



# Health and Halal of Sea Products: Legal Perspective Halal Product Assurance

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**Abstract.** Seafood products are a new trend in modern society, where people are starting to realize the great benefits of seafood and seafood products in the form of food, cosmetics, and health products from seafood, even though seafood tends to be cheaper in developing countries. such as Indonesia, but for export quality the price tends to increase drastically and is more expensive if it is traded in developed countries. The problem that occurs is about the safety of healthy food products according to applicable legal standards, apart from having to be safe and healthy, the trend of consuming halal food is also the main thing in Indonesia, which has the largest Muslim population in the world, apart from being physically halal, it also has to be halal from food additives and non-sterile ingredients that are included in food due to weak health supervision Processing of seafood products pays attention to the cleanliness of fish that are not polluted by waste so that the quality of seafood products is guaranteed. The addition of hazardous substances such as formalin and hydrogen peroxide to preservatives for food products from marine products, of course, apart from not meeting food safety and health standards, includes animals or other non-sterile living substances that also infect packaged seafood products, nor do they meet the halal standard of a seafood product, because one of the halal requirements is Tayyib or the food must be good in terms of its essence.

**Keywords:** Health Law, Halal, Seafood, Assurance.

## 1 Introduction

A maritime country like Indonesia absolutely pays attention to the abundance of marine products as a result of the vast area of the ocean compared to the land owned by the Indonesian state, but most Indonesian people still process these marine products in traditional ways or in ways that do not comply with health standards. and halal as determined by the government.

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The addition of hazardous substances, for example, can indeed make a product last for several months, but this makes the product unsellable if it is exported or becomes a national market commodity to be placed in retail shops or supermarkets in urban areas. of course applying high health standards plus halal standards for all products that enter and display in their shop windows, this makes processed seafood products that are supposed to be very healthy and can be expensive to be degraded into food ingredients that only people can afford circulating in traditional markets or only being absorbed by middlemen at low prices this, of course, makes the large potential income from marine products just disappear, both the potential state income and the income of the people who sell the marine product itself [1]. Problems with marine products revolve around the quality of fish processing food products and types of marine products, the use of toxic materials and even types of hazardous substances, so in-depth research is needed on aspects of food safety using food additives. is illegal or not allowed.

This research is based on the reason that incidents of the use of illegal and dangerous additives have spread in various regions of Indonesia, and this has occurred in various processed and fresh products where these products are consumed by the public at large and are feared to endanger health, and also automatically do not halal in the view of Islam which is the religion of the majority of consumers of marine products in Indonesia, and their use by sellers or distributors or processors is based on intentional factors for profit alone besides a lack of understanding about how dangerous and unhalal such dangerous products are.

The rapidly development economy in the field of industry and national trade has given rise to various kinds of goods and services that can be consumed, especially in terms of packaged and fresh marine products, in addition to free trade and globalization with the support of technological advances and the breadth of information that can be accessed, has expanding services for goods and services that have room to move domestic production must be made attractive to be sold abroad [2]. Consumers will benefit from good quality products.

In this case the main thing is that the desired seafood freedom to choose a variety of quality products. and marine products. However, these conditions and phenomena have an impact business actor pay attention to the needs and desires of consumers, so that consumers are not harmed [3]. In the end, consumers only become objects of activities and business behavior that are not commendable manufacturers achieve profits with the addition of hazardous substances to marine products, unhealthy processing methods and the application of unfulfilled halal standards has clearly harmed consumer interests.

Manufacturers need to pay attention to the health of consumers of a product that is safe for health as well as efforts to protect consumers in terms of Halal product certification from MUI which are closely related to the needs of the interests of the lives of many people and society in general and fulfill aspects of religious from the people's desire to fulfill God's commandments regarding the obligation of every Muslim to eat only good food and must also be halal [4]. Bearing in mind that 80 percent of Indonesian citizens are Muslim and the Indonesian state also has business partners for the export and import of seafood from Muslim countries as well, so ensuring the health and halalness of Indonesian marine products is a necessity for the sake of a healthy and strong nation and besides that it can maintain the authority of the state from lawsuits

that may occur from consumers in other countries for unhealthy or unlawful processing of seafood products.

Today's society has a trend when buying an item that they need, especially when they are Muslim, they tend to see product halal they are going to buy, so this is where they worry about whether the product can buy product halal for consumption [5]. So that legal certainty is needed in the rule of laws that are strict and clear regarding guarantees for halal products and are suitable for consumption, therefore the existence of Law Number 33 of 2014 concerning Guarantees for Products Halal must be able to provide legal certainty, and justice regarding security guarantees and health Seafood products circulating in Indonesia.

The circulation of marine products in Indonesia is not only from the domestic or local market, but there are also many marine products that flood the Indonesian local market. abroad, so this law should not only bind domestic marine product producers, but it must also be applied to producers of marine product products from outside Indonesia so that they are still obliged to ensure that their products are halal and healthy as well as related bodies that are delegated the authority to supervise the certification obligation can act optimally in imposing sanctions. regulated in the Law on Halal Product Assurance (UUJPH).

## **2 Research methods**

This research used Normative juridical methods. Its Normative juridical methods were use library research approach. This study uses qualitative research which explains the legal regulations on halal product guarantees, case studies on halal products resulting from seafood processing.

## **3 Results and Discussion**

### **3.1 The problem that occurs is about the safety of healthy food products according to applicable legal standards**

Muslims, who are the majority of adherents of religion in Indonesia, believe that God has ordered to eat only good food and it must also be halal, as written in the Word of Allah in the Al-Quran in Surah Al-Maidah verse 88 which reads: And eat lawful and good food from what Allah has provided for you, and fear Allah in whom you believe.

In this verse, it is clear that God's orders to every Muslim follower are to only Halal food products are guaranteed to be clean and get a good taste of food means that the object is not something that Allah has prohibited in the Koran/his word, and it is also halal to obtain/process it, not by committing a crime. or a criminal act, while the intention of tayyib or good is in terms of the benefits of the object or item, namely that it can be healthy for the safe for health or contains a substance that will hurt the body or be harmful to health. [6]Body health is affected by the consumption of halal products. guarantees are a necessity that cannot be reduced for consumers from among Muslims. The trend that is being believed by the public in Indonesia at the moment is when they

buy an item that is needed and they are a Muslim, they tend to look at the seafood packaging food/beverage label, first they will see whether there is a halal label on the package.

From there in fact, there is a kind of concern about the marine products that he will buy are halal for consumption or not, especially after there were several cases where packaged canned sardines/mackerel turned out to contain lots of tapeworms which are harmful to health [7]. Even though for example the worms in processed marine products have died, accidentally consuming them is very dangerous to health even though the worms are dead. Therefore, so that consumers can reduce worries when buying a product or service that they use, and their health is protected, the UUJPH The Halal Product Assurance Organizing Agency (BPJPH) cooperates with the Food and Drug Supervisory Agency (BPOM) LPPOM and the Supervisory Agency [5]. Drugs and Food, hereinafter referred to as BPOM, carry out their duties to receive product registration both regarding halal status and distribution permits.

Consumers must also increase their ability to select goods produced by a company that will be consumed with halal certificates, as an indication that the product complies with halal requirements in Islam. In accordance with the teachings of his religion that Muslims must consume halal and good food because this has become an absolute requirement in Islam. It is on this basis that the use of the halal logo has been important since the issuance of a letter based on LPPOM numbered SK10/Dir/LP POM MUI/XII/07 of 2007 concerning the Decree of the MUI Institute for the Assessment of Food, Drugs and Cosmetics regarding the logo. With the issuance of the letter regarding "halal" in a product, it has now become widespread. Halal or not a food can not only be conveyed without following the rules of Islamic Law (shari'ah). Halal is meant here not only how to make it, but how to process it.

The next problem that would arise if the substance contained in it is not allowed in a religion, then people will be worried about consuming it. With the existence of a halal certificate, halal becomes part of the beliefs of the Muslim religious community where basically Muslims reject non-halal products inconsistent Islamic law. What can be given as an example in the provisions regarding the halal content of substances, if an item sold by a company on the market contains elements of pork, then the product may not be consumed in Islam. This knowledge must be understood by producers because the goods they produce will be consumed by people, one of whom is Muslim.

consumers have the right to consume healthy food and halal products this product has been protected by Law Number 8 of 1999 concerning consumer protection, but of course in terms of certainty that it is halal and certain that it is free from harmful or non-halal substances, of course an institution is needed to test it, namely LPPOM. MUI as the provider of halal certification which is currently legally justified before the existence of the UUJPH, currently this function has been strengthened by the existence of the BPJH which makes it mandatory for every food product to be halal certified. In addition to Islamic religious regulations, there are also other regulations, namely Law Number 18 of 2012 concerning Food (UUP). In the preamble section "a" of the UUP it is stated [8]. The 1945 Constitution guarantees the human rights of all Indonesian citizens who have the right to live in fulfillment of food.

Food quality must pay attention to safety, health, and also prices that are reach people's purchasing power, and products produced by companies must should not conflict with the culture of society and religion. The quality of life and the rights of every citizen are guaranteed by the 1945 Constitution. The community has the right to consume halal products according to their beliefs as Muslims Article 97 paragraph (3) UUP, must include the expiration date, production code on the packaging of food and cosmetic products.

Halal seafood packaged food must be seen from its substance, method of obtaining, processing and product produced. Marine products are said to be halal if the packaged product does not contain any haram elements or is prohibited for consumption by Muslims. Even if there is a genetic engineering process included in the processing, it must be adjusted to the provisions of Islamic religious law. Including if there is an infection from dangerous animals in the food consumed which of course makes the food unhealthy and of course not halal because it interferes with health.

### **3.2 To Weak Health Supervision in Seafood Processing Factories**

Previous regulations that guarantee halal products by BPJPH together with LPPOM and BPOM, MUI together with the Institute for the Assessment of Food, Drugs and Cosmetics (LPPOM MUI) provide education to the public to register halal certificates [9]. Submissions for halal certification are regulated in Law No. 33 of 2014 concerning Guarantees for Halal Products (JPH) governing guarantees of fairness and legal certainty of halal products. JPH has the aim of providing benefits for producers to sell halal products by including halal certification and guaranteeing consumers of halal food.

BPJPH and MUI work together with the Ministry of Religion, Ministry of Health, Ministry of Industry to socialize halal certification to issue Halal Product Determination Decrees. The Halal Product Guarantee Law regulates; policy to issue halal certification, by socializing to business actors to register halal certification. revoke halal certification if it is proven to have committed non-halal product fraud and accredit the MUI for guarantees for every business actor who has registered halal certification. Food ingredients that are allowed for guaranteeing halal products in the registration of halal certification in accordance with Islamic law by business actors include: the process of managing food ingredients, raw materials and processed products, chemical processes, materials from plants and animals, biological processes, and genetic engineering.

Consumers must be selective in choosing products, by looking at the halal certification on the product labels that consumers will buy. BPJPH is obliged to provide protection to consumers for guaranteed halal products from within the country and food products from abroad. Importers must show the license they have to BPJPH. The appointment of this permit before permit issues were managed by BPJPH had existed since it was still held by BPOM and LPPOM. BPOM and LPPOM are also very selective in carrying out their work. Foreign products must have a permit that they have from their country and a permit that is valid in Indonesia.

The adjustment of permits from foreign countries with licenses valid in Indonesia also needs to be considered by foreign entrepreneurs who enter their products. This permit adjustment, if seen from the certificates that foreign countries have, to import

goods into Indonesia must first register them with halal in Indonesia, even though in their country they already have halal permits [10]. Permits owned by foreign countries have also been conveyed to BPJPH and they also need to fulfill the requirements in Indonesia if foreign entrepreneurs want to sell their products and distribute them in Indonesia.

Only with the existence of a halal certificate that is managed by the entrepreneur can this be evidence that the food sold by the entrepreneur is said to be halal. The halal logo placed on the packaging label cannot be a guarantee that the product is halal. For now, those who carry out their obligations in issuing halal certificates have been handed over to BPJPH, where this halal certificate is used as legal certainty in protecting consumers to consume halal products. Increasing product competitiveness with the presence of a halal logo listed on the product label also contributes to increasing national income [11]. By including the halal label on the packaging of a product, it can have a direct influence on consumers to use the product.

The MUI institution is tasked with issuing Halal Certificate decrees to business actors who have registered their business products. of a product is very important because before BPJPH was not formed, the handling of halal certificates was carried out by LPPOM and MUI regulated in Article 5 of the JPH Law. The implementation of the new UUJPH resulted in the following changes, including the abolition of the duality of halal certification management institutions. Prior to the issuance of UUJPH, LPPOM MUI was tasked with implementing the certification process, while BPOM was tasked with issuing labels. Now the authority is in the Ministry of Religion which has formed a food certification body, namely BPJPH. The merger of the halal certification system is expected to monitor and see products circulating in the community and a legal umbrella to protect consumers. On the other hand, the entire process will go directly to BPJPH, it is a challenge for this new institution to develop an effective, efficient, responsible, and reliable certification system that can meet the needs and desires of the community.

Requirements for Business Actors to register Halal Certificate namely, be honest about food management information, how to slaughter animals for products derived from animals, clear food composition, product marketing. Then business actors who have obtained halal certification must include the MUI logo and halal certification, expiration date, production date, composition of food ingredients, food ingredients managed. After that, business actors are required to report to MUI on the products they have sold, if business actors violate the provisions of MUI rules, they will be subject to violations of administrative sanctions, criminal sanctions, and revocation of halal certification.

Business Actors make a written application to BPJPH, by attaching business documents, raw materials, name, and type of business. MUI will issue a halal fatwa, carry out product testing involving experts and academics. MUI holds a fatwa hearing on halal products no later than 30 (thirty) working days. MUI approves and signs the halal certification submitted by business actors, if the business actor has not met the requirements for submitting halal products, MUI and BPJPH return the application for business actors no later than 7 (seven) working days The Halal Certificate Decree made by

BPJPH applies nationally as stipulated in Article 38. Business actors who register certification are valid for 5 (five) years. As for the legal function of halal certification:

1. Protection of human rights for Muslims in carrying out their teachings  
Halal certification is beneficial for businesses and consumers. for business actors, the products they sell will provide benefits and implement Islamic law. for consumers, consumers are not afraid and anxious about consuming the products they buy because the products are guaranteed to be halal.
2. Give justice  
Law No. 33 of 2014 concerning guarantees for product halalness has regulated the halalness of food products. However, there are still many business actors who have not implemented and registered halal certification with the MUI, this has caused the Muslim community to find it difficult to find halal food products in public places. The government should provide education to food businesses in public places and make it easy to register for halal certification. So that people are protected and get justice as citizens in accordance with the law on halal product guarantees.
3. Health  
The guarantee of halal products means that there are efforts towards creating the optimal mental health of the community, both in terms of intellectual, emotional, and psychosocial. The sense of security and peace of mind consuming halal products will bring a person to a comfortable state of mind which impacts on the attitudes and actions of the people in which they live. The pattern of consuming non-halal food will have a deep mental psychological effect. So, it is not an exaggeration if many indicate that violence, fights and criminal or unlawful acts of community behavior cannot be separated from the pattern of consuming non-halal products [12]. Food that is not halal has an impact on health, causing disease and germs that are detrimental to health.
4. Legal Certainty as a Citizen  
The legalization of UUJPH will provide legal certainty to provide guarantees for comfort, security, safety in the use and utilization of halal products. As well as to prevent fraud, to help consumers maximize their choice of products for their benefit or welfare. For consumers to act in their best interests and based on their choices [13]. The paradigm shift of the UUJPH Law from the Voluntary Paradigm (Voluntary), that halal certification is voluntary, but now with this Law the paradigm has changed that Halal certification of food products including seafood is Mandatory (Compulsory).

## 4 Conclusion

Regulation of Law No. 33 of 2014 concerning Guarantees for Halal Products. Prior to the existence of these laws, there was no regulation of halal certification, but since this law has been implemented, halal certification has been managed by BPJPH in collaboration with LPPOM and MUI. In fact, there are still many business actors who have not registered the halal certification of the products they sell, so that the MUI does not have

the authority to monitor the circulation of non-halal food. LPPOM MUI is not authorized to impose sanctions on business actors who have not registered halal certification for their products. Halal certification is needed by all people as a guarantee of legal certainty for every citizen to obtain safety and health.

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