

The State's Role in Regulation of Halal Food Product Assurance (Comparative Study of West and East Paradigm)

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Abstract

In the Islamic concept, muslim should be eaten halal foods, it meets Islamic Shari'a, which are foods that do not contain ingredients that are forbidden. However, the current era of globalization makes it difficult to determine the clean and unclean foods, because many substances are included in the diet, on the other hand for the residents of Muslim-majority Indonesia, eating kosher food is worship, as a form of implementation of the teachings of Islam, so that the state is obliged to protect as mandated by the Constitution, while the western countries (Muslim minority) certified halal food no more than advertising to boost exports to Muslim countries, halal sertikat no different from the ISO, based on many studies, higher quality food compared halal certified food quality standards, in this paper the authors try to compare and analyze the interference of the state in regulating kosher certification due to differences in the paradigm.

Keywords: Halal, Food, Certification, Regulation, Paradigm

1. Introduction

The globalization resulted in narrowing of space and time in interacting. Information and communication technology is a major supporting factor in globalization, production is becoming significantly large and increasing as a result of new knowledge factors based on technology. The existence of new innovation that has been continuously generated since the last few decades has been the supporting factor that facilitates the production system. Various goods produced from rapidly developed innovation, so that production becomes more effective and efficient,¹ in line with the development of globalization, food processing industry that once was very simple then now becoming more complex. Entrepreneurs or industrialist use a variety of food technologies and materials to run production, food and non-food stuff are generally not consumed in the form of raw materials, but mostly processed into other forms and types of food through a long and expensive production process. In line with that situation consumers are also increasingly critical of demanding standardization of products they consume, they demand the standardization of quality, health and environmental aspects as well as social and cultural aspects and religion.

Theologically, human in consuming everything will be limited by two restrictions namely the restriction of becoming copious and religion prohibition, restriction because of the prohibition of religion are found in almost all religions. In the Jewish religion, **camel it is forbidden to eat,**² for Hindus cow as a nature buffer that gives life to humans, therefore, Hindus respect the cows must be sanctified, and respected,³ so it is forbidden to consume it. On the plain of Ukraine to Mongolia the horse is a gift from the gods so that it is forbidden to eat it, while for Muslims eat pigs, dogs and animals that are slaughtered not because Allah is *haram* and it has been mentioned clearly in Al-Quran.⁴ One form of food safety for Muslims is eating halal food, which is allowed to be eaten for Muslims, the reality in the community, food that has been certified by ISO / HACCP still cannot be said as halal food, in Islamic law halal food must meet some conditions, it is not enough if the food is delicious only, it should be nutritious and hygienic, must meet the element of "halal".

The international trade system also pays attention to halal certification and marking as an effort to protect Muslim consumers and as a strategy to face globalization and free trade,⁵ until now the WTO itself only prevents a product based on scientific evidence for human health so that certain religious interests as one requirements of an import to Muslim country need to be fought for in international trade. The term halal in international trade is

¹ Castells, Manuell. 1996. "The Informational Economy and the Process of Globalization", in *The Rise of The Network Society*, Oxford: Blackwell, pg. 66-150

² Leviticus 11:1-4, mentioning the condition of living things that they may eat according to The God Moses : 1. Parts the hoof, 2. Chews the cud, dan 3. Walk not with the soles of the feet, While camel is mentioned as forbidden food. The camel, because it chews the cud but does not part the hoof, is unclean to them. Prohibition to eat these animal is mentioned also in Al-Quran al-An'am 147 haram for Jewish forbade everything with claws. As of cattle and sheep. Especially their fat, except what adheres to their backs, or the entrails, or what is mixed with bone. see Yusuf Qordhowi, *al Halal wa Al Haram fi al islam*, (tt, Dar al Ma'rifah. 1985).

³ Catur Weda (Rg Weda 10.176.1, Atharwa Weda 3.28.4, Yayur Weda 23.48 dan Sama Weda 176.), in Niti Sastra part of Hitopadesa Sloka 39

⁴ Quran. Al Maidah: 3.

⁵ <http://www.jpnn.com/read/2012/06/01/129228/Malaysia-Tak-Akui-Sertifikat-Halal-MUI>

well known in CODEX¹, CODEX is formed with the intention of protecting consumer health, this organization is supported by some international organizations such as WHO, FAO, and WTO. In general the reason for a country to export its products to a Muslim country;² First, the expansion of the western brand to break through the global market “halal label” has become one of the important instruments to gain market access to strengthen the competitiveness of its domestic products in the international market.³; secondly; It needs other resources besides oil production; thirdly; the emergence of industry in accordance with Islamic value, such as *syariah* financial services.

Realizing the importance of halal labeling on products to be exported to a majority Muslim population country, some countries have halal certification bodies, Riaz and Caudry in 2014 recorded 40 halal certification bodies in the US in 2001, Australia 6 halal certification bodies, New Zealand 2 halal certification bodies, Meanwhile, in Singapore, Malaysia, Thailand, Philippines and Japan respectively 1 certification body are recommended. The existence of halal certification bodies proves the importance of halal regulation in international trade, so the country needs to intervene in its implementation.

This paper will discuss about how the state intervention in halal certification, state intervention from the constitution and law, institution authorized to certify halal and community participation, that the effort to get legal protection of course that is wanted by people is order and regularity between the basic value of the law namely the existence of legal certainty, legal utility and legal justice. The western and eastern paradigm is a term used to distinguish between predominantly Muslim countries (east) and a non-Muslim (western) state,⁴ The rule of the law is different from the rule of Islamic law, in the rule of law is obliged to provide protection to protect its citizens, the State is first responsible for providing legal protection for its citizens, because the state is subject to the order of the constitution to carry out the public interest, the role of state and law in the rule of law creates a legal certainty which is the principle value in providing legal protection for every citizen, because legal certainty is a fair protection against arbitrary action, which means that one will obtain something to be expected under certain circumstances.⁵ The regulation of halal certification is required as the embodiment of the concept of protection of law by state.

2. The Concept Of Halal In Islam

Halal according to *lisan al-‘arab*⁶ dictionary is derived from the word *halla* which means loose or bound, the word halal is opposite of the word *haram*, etymologically the word halal means things that is allowed to be done and can be done because it is free or not bound by the provisions that prohibit it, or it can mean anything that is free from the dangers of the world and the hereafter,⁷ according to *Qal‘aji* halal is identical to the *mubah*,⁸ which is then defined by Yusuf Qardawy the case allowed (*mubah*) by *syar‘i* to do.⁹ The principle of determining something is justified or not based on the halal or *haram* rules in *al-Qur‘an* and *hadith*, Allah has given guidance to consume halal and good food which is contained in Al-Qur‘an surat Al-Maidah 88, Al-Baqarah 168 and 172, Al-A‘araf 160, Al-Anfal 69, An-Nahl 114. In accordance with the rules of Principles of Islamic jurisprudence (*ushul fiqih*), everything that Allah does not forbid it is halal. Thus, all food and beverages outside the forbidden is *halal* unless it has been mixed with something that is *haram*, generally the forbidden food are:

1. Haram Food

“Allah has forbidden you carrion, and blood, and the flesh of swine, and what was dedicated to other than God. But if anyone is compelled, without desiring or exceeding, he commits no sin. God is Forgiving and Merciful”

¹ CODEX or Codex Alimentarius Commission (CAC) is intergovernmental body in charge of implementing Joint FAO/WHO Food Standards Programme. Codex was established to protect consumer health and promote fair practices in food trade and promote the coordination of food standardization work undertaken by other international organizations. http://codexindonesia.bsn.go.id/main/submodule/submodule_det/1 accessed 20 Mei 2016. If we compare it with food assurance based on MUI and CODEX only differ on 7 types of 16 types that are regulated in the case of carrion, meat cut from living animals, donkey, animals categorized as pests such as rats, oil or bone from dog and pig, defiling filth object mixed with defiling filth good.

² Paul Temporal, *Islamic Branding and Marketing : Creating a Global Business*, (Singapore, John Wiley & Sons, 2011). p. 10..

³ Since halal certificates are considered important, many multinational companies are then enrolling their products to obtain halal certificates, especially those expanding in a predominantly Muslim country, McDonald, KFC, Taco Bell and other junk food admits that once they are certified halal their sales figures is increasing. S Romi Mukherjee, *Global Halal: Meat, Money, and religion*, (tt, Jurnal Religions, 2014), pg. 24 28.

⁴ The eastern world referred to here is an area stretching from the Near East to the Far East and the State in North Africa. The western term in this paper, meaning orientalist plus missionary not western in the sense of the eastern opponent geographically, but a notion that can not escape from Jewishness, Christianity or their ethnic descent when writing about Arab and Islam. The western and eastern distinctions are considered to be still relevant because of the very first history of east-western hostility; second, western colonialism against Islam and the third, the tragedy of Israel. The study of the east in its history is not limited to pure studies but also contains missionary elements. Nurkholis Majid, *Ensiklopedi Nurkholish Majid*, Mizan, Bandung, 2006. p. 10

⁵ Sudino Mertokusumo Mertokusumo, Sudikno; 2002; *Mengenal Hukum Suatu Pengantar*; Liberty; Yogyakarta. pg.92

⁶ Ibn Manzhur, *Lisan al-‘arab*, (Daar al ma‘rifah; kairo, tt). Juz 9. pg. 972 and 974

⁷ Mohammad Jauhar, *Makanan Halal menurut Islam*, (Lintas Pustaka; Jakarta, 2009). pg. 102

⁸ Sopa, *Sertifikasi Halal Majelis Ulama Indonesia: Studi atas Fatwa Halal MUI terhadap Produk Makanan, Obat-obatan dan Kosmetika*, (Jakarta: GP Press, 2013). pg. 13

⁹ Yusuf Qordhowi, *al Halal wa Al Haram fi al islam*, (tt, Dar al Ma‘rifah. 1985). Pg. 339

(QS. Al-Baqarah: 173). From the above *ayat* it is clear that haram food is generally divided into four: carrion¹, and blood², and the flesh of swine and animals that was slaughtered with a name other than God. Besides the four group of *haram* food, there are also forbidden food group because of its bad characteristic³ and creatures that dwell in two worlds (living in sea and land) is haram.

2. Haram Beverages

Liquor (*khamr*) is a drink that is forbidden for intoxicating according to the explanation of the Rasulullah saw. Based on Hadits "Every intoxicating drink is *khamr* and every *khamr* is *haram*". From the mentioned statement, it can be concluded that the limitation of *khamr* is based on its characteristic, not the type of material because the material itself can consist of anything. Prohibition of *khamr* affirmed in Al-Quran Surah Al-Maidah *ayat* 90-91. Generally, goods are said halal and good (*thayyib*) must meet 3 elements namely; 1) halal for its substance, 2) halal for its way of processing and 3) halal for the way of obtaining it. Halal for its substance, but when mixed with good which its substance is *haram* like everything that come from pig hence its status will be forbidden or forbidden due to the content (*haram li zaitihi*). While for forbidden due other reasons (*haram li ghairihi*), the object's substance is not *haram* but the way of handling / processing even way of obtaining is forbidden such as cow which is obtained from the corruption.

3 Regulation Of Halal Certification In Western Paradigm

3.1. Legal Regulations Related to Halal Certification in Australia and New Zealand

New Zealand and Australia are gradually combined economically through a process called "Closer Economic Relations (CER)". Australia is a secular and federal state, referring to the Australian Constitution section 116 government is prohibited from supporting or funding religious or expressing religion, (halal arrangement is considered to be one of religious propaganda, since halal standards are what Islamic religion prefers, not as integrated quality management as applicable to ISO), the regulations on Halal Certification Assurance is supported but in capacity as a cultural practice. In the economic context, maintaining and promoting culture or custom as in many cases, allowed in Australia because it is perceived as a "distinct competitive advantage in the global economy", the fact proves that Australia's meat 80% break through markets of Muslim-majority countries.⁴

Halal certification arrangements in Australia refer to general food regulations, While the rules that apply to food standards are The Australia New Zealand Food Standards Code this Act is an elaboration of the Legislative Instruments Act 2003. In 1953 the National Health Medical Research Council (NHMRC) assumes to conduct a national food standard evaluation, as a continuation of the food standard evaluation so in the 1980 The Model Food Act is the standardization for food, The Model Food Act applies not simultaneously in Australia, Tasmania has implemented The Food Act model in 1962, Queensland in 1991 and the last state implements The Model Food Act was the Australian Capital Territory in 1992.⁵

The Model Food Act contains of the arrangement of food standards from the production, packaging and sales, this rule also contains about the category of food that is considered violating such as:

1. unfit food for human consumption
2. contaminated food
3. food that can damage, worsen or kill human.

In 1983 the Australian Quarantine Inspection Service (AQIS) introduced the official Australian government halal program to control the production of meat and halal products the necessary procedures were able to identify and maintain the integrity of halal meat throughout all stages of production, storage and transportation .The provisions contain about:

1. Halal meat is identified with the official halal stamp
2. Halal meat must be deciphered in the official certificate of meat delivery
3. Halal meat already loaded for export purposes receives a certificate of official halal meat signed by authorized AQIS officials as well as representatives of organizations and representatives of recognized Islamic organizations.

¹ Included in the category of carrion is an animal that died with no slaughter. There are several kind of carrions: a. *Al-Munkhaniqoh* is an animal that died from being suffocated either intentionally or not. B. *Al-Mauqudhah* is an animal that died from being hit with a tool / hard object to death by it or be electrocuted with an electrical device. C. *Al-Mutaraddiyah* is an animal that died from falling from a high place or falling into a well to die. D. *An-Nathihah* is an animal that died from being gored by other animals. Although the carrion of *haram* is legal but there are excluded the fish carcasses and grasshoppers.

² Most of ulama agree that all parts of pigs are *haram*, so the products containing enzymes from pigs are forbidden.

³ As described in the Qur'an Surah Al-A'raaf: 157, Hadith by Ibn Abbas which was interceded by Imam Ahmad and Muslim and Ash Habussunan: Has forbidden Rasulullah to eat every beast that competes (fangs, writers), and each -the nail that has the nails of the birds

⁴ Asmi Wood; Animal Welfare Under The Shari'a, jurnal Macquarie Law Journal. Vol 12. p. 166

⁵ Naomi Rees and David Watson; International Standar and Food Safety; Aspen Publication; Maryland; 2000. p. 57-58

3.2. The institution authorized to certify halal

In Australia, where the Muslim population is only 1.8 percent of the total population, the institutions that handle halal certification usually come from private companies or Muslim associations or mosque congregations, because based on Australia's constitution propaganda against religion is prohibited, the existence of halal institutions is considered part of the culture, and economically Australia is considered profitable. The institution authorized to certify halal are: 1. Supreme Islamic Council of Halal Meat in Australia Inc. (SICHMA), 2. Australian Halal Development & Accreditation (AHDAA), 3. Global Halal Trade Center Pty Ltd (GHTC Pty.Ltd), 4. Western Australian Halal Authority (WAHA), 5. The Islamic Coordinating Council of Victoria (ICCV), 6. Australian Halal Authority & Advisers (AHAA). In addition to providing halal certificates, the agency is also fighting for a fair 'User Pays', a transparent labeling process.¹

While in New Zealand, as in Australia there are no government bodies assigned to halal certification, halal certification bodies are locally-formed institutions, such as Al Kaussar Halal Food Authority and Asia Pacific Halal Services - New Zealand Pty. 2011 Limited.²

3.3. Community Support

Two thirds the number of beef, chicken and sheep in Australia comes from suppliers with halal certification. Most other dairy and food products have also been certified according to *syariah* standards, although not labeled. Islamic organizations in Australia estimate the market value of global halal certification could reach 2.3 trillion US dollars in 2013 or grow 20% per year. Meanwhile, New Zealand is known as one of the largest halal exporter and producer in the world. New Zealand's halal products today are not just beef and halal lamb only. But already break through halal cheese products, halal milk, and halal honey.

The Australian Muslim community is almost 99% going to buy goods or meat with halal label, but because Muslims in Australia are mostly immigrants who come to Australia with their respective understandings from home country, then unifying the view of *fiqh* is rather difficult because of the difference of *madzhab*, for example the different views about the material that is forbidden, there is a forbidden *khamr* that comes from wine only. While others are not all *khamr* but all drinks are intoxicating. Other obstacles arise from groups of animal lovers such as The Royal Society for the Prevention of Cruelty to Animals (RSPCA) which prohibits slaughter of animals when the bait is still conscious³.

4. Regulation Of Halal Certification In Eastern Paradigm (Malaysia And Indonesia)

4.1. Regulation on halal certification in Malaysia and Indonesia

The halal food regulation in Malaysia is based on Article 11 of the Federal Constitution of Malaysia said "Every person has the right to profess and practice his religion and, subject to Clause (4), to propagate it", although their constitution said like that but other religions are freely practiced throughout the federal territory based on the spirit of peace and harmony. Regulation of halal in Malaysia can be found in several rules i.e.; 1) Section 10 of the Act 1972 allows the Minister to enact the Trade Descriptions (Use Of Expression "Halal") Order 1975, The Trade Description Act 1975, though it contains a provision for the use of the halal label, the Act however does not specify the conditions and the procedure for the grant of the halal label, 2) Section 3 of the Order 1975 allows the use of the expression "Halal", "Di-tanggung Halal" or "Makanan Islam" in relations to food to indicate that Muslims are permitted by their religion to consume such food item. 3) section 3 of the Order has a similar definition of halal food with the definition given by JAKIM's Guidelines on Food and Drinks and Goods Utilised by the Muslim 1994. 4) Food Regulations 1985 Regulation 11 (1) (c) provides that where the food contains beef or pork, or its derivatives, or lard, a statement of its presence in that food should be written on the label. Regulation 11 (d): requires that food that contains alcohol to be label as such. Although the Food Regulations 1985 requires the presence of non-halal substance to be declared on the label, nevertheless, the provision is insufficient to govern the various matters related to halal food production. 5) Local Government Act 1976, Section 20D (1) (a), (b) of the Licensing of Food Establishments (Federal Territory of Kuala Lumpur) (Amendment) By-Law 1995, requires the licensee to wash utensils used for non-halal food separately from those used for the halal food, It is also a requirement that the utensils used for the non-halal food should not be used for the preparation and serving of the halal food. Sub-section (3) states that if the premises only serves non-halal food then the licensee must at all times display on the menu the words "Non-Halal Food Only".⁴

The halal standards adopted by the Malaysian Government refer to the *Syariah* law means the laws of Islam in the mazhab of shafie or the laws of Islam in any of the other Madzhabs, of Maliki, Hanbali and Hanafi, which are approved by yang Dipertuan Agung to be force in the federal territory or the ruler of any State to be in force

¹ Kirralie Smith; <http://food.detik.com/read/2013/09/11/153756/2355940/901/di-australia-bagi-bagi-tas-gratis-untuk-protos-sertifikasi-halal>

² <http://food.detik.com/read/2011/11/25/173934/1775913/901/produk-halal-selandia-baru-berjaya-di-Indonesia>

³ Asmi Wood; Animal Welfare Under The Shari'a, jurnal Macquarie Law Journal. Vol 12. H. 159

⁴ Noriah Raml, Laws And Regulations On Halal Production INHART, IIUMUSIM-HDC Halal Executive Programme 2010

in the state, or fatwa approve by the Islamic Authority.¹

While in Indonesia the 1945 Constitution of the Republic of Indonesia (UUD 1945) provides the constitutional basis for all citizens. At the opening of the 1945 Constitution, it is clear that the government guarantees and protects the entire community and the entire blood of Indonesia. Article 28 E Paragraph (1) and Article 29 Paragraph (1) and Paragraph (2) Constitution of the Republic of Indonesia 1945 stipulate the constitutional obligations of the State in this case the Government to protect the right of its citizens to exercise religious belief and teachings without any obstacles And disturbances that can interfere with the growth of religious life in Indonesia. Article 28 E Paragraph (1) of Constitution of the Republic of Indonesia 1945 states that “every person shall be free to choose and to practice the religion of his/her choice, to choose one's education, to choose one's employment, to choose one's citizenship, and to choose one's place of residence within the state territory, to leave it and to subsequently return to it.” Furthermore, Article 28 J Paragraph (2) of Constitution of the Republic of Indonesia 1945 states that in exercising his/her rights and freedoms, every person shall have the duty to accept the restrictions established by law for the sole purposes of guaranteeing the recognition and respect of the rights and freedoms of others and of satisfying just demands based upon considerations of morality, religious values, security and public order in a democratic society. Including also about what is meant by halal products. A product (food and beverage or processed food) according to a religion declared halal, not necessarily according to other religions declared halal also.

Meanwhile, since 2014, Indonesia has had act no. 33 of 2014 on Halal Product Assurance (HPA), Article 4 of HPA state that all products that enter, circulate, and traded in the territory of Indonesia must be certified halal,² which means that all products are mandatory to obtain halal certification as a necessity which must be done by entrepreneurs³ no matter they are individual business actors or business entities in the form of legal entity or non legal entity, so that all business actors big, medium, small or even micro business actors are obliged to get halal certificate. Previously arrangement about legal instrument related to halal product spread in Act no. 18 of 2012 on Food, Act no. 8 of 1999 on Consumer Protection, Act no. 36 of 2009 on Health and Act no. 6 of 1967 on the basic provisions of Animal Husbandry and Health. Of the several laws above only Law no. 18 of 2012 on food that discusses the guarantee of halal products in separate chapters although the arrangements in the food law are also less clear.

Halal information for a food product is very important for the people of Indonesia who are predominantly Muslim. However, the obligation of all halal-certified products is considered by some to violate the constitutional principle due to privilege of one religion, whereas in other religions there are prohibitions to consume food, the State does not consider other religions whereas Indonesia recognizes some religions other than Islam then regulated is the majority of adherents of religion The majority, therefore act no. 33 of 2014 on Halal Product Assurance is considered to have violated Article 27 of the 1945 Constitution namely the right to recognition, guarantee of protection and legal certainty of justice and equal treatment before the law.⁴

4.2 Authorized institution

The Malaysian Certification Institute is known as JAKIM (Department of Islamic Development Malaysia), JAKIM is the official institution of the government of Islamic religious proselytizing, the position of JAKIM under the Prime Minister. JAKIM named the Halal Certification Board under the name of halal Hub Devision, this division which conducts guidance, supervision and halal stipulation for food products and slaughter in Malaysia. In the Guidelines on Foods, Drinks and Goods Utilized by Muslims (issued by JAKIM in 1984), JAKIM have to; 1) to elaborate the use of the term halal', 'borne halal', and 'food for muslim' under section 3 of the Trade Description (Use of Expression “Halal”) Order 1975. 2) also explain to food processors and the public, the halal and haram aspects as stipulated by Shariah law. 3) It defines halal food and drinks, slaughtering, processing, handling, labelling and utensils used by Muslims.

While in Indonesia the The Assessment Institute for Foods, Drugs And Cosmetics, the Indonesian Council of Ulama abbreviated as LPPOM MUI is an institution that is tasked with researching, nalyzing and deciding whether the good products of food and its derivatives, drugs and cosmetics are safe to be consumed either from Side of health and from the side of Islam that is lawful or permissible and good for consumption for Muslims, especially in the territory of Indonesia, in addition to providing recommendations, formulate provisions and guidance to the community. The institute was founded on the decision of the Indonesian Ulema Council (MUI) January 6, 1989. The reason why this institution was established is that the teachings of Islam set in such a way

¹ Departemen of Standar Malaysia, Malaysian Standards, halal Food. Production Preparation, handling and Storage-General Guide Lines, (Kuala Lumpur:2004, first Revision). H. III

² “Products that enter, circulate, and traded in the territory of Indonesia must be certified halal”. Article 4 UU No. 33 on year 2014 concerning Halal Product Assurance

³ Sopa, *Sertifikasi Halal Majelis Ulama Indonesia: Studi atas Fatwa Halal MUI terhadap Produk Makanan, Obat-obatan dan kosmetika*, (Jakarta:GP Press, 2013), p. 105. See also Ahmad Sarwat,*Halal atau Haram Kejelasan Menuju Keberkahan*, (Jakarta,Kalil imprint Gramedia Pustaka, tt), p. 122

⁴ Paul Mokugoru, Tabloid Reformata “ pasal-pasal controversial itu”,edition 103 year VII6-31 march 2003

about food and drink, food and drink can be categorized as halal, haram or syubhat. Are carrion, blood, pigs and animals slaughtered with a name other than Allah (Qur'an Surat Al Baqarah verse 179) while drinks are categorized as haram is all forms of *khamr* (alcoholic beverages).¹

However, LPPOM MUI will be replaced by the Halal Product Guarantee Agency (BPJHP) as mandated by Act no. 33 BPJHP is authorized to decide and establish halal policies, norms, standards, procedures and criteria, BPJHP also publishes and revokes, and registers Halal Certificate, disseminates Halal Certification, Halal Auditor, As well as cooperating with the guarantee of halal products with domestic and foreign institutions (article 6 of Act No. 33 of 2014), in exercising its authority BPJHP in cooperation with ministries and related institutions, the Halal Inspection Agency and the Indonesian Ulema Council (MUI) (Article 7 of Act No. 33 of 2014) The members of LP POM MUI consist of faithful Muslims who are experts in religion, chemistry, biology, accounting and management, because the issues reviewed by LP POM MUI are complex and related to variety of fields.

4.3. Community Support

JAKIM was established in 1968, JAKIM received a positive response from Malaysian national companies to conduct assessment and research on halal products, in 1984 JAKIM first issued halal certificate and up to 2007 JAKIM has issued 2,882 pieces of halal certificate.²

Halal certification and marking reach a small number of producers in Indonesia. Data from the Indonesia National Agency of Drug and Food Control (BPOM) in 2007 showed that no more than 2,960 products have requested the inclusion of halal marks. Data from the Indonesian Ulema Council (MUI) shows that applications for halal certification for the past 11 years are no more than 8,000 products from 870 producers in Indonesia. It shows the great confidence of the community against LP POM MUI. Ajinomoto case becomes a turning point in the formation of LP POM MUI as an institution that guard the halalness of a product, halal is a necessity for Muslims. The enactment of Act no. 33 of 2014 on Halal Product Guarantee to be the culmination of the implementation of Jamina Halal Products in Indonesia

5. Comparison Of Country Role In Halal Certification

In a Muslim-majority country the regulation of halal certification is based on the state's obligation to protect its citizens, while countries with a majority of non-Muslim population such as Australia and New Zealand halal arrangements are regarded only as a quality standard of economic and cultural value that is useful for boosting exports. Here is a comparison of halal arrangements in those countries;

Tabel 1:

analysis of halal arrangements in some countries which represent West paradigm and East paradigm

Elements / institutions	West paradigm		East paradigm	
	Australia	New Zealand	Malaysia	Indonesia
Constitution	Not regulated in the Constitution	Not regulated in the Constitution	As an elaboration of Article 11 of the Federal Constitution of Malaysia	As the elucidation of articles 28 & 29 of the 1945 Constitution
legislation	1) The <i>Australia New Zealand Food Standards Code</i> . 2) <i>Legislative Instruments Act 2003</i> . 3)	1) The <i>Australia New Zealand Food Standards Code</i> . 2) <i>Legislative Instruments Act 2003</i>	1) Section 10 of the Act 1972 allows the Minister to enact the Trade Descriptions. 2) The Trade Description Act 1975. 3) JAKIM's Guidelines on Food and Drinks and Goods Utilised by the Muslim 1994. 4) Food Regulations 1985. 5) Local Government Act 1976	1) UU no. 33 of 2014 on Halal Product Guarantee. 2) UU no. 18 Year 2012 on Food. 3) UU no. 8 of 1999 on Consumer Protection. 4) UU no. 36 Year 2009 on Health. 5) Law no. 6 of 1967 on the basic provisions of Animal Husbandry and Health
The institution authorized to certify halal	1) SICHMA, 2) AHDA. 3) GHTC Pty.Ltd). 4) WAHA, 5) ICCV. 6) AHAA.	1) Al Kaussar Halal Food Authority. 2) Asia Pasific Halal Services - New Zealand Pty. 2011 Limited	JAKIM	BPJHP

From the above comparison can be grouped that there are significant differences related to the regulation of

¹ See Al_baqarah 219

² Ali Mustafa Yaqub, "Kriteria Halal Haram untuk pangan, Obat, dan Kosmetik menurut Al-qur'an dan hadist", (Jakarta: Pustaka Fidsaus, 2009). p. 217

halal with the western paradigm and the eastern paradigm as follows:

- 1) Generally countries considered to be included in the western paradigm is a country with a Muslim population is a minority and a secular state, Halal certification institutions in the country are considered as part of an increase in export products, although there is a certification body but no fatwa commission due to the minimal number of Muslims. There, the institution is a private institution and not only engaged in certification but also in the field of Islamic da'wah, cooperation with similar certification bodies in other countries is considered very important as part of increasing exports to the country with the majority Muslim population.
- 2) Malaysia and Indonesia are categorized in the eastern paradigm, these two countries have the largest Muslim population, so the issue of halal products becomes one of the things regulated by the state although not the Islamic state as the elaboration of the implementation of state constitution, legislation, certification body, fatwa commission, The certification implementation guide becomes a means for the continuity of this halal product guarantee.

6. Conclusion and recommendation

Muslims in any part of the world are obliged to eat halal food, because it is the command of the Qur'an and hadith, the difference that may occur only in the interpretation of one country / group with other countries / groups about several things such as different state forms. Different constitutional contents, and different idealism between western and east result in different arrangements in terms of halal product certification, for western countries, minority Muslim followers of halal certification arrangements are no more just as one of the labels to encourage economic progress especially exports in terms of This Australia and New Zealand can be an example of that.

In the future, for realizing the existence of uniformity halal certification, regulation halal certification need to be made to the rules of international trade organization level, so there will be uniformity against the rules of halal certification, the existence of those rules in addition to facilitate businessmen and consumers also minimize the occurrence of rejection of products that have been certified by a certifying halal but rejected by other halal certification agencies.

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