



HALAL CHARACTERISTICS OF SMALL AND MEDIUM MICRO BUSINESS PRODUCTS (MSMEs) IN PATEMON VILLAG KREJENGAN SUB-DISTRICT PROBOLINGGO DISTRICT

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Abstract- This research is motivated by the fact that there are still products of Micro, Small and Medium Enterprises (MSMEs) in Patemon Village, Krejengan District, Probolinggo Regency, which do not yet have a halal certificate, because the product does not qualify the halal criteria and the public does not understand about the characteristics of halal. This study aims to analyze and provide an understanding about the characteristics of halal, especially on MSME products in Patemon Village, Krejengan District, Probolinggo Regency. The method of study used is normative legal research with the statute approach, conceptual approach, and comparative approach. The result showed that the halal characteristics of MSME products in Patemon Village can be seen from 2 (two) aspects, namely the material and the process of making it or the event to get it. At the end of this study, the researcher also gave advice to MSME product producers in Patemon Village to immediately take care of their halal product certification and to the government to disseminate information to the public regarding about characteristics of halal on MSME products.

Keywords: Characteristic, Halal, Micro, Small and Medium Enterprises (MSMEs)

I. INTRODUCTION

Halal certification is currently not only a concern and needs of countries with a majority Muslim population but also needed by countries where the majority of the population is non-Muslim, such as New Zealand, which is very concerned about the availability of halal products, in order to meet the product needs for tourists originating from Muslim countries. There is also the Netherlands, where this country continues to develop a market that provides halal food products, in connection with the existence of Islamic food laws. The next country, England, to be precise London, brought several experts, including legal experts to discuss topics related to halal products packaged in the World Halal Forum Europe, with the main issue being Halal Products and Services - Going Mainstream (Maryati. Et al 2016). Unlike other countries, Japan made a breakthrough by holding pa the Japan Halal Expo which is able to attract the attention of the public at home and abroad, where in this exhibition, Japan offers its products which have been declared halal (Syarifuddin & Siradj, 2015).

The explanation above shows that halal products have received their own priority in the trade sector, especially in Indonesia, where the majority of the population is Muslim, where for the Muslim population, the most important thing in choosing food is not only from the quality standard of a food, but also the standard in solving doubts about the food purchased, it means that doubts in determining whether the food purchased is halal or not (Maryati & et. al., 2016). In this regard, business products, especially food or beverages that are halal and safe, are a very prospective business because with the existence of halal certification, it will be able to

attract customers who are not only in demand by Muslim consumers but also non-Muslim consumers, even non-Muslim residents who consume halal products state that halal products are of higher quality and safer (Maryati et al, 2016). With regard to the same, for a Muslim, ma right or halal drinks are proven to be of high quality and very good for the health of the human body, for example meat that comes from halal animals and is slaughtered in accordance with the provisions of Islamic law is healthier for consumption (Syarifuddin & Siradj, 2015). It should also be understood that halal what is meant is not only halal seen from the food product, but also determined from the suitability of the process, raw materials, transportation used until the product reaches the consumer (Ma'rifat & Sari, 2017).

In connection with the explanation above, Indonesia itself, as one of the countries with the largest Muslim population in the world, is a potential and profitable market for halal food and beverage products, including products of Micro, Small and Medium Enterprises (hereinafter referred to as MSMEs), such as Banana Sale Products with the Name Barokah Salafiyah (BARSAH), Taro Chips with the Name Patemon Talas (PATALAS), and Daun Katuk (BARSAH) which are products of UMKM in Patemon Village, Krejengan District, Probolinggo Regency. In this connection, halal certification for UMKM products is very important and needs to be done. Related to this, in order to provide protection and guarantee of legal certainty for both business actors and consumers, the government issued Law of the Republic of Indonesia Number 33 of 2014 concerning Halal Product Guarantee (hereinafter referred to as Halal Product Guarantee Law) in which there is an explanation as regulated in Article 4 of the Halal Product Guarantee Law states that all products traded in Indonesia must be certified halal.

In connection with this, the facts are based on the statistical data of the Indonesian Ulema Council (hereinafter abbreviated to LPPOM-MUI) in 2019, of 274,796 products, only 15,495 products have halal certification. The data shows that there are still many business / trade products including MSMEs who have not been certified halal. One of the reasons, as stated by Adhi Lukman, Chair of the Indonesian Food and Beverage Entrepreneurs Association (GAPMMI) is because the MSME business actors have not been able to meet the halal criteria so that their products can get halal certification. This study aims to analyze and provide an understanding about the characteristics of halal, especially on MSME products in Patemon Village, Krejengan District, Probolinggo Regency.

Based on the explanation above, the writer in this case is interested in discussing the topic as described with the central theme "Halal Characteristics of Micro, Small and Medium Enterprises (MSME) Products in Patemon Village, Krejengan Sub-District, Probolinggo District". The problem that needs to be discussed is what are the halal characteristics of UMKM products in Patemon Village, Krejengan Sub-District, Probolinggo District?

II. RESEARCH METHODS.

Research in scientific writing uses a type of normative legal research or what is often referred to as doctrinal legal research, which is research that aims to provide a detailed and systematic explanation carried out by examining various legal rules, analyzing the relationship between the rules. One law with another legal rule can even predict the development of legal rules in the future (Susanti & Efendi, 2014). In connection with this definition, the object of study is doctrinal legal research (Soejono & Abdurrahman, 2003). This shows that the purpose of using doctrinal legal research is to systematize, correct and clarify a legal rule that applies to certain areas of law through analysis of primary legal materials and secondary legal materials (Susanti & Efendi, 2014). The object of this research is related to the halal characteristics of the products of Micro, Small and Medium Enterprises (MSMEs) in Patemon Village, Krejengan Sub-District, Probolinggo District.

In the implementation of research, there are also approaches used to look for targets that are studied using a field of science. Hence, that research focuses on the problem being studied in accordance with the predetermined scope (Gie, 1982). In this regard, there are three approach that used in this research, namely the statutory approach, conceptual approach, and comparative approach. The statutory approach is carried out by conducting a review of the laws and regulations related to the legal issue being handled (Marzuki, 2005). This statutory approach is applied to examine statutory regulations or regulations relating to

the halal characteristics products of Micro, Small and Medium Enterprises (MSMEs) in Patemon Village, Krejengan Sub-District, Probolinggo District.

Furthermore, the conceptual approach it is carried out by referring to legal principles that can be obtained from the viewpoint of legal scholars or other legal doctrines. It should also be noted that in using this approach, the researcher does not move from the existing regulations, but this approach is carried out because there are no regulations that regulate it, hence it needs to be explored in the perspective of scholars and legal doctrine as referred to above (Susanti & Efendi, 2014). In this regard, the conceptual approach to writing scientific papers is applied to explore and analyze the halal characteristics of Micro, Small and Medium Enterprises (MSMEs) products in Patemon Village, Krejengan Sub-District, Probolinggo District, which are published in books, legal texts, and other legal journals.

The last approach, the comparative approach is an approach by making legal comparisons. In this regard, legal comparison is the study of the principles of legal science by comparing various legal systems (Susanti & Efendi, 2014). In this regard, then the legal comparison approach in this scientific paper is implemented by analyzing and making comparisons related to the meaning of halal according to Islamic law and civil law in order to find the characteristics of halal in MSMEs products in Patemon Village, Krejengan District, Probolinggo Regency.

III. RESULT AND DISCUSSION

Patemon Village is one of the villages in the Krejengan Sub-District, Probolinggo District which has a lot of potential to be developed, one of which is potential in the field of entrepreneurship. The potential referred to can be seen from several products of Micro, Small and Medium Enterprises (MSMEs) in Patemon Village, Krejengan Sub-District, Probolinggo District, including Banana Sale products which are named BARSAN, Taro Chips with the name PATALAS, and Katuk Leaves named BARSAN. These three products are the superior products of Patemon Village which are a source of income for the community, even these products are in great demand by the community. (Observations from the Assisted Village Community Service Team consisting of Dyah Ochtorina Susanti, Nuzulia Kumala Sari, and A'an Efendi, on July 13, 2019) With regard to this, there are many enthusiasts for MSMEs products, one of which is because MSMEs products in Patemon Village are halal products, so they are safe and not harmful to the health of consumers.

related with the explanation above, the term halal itself comes from Arabic which has the meaning of free, detached, not bound, it means that something is released or ties to a prohibition. At the etymological, halal is defined as something that is allowed to be done, because there are no prohibition (Ali, 2016). In line with this definition, according to the encyclopedia of Islamic law, halal is anything that *causes* a person not to be sanctioned for what which has been done, where this means that something is allowed to be done according to sharia '(Islamic sharia) (Dahlan & et al., 1996). In this regard, at the level of Islamic law, the word halal is the opposite of the term haram is something that is forbidden by Allah SWT to do, and if this is not followed then it will get sanctions from Allah both in this world and in the hereafter (Rahmadani, 2015). This is as stated in the QS. Al-Maidah Verse 3, states that: (Ministry of Religion of the Republic of Indonesia, 2002)

"It is forbidden for you to (eat) carcasses, blood, pork, and (meat) of animals that were slaughtered in the name of Allah, those who were strangled, those who were beaten, those who fell, who were gored, and those that were ravaged by wild animals, except those you had time to slaughter. And (it is forbidden for you) to be slaughtered for idols. "

Based on the above verse, according to Islamic law, there are several types of food that are haram for consumption, namely: 1) Carcasses, 2) Blood, 3) Pork, 4) Animal meat that is slaughtered does not mention the name of Allah, 5) Animal meat that is slaughtered. not by being slaughtered, such as choking, being hit, falling, being gored, and being killed by wild animals, 6) Meat of animals slaughtered for worship other than Allah SWT (such as idols). Likewise with business products whose ingredients contain the six types as mentioned above,

it is haram to use, such as cosmetic products, shoes, crafts, and others. In this regard, producers must avoid haram foods so that business products including MSME products in Patemon Village, Krejengan Sub-District, Probolinggo District can be said to be halal products.

In connection with the explanation above, in addition to the 6 (six) types of food that are prohibited according to Islamic law, to be said to be halal products, business products, whether food, beverages or other businesses, must be *thayyib* (good), as stated in the QS Al-Baqarah Verse 168, which translates as follows: (Ministry of Religion of the Republic of Indonesia, 2002)

"O people! Eat of clean and good (food) that is on earth, and do not follow in the steps of Satan. Really, the devil is a real enemy to you. "

Other basic Islamic law is also found in QS. Al-Baqarah Verse 172 which contains the following: (Ministry of Religion of the Republic of Indonesia, 2002)

"O you who believe! Eat of the good things wherewith We have provided you, and render thanks to Allah if it is (indeed) He Whom ye worship".

The verse above shows that in Islam, a good food or drink product, apart from being halal, must also be *thayyib*. With regard to the definition of *thayyib* itself, at the language level, *thayyib* means clean and halal, whereas when viewed from the original meaning, halal is defined as what is delicious and pleasant according to taste. Consumed, in other words means food that is not harmful both physically and intellectually, which can broadly be defined as healthy food (Thabrani, 2013). In contrast to this definition, al-Sabuni in (Thabrani, 2013) argues that *thayyib* is all that is legal Allah SWT is good in nature, and vice versa, things that are forbidden are certainly not good. In connection with good food, which is not dirty or damaged, meaning that the food is not unclean seen from its substance (Zulham, 2013). Based on several definitions of *thayyib* as mentioned above, it can be found that it is basically mak Anan and drinks that are consumed by humans as consumers must be lawful and *thayyib*, because halal food or drinks will undoubtedly bring goodness and benefit, both for individuals and for others (Hasan, 2014).

Based on the explanation above, it can be found that if the two terms halal and *thayyib* are combined, then the meaning of *halalan thayyiban* in terms of food is food and drink that is permitted (halal) and provides explanation to every human being, and in this regard, it is also necessary to know that what each person will consume is something that can provide health for both body and mind (Thabrani, 2013). This can be done by paying attention to the quality of food and beverages by: First, maintaining the cleanliness and purity of food or beverages, such as one of the MSME products in Patemon Village, Krejengan Sub-District, Probolinggo District, namely Sale Pisang BARSAH, where to In making this product, workers are required to ensure the place and tools to be used are clean, besides that workers are also required to wear special plastic gloves for cooking for the cleanliness and purity of their products. Second, food and drinks (including the process of obtaining them) must not contain things that are prohibited by Islamic law so that they can cause sin. This was exemplified by the people of PATALAS Taro Chips, which are made from taro plants which are not included in the type of food that is prohibited, besides that, these plants are obtained from the garden of the Patemon Village community itself, not from stolen, deception, or other things prohibited by Islamic law, so that the product can be said to be a halal product. Based on this, the *halalan thayyiban* is very important to pay attention to in producing the consumption of a food, beverage or other business product, including MSME products in Patemon Village, Krejengan Sub-District, Probolinggo District (Thabrani, 2013).

Related with the explanation above, the word halal is not only mentioned in Islamic Law, but also in Civil Law, which is listed in Article 1320 of the Civil Code (hereinafter referred to as the Civil Code), which explains the validity of the agreement, one of which is namely the cause or *causa* that is lawful. With regard to the definition of cause or *causa* that is halal, it is not clearly stated in Article 1320 of the Civil Code, moreover the meaning of halal itself, but the cause or *causa* that is lawful is regulated in Article 21 letter k Supreme Court Regulation Number 2 of 2008 concerning Compilation of Sharia Economic Law (hereinafter referred to as KHES) which states that the cause which is lawful is not against the law, is not prohibited by

law and is not haram. Other definitions are also explained by experts such as (Prodjodikoro, 1981) who explain that a lawful cause is one that causes a legal relationship in the form of a series of interests that must be fulfilled as stated in the contents of the legal relationship (agreement). With regard to lawful causes or causes as meant in article 1320 of the Civil Code, it is not a cause in the sense that encourages people to make an agreement, but because in the sense that the content or substance of the agreement itself describes the goals to be achieved by the parties, does not conflict with order, general and decency. This is as contained in Article 1337 of the Civil Code, which states that:

"A cause is prohibited, if it is prohibited by law or if it is against good morals or public order."

The provisions above indicate that the meaning of lawful according to the Civil Code is defined as an act that is not prohibited, meaning that the act is an act that does not contradict morality and public order. Likewise with UMKM products in Patemon Village, Krejengan Sub-District, Probolinggo District, where in order to be said to be a halal product, the content (substance), processing process or how to obtain it must not conflict with law, morals, and public order.

Related with the explanation above, it can be seen that there is a difference between halal according to Islamic law and halal according to the Civil Code, where the difference can be seen in the table below for more details.

Table 1.
Differences between Halal according to Islamic Law and Civil Law

No	Information	Islamic law	Civil Code
1.	Halal Category	In connection with food or drink	Relating to an agreement or contract
2	Things that are prohibited	Does not contain food or things that are prohibited by Islamic law	Not against the law, decency and public order
3	Types of products that are prohibited	1. Carcasses 2. Blood 3. Pork 4. Meat of slaughtered animals does not mention the name of Allah SWT 5. Meat of dead animals is not slaughtered 6. Meat of animals slaughtered for worship (such as idols)	Not mentioned
4	Another meaning	Aligned with the term thayyib, it means something good, does not damage the body and mind, is not dangerous, and provides benefits	Nothing
5	Method of determination of halal	Judging from the materials used and the manufacturing process or how to get it	Nothing

Source: Author's Personal Notes, compiled, 2019

Based on the table above, it can be seen that there is a differences between the meaning of halal according to Islamic law and civil law, and that differences then becomes the

characteristic or typical of each legal system in interpreting the term halal, where a more complete explanation of halal is stated in law. Islam rather than civil law. This is because in Islam, halal is the main priority in making, selecting, and using a product. Therefore, it is clear that halal is an important thing, because halal assurance can improve the quality of a business product, such as MSMEs in Patemon Village, Krejengan Sub-District, Probolinggo District, so that it is more attractive to all Indonesian people whose majority of the population is Muslim. In this regard, considering that halal is an important thing in a product, halal products certainly need a guarantee of protection and certainty regarding the halalness of the product, which is then realized through the Halal Certification program. Article 1 point 10 of the Halal Product Guarantee Law states that halal certification is an acknowledgment of the halalness of a Product issued by BPJPH based on a written halal fatwa issued by the Indonesian Ulema Council (hereinafter referred to as MUI). The purpose of holding halal certification itself is to provide assurance and protection to consumers (especially Muslim consumers) for products that are halal for consumption as well as a form of responsibility of producers to consumers for the halalness of the products they sell. This certainly provides benefits for both consumers and producers. Thus, it is natural that the government requires business actors (producers) to carry out halal certification of their business products as regulated in Article 4 of the Halal Product Guarantee Law, in order to provide protection and guarantee of legal certainty for Halal products, including MSME products in Patemon Village, Krejengan Sub-District, Probolinggo District.

Furthermore, the Halal Product Guarantee Law also regulates the halal criteria for a product, precisely in Article 17 paragraph (1) of the Halal Product Guarantee Law, where these criteria can be seen through 2 (two) aspects, namely ingredients and also the manufacturing process or the to get the product. In connection with the first aspect, the materials used to be said as halal products are raw materials, processed materials, additives, and auxiliary materials. With regard to the meaning of materials described in Article 17 paragraph (2) of the Halal Product Guarantee Law), namely in the form of materials derived from animals, plants, microbes as materials produced through chemical processes, biological processes, or genetic engineering processes. With regard to materials derived from animals, it is necessary to know in advance that in Islam, not all animals are allowed to be used as business products, such as the types of animals as mentioned in the QS. Al-Maidah Paragraph 3 which has been mentioned in the previous explanation, even this is also regulated in Article 18 paragraph (1) of the Halal Product Guarantee Law which contains the following:

- Materials derived from prohibited animals as referred to in Article 17 paragraph (3) of the Law on Halal Product Guarantee. include:
- a. Carcass;
 - b. Blood
 - c. Pig; and / or
 - d. Animals that are slaughtered are not in accordance with the law

Deign with the types of animals above, there are also other types of animals that are prohibited that is animal who eat their feces itself (al-Jalalah), disgusting animals, and livestock that are infected with disease as (Ranuwijaya, 2005) said that These types of animals may not be consumed or used. as a business product. Further, materials derived from plants are regulated in Article 20 paragraph (1) of the Halal Product Guarantee Law, where basically all types of plants are halal, except for plants that can cause a person to get drunk and / or endanger health, then the law is haram for consumption or use for business products. The last type of material is material derived from microbes and materials produced through chemical processes regulated in Article 20 paragraph (2) of the Law on Halal Product Guarantee, in the form of biological processes or genetic engineering processes, and will become haram during the growth process and / or the production is mixed, contained, and / or contaminated with prohibited materials.

In connection with the second aspect, namely the manufacturing process or how to obtain it, where the meaning of the process as intended, in Article 21 paragraph (1) of the Halal Product Guarantee Law, means that the location, place and means of processing halal

products must be separated from the location, place, and equipment. slaughtering, processing, storing, packaging, distributing, selling, and serving non-halal products. In this regard, apart from having to be separated, the location, place and means of processing halal products must be kept clean and hygienic; free from unclean; and free from non-halal ingredients, as regulated in Article 21 paragraph (2) of the Halal Product Guarantee Law.

Based on the explanation above, deign to the Patemon Village MSME products, the ingredients used consist of banana, taro, and katuk leaves, where these three ingredients are not included in materials that are prohibited either in Islamic law or state law. Regarding the manufacturing process or how to get it, the location, place and tools are only used to make products with the ingredients as mentioned earlier, so that they are free from non-halal materials. This shows that the Patemon Village MSME products qualified the halal criteria as explained above. Thus, the products which can get halal certification is because their quality and safety are guaranteed. In this regard, neither the consumer nor the producer will be harmed, even the quantity of goods production will increase due to consumer confidence in MSME products in Patemon Village, Krejengan Sub-District, Probolinggo District which have halal certification.

IV. CONCLUSION AND SUGGESTIONS

4.1 Conclusion

Based on the discussion above, it can be concluded that the halal characteristics of MSME products in Patemon Village, Krejengan Sub-District, Probolinggo District can be seen through 2 (two) aspects, namely: first, the aspects of the materials used consist of the basic ingredients of bananas, taro, and katuk leaves, where the three ingredients are not prohibited by Islamic law (pork, carcass, blood, not intoxicating and not harmful to health). Second, the aspect of the manufacturing process or how to obtain it, where the location, place, or tools used in the manufacture of BARSAH Banana Sale MSME products, PATALAS Taro Chips, and Katuk BARSAH leaves are only for making these three products, so they are free from a mixture of prohibited ingredients. (haram), clean, hygienic, safe, and guaranteed quality and halalness. Therefore, for the subject of Micro, Small and Medium Enterprises (MSME) to be concerned with the process of manufacturing products used halal characteristics to support the formation of quality products and also safe for humans to consume in the long and short term.

4.2 Suggestions

1. To the Government to conduct socialization related to halal characteristics of Micro, Small and Medium Enterprises (MSME) products so that the public, especially producers, understand, so that it is easy to process halal certification.
2. To the people of Patemon Village, Krejengan Sub-District, Probolinggo District, especially the producers of Patemon Village MSME products to immediately process their halal certification for their products, in order to improve the economy of the Patemon Village community.

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