinafter UUIPH). Article 1 paragraph (2) states that "Halal products are products that have been declared halal under Islamic Shariah". Then Article 67 paragraph (1) says that "The obligation to be certified halal for products circulating and traded in the territory of Indonesia begins to take effect 5 (five) years counted since this law was enacted".

The Consumer Protection Act No. 8 of 1999, article 1, paragraph 1, states that "consumer protection is any effort to guarantee legal certainty to protect consumers". Traders must ensure that the various processed foods use a variety of good food ingredients and are free of preservatives and food additives (TBM) containing chemicals, as well as foods that have been added to preservation, peelings, and so on.

The implementation of Sharia-based provisions is one of the state's steps to meet the needs of the Muslim community, which is the majority in Indonesia^[1]. Aceh, which has declared itself a province that applies Islamic Shariah since 2001, has prepared a Halal Food Assurance plan to regulate the implementation, construction, and supervision of halal products to realize the spiritual rights of Muslims^[2].

Implementation of the Islamic Shariah in Aceh has been regulated in the Regional Regulations of the Special District of Aceh Province No. 5 of 2000 on Implements of Islamic Shariah^[3]. In this rule, there are rules concerning the righteousness, worship, devotion, morality, education and the teaching of Islam, the religion, the community, the *Syar*, worship, *Qadha*, the *Jinayat*, the *Munakahat*, and the inheritance. One of the products is Qanun of Aceh No. 8 of 2016 on the System of Guarantee of Halal

Products, in Article 47, which states that:

1. An Islamic enterprise that does not keep the validity of a product that has obtained a halal certificate as referred to in Article 34 paragraph (1) letter d shall be punished by 'uqubat ta'zir in the form of bribes in public not more than 60 (sixty) times, or a penalty of imprisonment for a maximum of 60 (seventy) months, or a fine of maximum 600 (six hundred) grams of pure gold.
2. A non-Muslim religious enterprise that does not preserve the legality of products that have received a legal certificate under Article 34, paragraph (1) letter d) shall be sentenced to a criminal sentence of no more than 5 (five) years or a fine of no less than IDR. 2,000,000,000.00 (two billion rupees) according to the Law on the Guarantee of Halal Products and/or may choose to voluntarily submit to the provision as mentioned in paragraph 1.

Based on preliminary investigations, several cases of violations occurred in society in particular in Aceh including: First, a couple of spouses in Aceh Besar district, Aceh, were bent by the police for selling illegal cosmetics. Those thousands of cosmetics don't have licenses and labels from the Food and Drug Administration (hereinafter BPOM). As a result of testing by BPOM Aceh's laboratory, the cosmetics sold by this company contain mercury and other hazardous substances. It's also a case of manufacturers who trade products that are not legal for consumers. The LPPOM of the Aceh MPU has justified a case of violation of the provisions of the legal guarantee. According to Deni Candra, the arrest of the spouse and wife is based on a public complaint about a product that allegedly contains harmful substances that could result in the health of the consumer who uses it. Pihaknya along with BBPOM Aceh immediately took action by performing training to the perpetrators related to the product marketed and warning the other perpetrators so that similar incidents do not happen again in the future^[4].

Second, the Civil State Officer Investigator of the Drug and Food Supervisory Office (BBPOM) in Banda Aceh carried out the surrender of suspects and evidence at the Langsa State Prosecutor's Office. The case file relates to the production of wet yellow peanuts containing borax. The matter is allegedly in violation of Article 136 of the RI Act No. 18 Year 2012 on Food with the threat of criminal imprisonment for a maximum of 5 (five) years or a fine of up to IDR 10,000,000,000.00 (ten billion rupiah).

These cases have not yet been tried by the Aceh Sharia Court, but can still be handled by the halal auditors at the LPPOM MPU Aceh along with other institutions such as the Aceh Drug and Food Supervisory Chamber (BBPOM Aceh), the Pamong Praja Police Unit (Satpol PP) to the police by conducting a review to the spot to perform testing and verification on every product circulating in the market. Whether it's food, drink or cosmetics.

Table 1: Data Number of cases of breach of valid warranty provisions at LPPOM MPU Aceh

S. No	Sort of Products	2021	2022	2023	2024
1.	Food	12	8	6	3
2.	Drinking	8	6	5	2
3.	Cosmetic	7	10	6	3

Source: Auditor of Halal LPPOM MPU Aceh

The government must continue to strengthen the surveillance system on halal products so that the cases of fraud by businessmen no longer disturb and endanger the public as consumers of such halal products. This study focuses on responding to the application of criminal sanctions against violations of the legal product warranty provisions in Aceh.

Research Method

This type of research is Juris-empirical research, that is, a study conducting comparative studies by performing observations and local direct interviews of the research, to complement this research is also carried out bibliographic investigation such as studying several premises related to the problems studied which are secondary material in this research. The method of sampling is based on the ability to take samples in terms of time, location, and cost. As for the samples taken and the estimated portion of the population that represents the entire population, the respondents and informants are involved^[5]. It is intended to obtain clarity about the application of criminal sanctions against violations of the legal product warranty provisions in Aceh.

Results and Discussions

Sanctions are threats and punishments^[6]. Punishment is a crime that is threatened when the norms are violated, and what is meant by the norm is a declaration of the existence of a prohibited or mandatory act^[7]. Norms are rules of conduct (Gedragregels) and rules of life (Leefregels), which must be obeyed and respected by members of society^[8] It is a form of punishment or reward for what he has done for what has been forbidden. Punishment is the pain or mischief that is intentionally imposed on a person who commits an act that meets certain conditions,^[9]. Whereas Roslan Saleh affirms that crime is a reaction to a hole, and this is a mistake that is deliberately handed over to the state to the hole maker^[10]. A criminal sanction is a punishment of consequence because it is the case and the effect is the law, the person affected by the consequence will obtain a sanction either in prison or otherwise from the responsible party. The purpose of defining the Halal Product Guarantee in the JPH Act is to provide comfort, security, safety, and certainty of the availability of halal products for the public in consuming and using the product; and to increase the added value for entrepreneurs to produce and sell halal products.

The purpose of the warranty of halal products is to prevent manufacturers from committing fraud in the production and distribution of their products resulting in material and non-material losses to their consumers. As for the criminal sanctions against the perpetrators of business, which are contained in some of the laws:

In the UUPK, the criminal provisions are as follows^[11]:

1. An entrepreneur who violates the provisions as referred to in Articles 8, Articles 9, Articles 10, Articles 13, Paragraph (2), Articles 15, Articles 17, Paragraph (1) letter a letter b, letter c, letter e, paragraph (2), and Article 18 shall be sentenced to imprisonment for a maximum of 5 (five) years or a fine not exceeding IDR. 2,000,000,000.00 (two billion rupees).
2. An entrepreneur who violated the provision as mentioned in Article 11, Article 12, Article 13 paragraph (1), Article 14, Article 16, and Article 17

Paragraph (1) letter d and letter f shall be punished with a maximum penalty of imprisonment of 2 (twice) years, or a penalty not exceeding IDR. 500,000.00 (five hundred million rupiahs).

3. For an offense resulting in severe injury, severe illness, permanent death, or death, the provisions of the law shall apply.

In UUJPH, the criminal provisions are as follows:

1. The perpetrator who does not keep the validity of a product that has obtained a legal certificate as referred to in article 25 letter b is punishable by imprisonment for a maximum of 5 (five) years or a criminal fine of up to Rs. 2,000,000,000.00 (two billion rupees).
2. Any person involved in the process of JPH who fails to keep the confidentiality of the formula contained in the information submitted by the entrepreneur as specified in article 43 is punished by a criminal penalty of not more than 2 (twice) years, or a penal penalty for up to two billion rupiahs.

In the Act of Aceh No. 8 Year 2016 Article 47 on the provisions of 'Uqubat and penalties limited perpetrators of violations of the guarantee system of halal products that sounded, that is:

1. An Islamic enterprise that does not keep the validity of a product that has obtained a halal certificate as referred to in Article 34 paragraph (1) letter d shall be punished by 'uqubat ta'zir in the form of bribes in public not more than 60 (sixty) times, or a penalty of imprisonment for a maximum of 60 (seventy) months, or a fine of maximum 600 (six hundred) grams of pure gold.
2. A non-Muslim religious enterprise that does not preserve the legality of products that have received a legal certificate under Article 34, paragraph (1) letter d) shall be sentenced to a criminal sentence of no more than 5 (five) years or a fine of no less than IDR. 2,000,000,000.00 (two billion rupiahs) according to the Law on the Guarantee of Halal Products and/or may choose to voluntarily submit to the provision as mentioned in paragraph 1.

Based on the explanation above, although the provisions of halal guarantee have been established by the Government of Aceh in the Kanun No. 8 Year 2016 on the System of Guarantee of Halal Products, there are still many violations of the legal guarantee provisions on food products in Aceh. Entrepreneurs who do not keep the validity of products that have obtained halal certification will be charged with 'uqubat ta'zir according to the violations they have committed as mentioned in Article 47 of the Act of Aceh No. 8 of 2016.

An entrepreneur who produces products in Aceh who commits either deliberate or non-deliberate violations of the halal product guarantee system must implement the criminal sanctions established in Aceh Law No. 8 of 2016. LPPOM MPU Aceh explained that the system used in guaranteeing halal products was already under the Aceh Qanun Number 8 Year 2016 but according to him the violations occurred is not so serious that the Qanun have never been applied. They only use a persuasive approach by denouncing and warning the perpetrators of violations of the legal guarantee system in Aceh. However, if there is a very serious case related to

this, then the LPPOM of the Aceh MPU will be synergistic in eradicating and implementing the sanctions set out in the Qanun No. 8 of 2016 perfectly.

Its implementation must be done correctly and properly by the LPPOM and other associated agencies in Aceh. They said that the cases that occurred in Aceh related to the violation of the legal guarantee system were small cases that did not require the application of significant sanctions according to the Qanun. The LPPOM of the Aceh MPU explained that cases that have occurred related to this violation such as: Sticking a legal logo not in place, when the audit team performing an inspection of the existence of less hygienic storage of raw materials, the entrepreneur does not work under operational standards, and so on. If we examine and examine this case, it's not a big case, but if we don't give it special attention, it will have a bad impact on the consumer.

According to Article 35 of the Act No. 8 of 2016, entrepreneurs are prohibited from producing or trading products that are not legal/uncertified halal, placing a halal logo on the packaging of products that have not been certified halal, or placing information that is not by the rules of the legislation. An entrepreneur who fails to comply with the provisions is subject to administrative sanctions such as oral warrant, or written warrant; failure to grant or withdraw a production permit; not grant or revoke an official permit in Aceh; revocation of a valid certificate; not giving or revoking a business permit; or administrative fines.

The LPPOM should not look aside from this because this violation concerns goods or products consumed by the majority of Muslim consumers in Banda Aceh and Great Aceh. The product consumed determines a person's good or bad. It is also related to the validity of the products consumed. Even the ingredients and the sterility of the product should also be taken into account. So the perpetrators who do not implement the provisions of the legal guarantee properly in the territory of Banda Aceh and the Great Aceh must be punished properly anyway and given a strict and fair punishment.

Government Regulation No. 39 of 2021 states that all culinary products must be certified halal by 17 October 2024. It indicates that all products circulating in the community must be certified legal. The Head of the Halal Registration and Certification Centre of the Organizer of the Guarantee of Halal Products (BPJPH), explained that non-halal products do not need to be submitted for validity certification. But they must say that the products they produce are not legal and should not be consumed by Muslims.

To enforce the guarantee of halal products, the role as well as society is very much needed in supervising halal products/certification of halal products circulating by making a complaint or reporting to the MPU Aceh LPPOM. Against the society that reports, the LMPOM through the Aceh MPU can give appreciation when the entrepreneur commits a violation then the perpetrators can be prosecuted, whatever claims against Islamic religious entrepreneurs who do not keep the validity of the product that has obtained a halal certificate are imposed 'uqubat ta'zir in the form of a bite in public at most 60 (sixty) times, or a penalty of imprisonment for a maximum of 60 (seventy) months, or fine at most 600 (six hundred) grams of pure gold.

For non-Islamic businessmen who do not maintain the validity of products that have obtained a halal certificate

punishable by a penalty of imprisonment for a maximum of 5 (five) years or a criminal fine of up to IDR. 2,000,000,000, (two billion rupiahs) by the Law on the Guarantee of Halal Products and/or may choose to voluntarily submit to the provisions of Islamic business.

The presence of halal products in Aceh is very determines the atmosphere of the future people's lives because in Islam legality is very much needed to wake up all that is used so that prosperity always accompanies its society. Scientists acknowledge that the food or beverage consumed by people has a huge psychological influence even physical as well as their hearts and minds^[12].

Conclusion

The implementation of criminal consequences for violations of the Halal Product Guarantee Terms in Aceh remains incomplete due to the relatively minor nature of the violations, which has resulted in the Kanun not being enforced. The LPPOM solely employs a persuasive strategy by publicly condemning and cautioning those who commit infractions against the legal safeguard system in Aceh. There are several instances of infractions related to the regulations on halal guarantees for food goods in Aceh. LPPOM guarantees that in the event of highly severe cases relating to this matter, it will work together to completely eliminate and enforce the consequences outlined in Law No. 8 of 2016.

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