

# The Authority of the Indonesian Ulama Council in Certifying Halal Products From a *Siyasah* *Syar'iyah* Perspective

Abdul Syatar<sup>1</sup>, Firdayanti<sup>2</sup>

<sup>1</sup> State Islamic University Alauddin Makassar

<sup>2</sup> State Islamic University Alauddin Makassar

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## ABSTRACT

The emergence of public concerns regarding products that are still in doubt about the halalness of products in Indonesia makes the researcher try to understand the authority of the Indonesian Ulama Council, in this case issuing a fatwa related to the halal or haram of a product. Talking about fatwas, it cannot be separated from the authority of the Indonesian Ulama Council in issuing fatwas on the halal and haram of a product. This study employed library research with a *siyasa syar'iyah* approach. The results showed that 1) the standards used by Indonesian Ulama Council in determining the halal and haram of a product by taking into account the legal status of the substances used, how to obtain them, how to produce them and how to market them, 2) related to the effectiveness of the inclusion of the halal logo and the existence of a halal certificate on every the product was still low because there were still products that did not have a halal certificate and the inclusion of a halal logo, and 3) the authority of Indonesian Ulama Council in halal certification from a *siyasa syar'iyah* perspective by providing legal considerations among the people, even though it did not have binding legal force. As an implication of this study, it is hoped that there will be aware for the Muslim community to be more careful in consuming a product, especially Muslim business actors in order to understand the importance of halal certificates and the inclusion of a halal logo on each product.

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## ARTICLE INFORMATION

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### Keywords:

Authority, Indonesian  
Ulama Council, Halal  
Certificate

## 1. Introduction

Every human being needs daily food. They need food for their physical and spiritual health needs. Humans need nutrients in their bodies. Since ancient times, people and nations have differed in terms of food and drink, some can be consumed, and some cannot be consumed. Islam regulates in the Al-Qur'an and Hadith regarding halal and haram. Thus, halal becomes a very important point in Islam. It is not only a relationship between human beings but also a relationship with God. The food consumed must be halal, and avoiding haram food is part of the worship of a Muslim by showing obedience to his religion. Halal food consumed will provide peace for those who consume it.<sup>1</sup>

Indonesia is a country with a majority Muslim population and includes the largest Muslim population in the world, in which about 87% of Indonesia's population is Muslim. Thus, the law of origin of food in Indonesia is halal.<sup>2</sup> Indonesia is a country where most consumers are Muslim; the entry of these goods from non-Muslim countries will cause problems for Muslim consumers. Concern about the food and/or beverage products being halal or not is still a

matter of debate among Muslims.<sup>3</sup> People are worried about the products that enter Indonesia. Society needs legal certainty for the products used. Products that are free from the haram and the processing process are halal. This concern made the government aware of its responsibility to provide protection and guarantee of halal food for the community as a whole, especially consumers for the halal products being marketed.<sup>4</sup>

The guarantee for the implementation of halal products aims to provide comfort, security, safety, and certainty of halal products for the public in consuming and using halal products.<sup>5</sup> Every product needs a halal marker to make it easier for consumers to choose halal products. Therefore, it is necessary to have product certification and labeling in providing guarantees for halal products to the public, especially Muslims.<sup>6</sup>

Halal certification is a written fatwa of the Indonesian Ulama Council which

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<sup>1</sup> Hayyun Durrotul Faridah, Sertifikasi Halal di Indonesia: Sejarah, Perkembangan, dan Implementasi, *Jurnal of Halal Product And Research*, Vol. 2. No. 2 Desember 2019, 69.

<sup>2</sup> Tubagus Yudi Muhtadi, "Perbandingan Mekanisme Sertifikasi Produk Halal antara Indonesia dengan Malaysia", *Jurnal Penelitian dan Karya Ilmiah*, Vol. 20, No. 1. 2020, 32.

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<sup>3</sup> Ralang Hartati, "Peran Negara Dalam Pelaksanaan Jaminan Produk Halal", *Jurnal Hukum*, Vol. 10, No. 1, 2016, 73.

<sup>4</sup> Hayyun Durrotul Faridah, "Sertifikasi Halal di Indonesia: Sejarah, Perkembangan, dan Implementasi", *Jurnal of Halal Product and Research*, Vol. 2. No. 2, Desember 2019, 72.

<sup>5</sup> Mukidi, "Prosedur Pemberian Sertifikat Label Halal Terhadap Produk Makanan di Restoran Hotel Syariah Untuk Mewujudkan Hak Kenyamanan Konsumen Muslim (Studi Di Kementerian Agama Provinsi Sumatera Utara)", *Jurnal Hukum Akidah*, Vol. 19, No. 3, 2020, 397.

<sup>6</sup> Hayyun Durrotul Faridah, "Sertifikasi Halal di Indonesia", 72.

states the halalness of a product in accordance with Islamic law.<sup>7</sup> This halal certification is an important requirement to include a halal label so that a product is suitable for consumption by Muslim consumers. Business actors must meet certain requirements and go through a series of processes that the Indonesian Ulama Council has determined to obtain halal certification. After obtaining halal certification, business actors obtain a label from the Indonesian Ulama Council, which must be included on the product label.<sup>8</sup> The existence of this halal label can eliminate consumer worries.

In the process of implementing halal guarantees for food consumed by the public, the government issued Law Number 33 of 2014 concerning the Halal Product Guarantee Act (UU-JPH). Based on article 5 UUJPH, the implementation of halal product guarantees is the government's responsibility, in this case, carried out by the Ministry of Religion.<sup>9</sup> Article 10 paragraph (2) mentions that the Indonesian Ulama Council issues the determination of product halalness in the

form of a decision to determine halal products.<sup>10</sup>

The enactment of Law Number 33 of 2014 concerning the Halal Product Guarantee Act (UU JPH) actually emphasizes the urgency of the halal-haram issue in the production chain from business actors to the hands of consumers and consumed by consumers. There is also the role of intermediaries such as distributors, sub-distributors, wholesalers, and retailers before reaching the hands of the last consumer. Thus, it takes accuracy in the issue of halal-haram. The enactment of the JPH Law aims to provide the public with legal certainty regarding food products and goods they consume.<sup>11</sup>

Substantively, the Indonesian Ulama Council fatwa has a great influence on the implementation of the JPH Law. The determination of halal and haram a product through a fatwa.<sup>12</sup> With the issuance of a fatwa, the halal certification process can be in the form of a product's halal or haram status based on the audit process carried out by LPPOM MUI.

Based on this background, the researcher is interested in studying the

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<sup>7</sup> Saan, "Penyelenggaraan Jaminan Produk Halal Berdasarkan Undang-Undang Republik Indonesia Nomor 33 Tahun 2014 tentang Jaminan Produk Halal", *Jurnal Hukum Replik*, Vol. 6, No. 1 Maret 2018, 47.

<sup>8</sup> Syafrida, "Sertifikat Halal Pada Produk Makanan dan Minuman Memberi Perlindungan dan Kepastian Hukum Hak-Hak Konsumen Muslim", *Jurnal Hukum*, Vol. 7, No. 2, 167.

<sup>9</sup> Republik Indonesia, Pasal 5 ayat (2) Undang-Undang Nomor 33 Tahun 2014 tentang Jaminan Produk Halal.

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<sup>10</sup> *Ibid.*

<sup>11</sup> May Lim Charity, "Jaminan Produk Halal di Indonesia (Direktorat Jenderal Peraturan Perundang-undangan Kementerian Hukum dan HAM)", *Jurnal Legislasi Indonesia*, Vol. 14 No. 1, Maret 2017, 100

<sup>12</sup> Norma Sari, *Perlindungan Konsumen Obat: Tinjauan Umum Peraturan Perundang-Undangan di Indonesia* (Yogyakarta: UAD Press, 2020), 113.

authority of the Indonesian Ulama Council in certifying halal products from a *siyasah syar'iyah* perspective by looking at the standards used by the Indonesian Ulama Council in each product, the effectiveness of implementing halal certification on each product, and the role of Indonesian Ulama Council in a *siyasah syar'iyah* perspective.

## 2. Methodology

In conducting this study, the researcher employed literature research consisting of legislation, books, journals, articles, and literature related or relevant to research. The approach used in this study was the *siyasa syar'iyah* approach, namely, looking at some of the provisions that existed and have been applied in Islam as a whole. The data sources were divided into two, namely primary data sources and secondary data sources. The primary data sources used were the Qur'an, hadith, and laws. While the secondary data sources used were legal journals, legal articles, and relevant to the study. The data collection method was reviewed by reading, quoting, and analyzing important things in a study. The data analysis techniques aimed to describe and solve problems based on the data obtained. The analysis used was qualitative data analysis.

## 3. Result and Discussion

### 3.1 Standards used by the Indonesian Ulama Council in Viewing Halal Products

Halal food for Muslims is food labeled halal, namely the existence of a written fatwa from the Indonesian Ulama Council, which states the halalness of a product in accordance with Islamic law.<sup>13</sup>

The practice that occurs related to halal labeling is labeling that is not in accordance with the provisions. Business actors can include halal labels on packaged food products and then sell them to the public. In addition, some producers register halal labels on packaged foods that do not match the ones they produce during the data collection process. Thus, packaged food products that have a halal label in their packaging are not necessarily halal according to Islamic law and applicable laws and regulations. There are also packaged food producers who attach the word halal to food products but do not yet have a halal certificate to make profits. The circulation of food and beverage products is still found that has not been labeled with a halal certificate on the packaging, so it is doubtful about its halalness. This shows that the obligations of business actors are still low in following the legal provisions of halal certificates.

Halal standardization policies have begun to be tightened by the government to protect Muslims from various products whose legal status is

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<sup>13</sup> Departemen Agama Republik Indonesia, Panduan Sertifikasi Halal (Jakarta: Direktorat Jenderal Bimbingan Masyarakat Islam dan Penyelenggaraan Haji Departemen Agama, 2015), 1.

not yet clear. Both in the form of food, beverages, cosmetics, and drugs that consumers can consume according to their religious teachings are forbidden to consume.<sup>14</sup>

Article 4 of Law Number 8 of 1999 concerning Consumer Protection regulates consumer rights. Article 4 letter a states the rights of consumers to comfort, security, and safety in consuming goods or services.<sup>15</sup> In connection with this article, Muslim consumers are entitled to products that provide a sense of security, comfort, and peace. Therefore, business actors in trading a product in order to provide a sense of security, comfort, and peace, then business actors are obliged to apply for a halal certificate through LPPOM MUI to obtain a halal certificate and then include a halal logo on the product.

Article 4 letter c of Law Number 8 of 1999 concerning Consumer Protection states that consumers have the right to correct, clear and honest information regarding the condition of goods or services.<sup>16</sup> In connection with this article, in order to provide protection for Muslim consumers against non-halal

products, business actors in producing goods or services for sale must provide clear and honest information that the products being traded are halal products by including the Indonesian Ulama Council halal certificate logo. The purpose of the Indonesian Ulama Council halal certificate logo is to provide legal protection and certainty for the rights of Muslim consumers against non-halal products. This information aims to prevent Muslim consumers from consuming non-halal food.

Description of a product is very important for the people of Indonesia in which the majority of them are Muslims. The inclusion of the halal logo on food products is to protect Muslim consumers from non-halal products. Provide legal certainty to Muslim consumers that the food and beverage products are truly halal in accordance with Islamic law. Muslim consumers will not hesitate to buy food and beverage products with halal logos on them and prevent consumers from consuming products that are not halal.<sup>17</sup>

For food and beverage products that are not halal, according to Law Number 33 of 2014 concerning the Halal Product Guarantee Act, business actors are obliged to put a sign on the food and beverage products that are not halal.

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<sup>14</sup> Eko Saputra S dan Muammar Muhammad Bakry, "Problematika Penjualan Ayam Potong di Pasar Sentral Rakyat Sungguminasa Kabupaten Gowa (Standarisasi LPPOM MUI)", *Jurnal Shautuna*, Vol. 1, No. 2, Mei 2020, 63.

<sup>15</sup> Republik Indonesia, Pasal 4 huruf a Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen.

<sup>16</sup> Republik Indonesia, Pasal 4 huruf c Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen.

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<sup>17</sup> Republik Indonesia, Pasal 26 ayat (1) dan (2) Undang-Undang Nomor 33 Tahun 2014 tentang Jaminan Produk Halal.

The requirements for halalness in accordance with Islamic law include:

1. Halal substance
2. Halal way to get it
3. Halal in processing it
4. Halal in storage
5. Halal in transportation
6. Halal in its presentation<sup>18</sup>

The implementation of a halal certificate to determine a halal or haram product, the Indonesian Ulama Council, establishes the Institute for Foods, Drugs, and Cosmetics, Indonesian Ulama Council (LPPOM MUI), which is an institution tasked with researching, reviewing, analyzing, and deciding on food products and their derivatives, medicines, and cosmetics are safe for consumption both in terms of health and in terms of Islam, especially in the territory of Indonesia.<sup>19</sup>

The processing of halal products is regulated in the fatwa of the Indonesian Ulama Council Number 4 of 2003 concerning the Standardization of Halal Fatwas as follows:

1. The alcoholic liquor (*khamr*)
  - a. *Khamr* is anything that intoxicates, whether in the form

of food, drink, or otherwise. The law is illegal

- b. Drinks included in the category of *khamr* are drinks that contain at least 1% ethanol ( $C_2H_5OH$ )
  - c. Drinks included in the category of *khamr* are *najs*
  - d. Beverages containing ethanol below 1% as a result of engineered fermentation are haram based on preventive (*lidzari'ah*), but it is not clear
  - e. Liquor made from tape juice with a minimum ethanol content of 1% is included in the category of *khamr*
  - f. Tape and water tape do not include *khamr*, except when intoxicated
2. Ethanol, Fusel oil, Yeast and Vinegar
    - a. Ethanol, which is a pure compound that does not come from the *khamr* industry, is sacred
    - b. The legal use of ethanol which is a pure compound that does not come from *khamr* industry, for the production process of the food industry
      - (1) It is permissible if the final product is not detected
      - (2) It is prohibited (*haram*), if the final product is still detected
    - c. The use of ethanol, a pure compound originating from the *khamr* industry for the industrial production process, is illegal

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<sup>18</sup> Departemen Agama Republik Indonesia, *Tanya Jawab Seputar Produksi Halal* (Jakarta: Bagian Proyek Sarana dan Prasarana Produk Halal Direktorat Jenderal Bimbingan Masyarakat Islam dan Penyelenggaraan Haji, 2015), 17.

<sup>19</sup> Sheila Chairunnisya, "Peran Majelis Ulama Indonesia Dalam Menerbitkan Sertifikat Halal Pada Produk Makanan dan Kosmetika", *Jurnal EduTech* Vol. 3 No. 2, September 2017, 1.

- d. Fusel oil that is not derived from *khamr* is permissible and pure
  - e. Fusel oil that comes from *khamr* is prohibited and unclean
  - f. Components that are physically separated from the fusel oil that comes from *khamr* are prohibited
  - g. Components that are physically separated from fusel oil derived from *khamr* and chemically reacted so that it turns into a new compound, the law is permissible and holy
  - h. Vinegar that comes from *khamr*, whether that happens by itself or through engineering, is lawful and holy
  - i. The yeast that is separated from the process of making *khamr* after washing so that it loses the taste, smell and color of the room, is lawful and pure
3. Animal Slaughter
- a. Those who are allowed to slaughter animals are people who are Muslim and have reached puberty
  - b. The method of slaughter is legal if it is carried out by
    - (1) Reading *basmalah* when slaughtering and using a sharp cutting tool
    - (2) Cutting at once until the respiratory tract or throat, food channel (*mar`i*) and both arteries (*wadajain*) are cut off, and
  - (3) At the time of slaughter, the slaughtered animal is still alive
  - c. Basically, it is legal to stun the animal (stunning) on the condition that it does not hurt the animal in question and after stunning its status is still alive (*hayat mustaqirrah*)
  - d. Stunning mechanically, by electrocution, chemically or by any other means deemed to injure the animal, is prohibited
4. Use of Names and Ingredients
- a. It is forbidden to consume and use names or symbols of food and drinks that lead to apostasy (*kufr*) and falsehood
  - b. It is forbidden to consume and use names or food or drink symbols that refer to the names of objects or animals that are forbidden, especially pork and *khamr*, except those that have become a tradition (*'urf*) and are ensured that they do not contain prohibited elements such as the name of meatballs, noodles, and other Indonesian food, like bakwan, bakpia, and bakpao
  - c. It is forbidden to consume and use mixed ingredients for food or beverage components that give rise to the taste or aroma of objects or animals that are forbidden, such as pork-flavored instant noodles, bacon flavour, and so on

- d. Not allowed to eat food or drinks that use the names of forbidden foods or drinks such as whiskey, brandy, beer, and so on<sup>20</sup>

### ***3.2 The Effectiveness of Application of Halal Certificate on Every Product***

The assurance of permissible products is important considering the progress of science and technology in food, medicine, and cosmetics are growing rapidly. This has a real impact on the shift in the processing and utilization of raw materials for food, beverages, medicines, cosmetics, and other products from originally simple and natural to the processing and utilization of scientifically engineered raw materials. Processing products by utilizing advances in science and technology allows mixing between halal and haram, both intentional and unintentional. Knowing the halalness of a product requires a special study that requires multidisciplinary knowledge, such as knowledge in the fields of food, chemistry, biochemistry, industrial engineering, pharmacy, and an understanding of sharia.

The circulation of food and beverage products is still found, both local and imported, which have not been labeled with halal certificates found on food and beverage packaging, which are doubtful. This shows the low obligation

of business actors to follow the legal provisions of halal certificates. The information about the halal status of a product is very important for the Indonesian people; most of them are Muslim. Based on the Food Law, actors must include a halal logo before the product is traded to provide protection and provide legal certainty for consumer rights to non-halal products.<sup>21</sup>

For food and beverage products that are not halal, according to Law Number 33 of 2014 concerning the Halal Product Guarantee Act, business actors are obliged to put a sign on the food and beverage products that are not halal. The sign can be in the form of an image; for example, in Bali, if there is a place for food and drinks containing pig elements, a picture of a pig will be listed on the packaging. This indicates that business actors have high honesty because, in the Consumer Protection Act, business actors are obliged to provide information about the composition of food and beverage products. Business actors in Indonesia who trade food and beverage products should provide clear and honest information regarding the composition, halalness of traded food and beverage products to protect the rights of Muslim consumers against non-halal products.<sup>22</sup>

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<sup>20</sup> Fatwa Majelis Ulama Indonesia Nomor 4 Tahun 2003 tentang Standarisasi Fatwa Halal, 655-657.

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<sup>21</sup> Republik Indonesia Pasal 96 dan pasal 97 Undang-Undang Nomor 18 Tahun 2012 tentang Pangan.

<sup>22</sup> Republik Indonesia Pasal 7 Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen.



Food and beverage products circulating in the community are still often found products that do not include the halal logo or the halal logo, which is still in doubt. Products that do not have a halal logo are not necessarily haram. Products that have a halal logo are not necessarily also halal because of the possibility that the products are not halal. In Islamic law, halal is not only the substance but starting from the production process; the equipment used, the place of production, to the transportation process must be free from substances forbidden by Islamic law. Halal product storage should not be adjacent to non-halal products. This means that the place for storing halal products must be separated from non-halal products. Likewise, the tools used to process halal products should not be used with non-halal products.

### ***3.3 The Role of the Indonesian Ulama Council in the Siyash Syar'iyah Perspective***

Indonesia is a country based on the Five Principles (Pancasila) and is built as a modern democratic country but still upholds the position of religion in society and the state. This implies that the relationship or responsibility of the state to religion is not only limited to protecting religious freedom for religious adherents as is the case in secular countries but also providing services to religious adherents and

protecting the purity of religious teachings from fraud and deviation.<sup>23</sup>

The Ministry of Religion is a state institution that technically carries out its duties and responsibilities by providing services to religious affairs. In implementing these tasks related to Muslim affairs, the Ministry of Religion cooperates with the Indonesian Ulama Council, especially in determining religious law. The Ministry of Religion does not have the authority to determine religious law. On the other hand, the Indonesian Ulama Council, as a forum for Muslim scholars and scholars who come from Islamic organizations and institutions, has so far been recognized as a representation of Muslims, which has the authority to give fatwas or balances to the government or state in matters related to religion and Muslims. This acknowledgment can be seen, for example, in the Law on Food, one of them is related to the inclusion of the halal sign in the packaging of food, beverage, cosmetic and medicinal products, which must be based on a halal fatwa from the Indonesian Ulama Council.<sup>24</sup>

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<sup>23</sup> Fatroyah Asr Himsyah, "Eksistensi dan Partisipasi Majelis Ulama Indonesia dalam Pengembangan Hukum Islam", *Jurnal Hukum dan Syariah*, Vol. 1 No. 1. 2010, 56.

<sup>24</sup> Panji Adam Agus Putra, "Kedudukan Sertifikasi Halal dalam Sistem Hukum Nasional sebagai Upaya Perlindungan Konsumen dalam Hukum Islam", *Amwaluna: Jurnal Ekonomi dan Keuangan Syariah*, Vol. 1, No. 1 Januari 2017, 160.

Indonesian Ulama Council is one of the fatwa institutions recognized for its existence. The Indonesian Ulama Council has human intellectual resources consisting of various disciplines, both Islamic sciences and general sciences. The existence of a combination of knowledge possessed by the Indonesian Ulama Council institution, then the food and beverages consumed by the general public can be given a halal label so that people do not hesitate to consume them.<sup>25</sup>

This illustrates that the Indonesian Ulama Council is an institution that provides fatwas and advice on religious and social issues to the government and Muslims in general as a commandment for *ma'ruf nahi munkar* to increase National Resilience. Thus, the existence of the Indonesian Ulama Council has a fairly strong influence in building the image of purification of Islamic teachings, especially in religious practices among Muslims.<sup>26</sup>

Etymologically, the word *fatwa* comes from the Arabic *al-fatwa*. According to Ibn Mandzur, the word *fatwa* is a action noun (*mashdar*) form of the word *fata-yaftu-fatwan*, which means young, new explanation, explanation. In connection with this opinion, al-Fayumi

as quoted by Ma'ruf Amin argues that, *al-fatwa* comes from the word *al-fata*, which means strong youth. Therefore, the person who issues the fatwa is said to be a mufti because that person is believed to have the power to explain and answer the problems he faces as a power possessed by a young man. Meanwhile, in terms of terminology, as-Syatibi explained that fatwa in the sense of *al-ifta* means information about sharia law that is not binding to be followed.

Legal opinions are considerations of Islamic law issued by the mufti or ulama either individually or collectively in response to questions posed or in response to problems that develop in society. Even though it is often considered not to have binding legal force. However, fatwas have a significant role in providing religious legal considerations to the Muslim community from the past until now. In addition, it also has a significant role in the renewal of Islamic legal thought as a step in the development of Indonesian national law. Indonesian Ulama Council is the supervisor and controls the regulations and laws made by the government.<sup>27</sup>

The Indonesian Ulama Council has the authority to issue fatwas on religious issues of a general nature relating to Indonesian Muslims nationally and Islamic religious issues in regions

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<sup>25</sup> Supardin, "Kedudukan Lembaga Fatwa dalam Fikih Kontemporer", *Al-Qadau*, Vol. 5, No.2 Desember 2018, 250.

<sup>26</sup> Slamet Suhartono, "Eksistensi Fatwa Majelis Ulama Indonesia dalam Perspektif Negara Hukum Pancasila", *Al-Ihkam*, Vol. 12, No. 2 Desember 2017, 452-453.

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<sup>27</sup> Fatroyah Asr Himsyah, "Eksistensi dan Partisipasi Majelis Ulama Indonesia dalam Pengembangan Hukum Islam", *Jurnal Hukum dan Syariaah*, Vol. 1 No. 1. 2010, 56-57.

suspected of spreading to other regions.<sup>28</sup> In relation to fatwas, fatwas are not included in the legislation because they are only advice, not coercion. However, the existence of this fatwa cannot be ruled out in the life of the Indonesian nation because it continues to live in a society.<sup>29</sup>

The method of taking the law by the Indonesian Ulama Council is to use the Al-Qur'an and hadith as the main reference sources. Perform interpretation in accordance with the existing rules of interpretation of the Al-Qur'an. Likewise with hadith, then the texts of the Al-Qur'an and hadith are considered with the results of the development of science and technology. Thus the Indonesian Ulama Council interpretation is a contextual interpretation by taking into account the current context in addition to the context of *asbabun nuzul* ayat and *asbabul wurud* hadith. Every decision issued by the Indonesian Ulama Council tries to put the concept of benefit in it. Therefore, the study of seeking *illat* or *hikmah* is determined by law to be the main study in discussing contemporary problems. Based on this case, the

approach used is by doing the *maslahah* aspect.<sup>30</sup>

The position of the Indonesian Ulama Council in the constitutional system of the Republic of Indonesia, as in Law Number 12 of 2011, is not a type of legislation that has binding legal force. The Indonesian Ulama Council fatwa has no sanctions and does not have to be obeyed by all citizens. The Indonesian Ulama Council fatwa is only a legal opinion that can be followed and may not be followed. Implementing fatwas as a form of personal religious observance, not as a legal obligation. If Muslims sincerely implement the fatwa, it could be as personal religious awareness, not as a legal obligation.<sup>31</sup>

In carrying out its duties, the Indonesian Ulama Council is given the mandate to provide fatwas and advice and provide legal answers to new problems.<sup>32</sup> Fatwas are considerations of Islamic law issued by the mufti or ulama either individually or collectively in response to questions posed or in response to problems that develop in society. Even though it is often considered not to have binding legal force. However, fatwas have a

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<sup>28</sup> Abdul Manan, *Reformasi Hukum Islam Indonesia* (Jakarta: Raja Grafindo Persada. 2006), 195-196.

<sup>29</sup> Yeni Salma Barinti, *Fatwa MUI Tentang Ekonomi Syariah dalam Sistem Hukum Indonesia* (Jakarta: Puslitbang Lektur dan Khazana Keagamaan Badan Litbang dan Diklat Kementerian Agama RI Tahun, 2012), 463-464.

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<sup>30</sup> Fatroyah Asr Himsyah, "Eksistensi dan Partisipasi Majelis Ulama Indonesia dalam Pengembangan Hukum Islam", 57-58.

<sup>31</sup> Al Fitri Johar, *Kekuatan Hukum Fatwa Majelis Ulama Indonesia dari Perspektif Peraturan Perundang-Undangan di Indonesia*, 5.

<sup>32</sup> Panji Adam Agus Putra, "Kedudukan Sertifikasi Halal dalam Sistem Hukum Nasional sebagai Upaya Perlindungan Konsumen dalam Hukum Islam", 160

significant role in providing religious legal considerations to the Muslim community from the past until now.

The authority of the Indonesian Ulama Council as a fatwa is inseparable from the function of the Indonesian Ulama Council, which is specified in Article 4 of the Indonesian Ulama Council's Articles of Association and Bylaws, namely that Indonesian Ulama Council functions; (1) as a forum for deliberation of the ulama, leaders and Muslim scholars in protecting the people and developing their Islamic lives, (2) as a forum for gathering Muslim scholars, zuama and scholars to develop and practice Islamic teachings and establish *ukhuwah Islamiyah*, (3) as a forum that represents Muslims in relations and consultations between religious communities, and (4) as a legal opinion giver to Muslims and the government, whether requested or not.<sup>33</sup>

Scholars have known about the glory and influence of fatwas in Islam and human life. Therefore, they put forward three things, including:

- a. Fear of giving fatwas, in the sense that they are very careful in giving fatwas, sometimes they even stay silent and give fatwas on something if they still have doubts
- b. Denying people who have fatwas without knowledge, the Salaf scholars deny people who

participate in the field of fatwas while he is not worthy of doing so. Moreover, they consider it a loophole of corruption in Islam and even a big evil that must be prevented

- c. Science and knowledge of the mufti, a mufti who is a substitute for the prophet must have extensive knowledge of Islam, master the arguments about Islam, namely the Al-Qur'an and hadith, understand Arabic language, understand life and humans, in addition to understanding fiqh and have the ability to perform extrapolation (*istinbath*).<sup>34</sup>

The role of the Indonesian Ulama Council is to provide fatwas, especially issues related to Islamic law. As a fatwa-giving institution, the Indonesian Ulama Council accommodates and channels the aspirations of Indonesian Muslims who are very diverse insects and understandings as well as religious organizations.<sup>35</sup>

Muslims need the Indonesian Ulama Council fatwas to be a guide when dealing with problems in the life of the people. Fatwa is one of the main components of the existence of the Indonesian Ulama Council. Talking

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<sup>33</sup>Slamet Suhartono, "Eksistensi Fatwa Majelis Ulama Indonesia dalam Perspektif Negara Hukum Pancasila", 450.

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<sup>34</sup> Yusuf Qardhawi, *Fatwa Antara Ketelitian dan Kecerobohan*, trans. As'ad Yasin (Jakarta: Gema Insani Press, 1997), 15-24.

<sup>35</sup> Hasil Rakernas Tahun 2011, *Pedoman Penyelenggaraan Organisasi Majelis Ulama Indonesia* (Jakarta: Sekretariat Majelis Ulama Indonesia Pusat, 2011), 10-13.

about fatwas, it will not be separated from the clerical organization. The fatwa issued by the ulama is one of the concepts of *ijtihad*, which aims as a legal basis for an activity that can be religious or non-religious. The existence of a close correlation between fatwa and *ijtihad* shows that it automatically strengthens the position of *ijtihad*. The fatwa is the result of *ijtihad* by scholars or experts who are able to explore Islamic law, then the results of the *ijtihad* are poured into religious forms, both verbal and tuffak. With the fatwa and *ijtihad*, the teachings of Islam will develop rapidly to all corners of the world; at the same time, Islam will be solid and popular in this world. Therefore, it is very appropriate to say that the progress of the Islamic community in exploring its teachings depends on the fatwa and *ijtihad*. Without a fatwa and *ijtihad*, Islamic teachings are underdeveloped and even almost static because pure inspiration in exploring Islamic teachings ideally goes through an *ijtihad* process which is then poured in the form of an accountable religious fatwa.<sup>36</sup>

Fatwas in Islamic law have a fairly dominant role in providing legal considerations among the people, even though they do not have binding legal force. In the context of legal provisions in Indonesia, fatwas are not rules that

must be followed and enforced. The position of the Indonesian Ulama Council fatwa for Muslims is very important because it is used as a reference and is made and issued by people who have authority in the religious field. The Indonesian Ulama Council fatwa is one of the people's demands who need certainty in answering problems. Mahfud MD stated that the position of the Indonesian Ulama Council is a study of law, including Islamic law. Therefore, the issue of the position of the fatwa, which is not binding, can be explained from both national law and Islamic law itself. The existence of the Indonesian Ulama Council itself is as a guide for the people as well as a bridge between the people and the government.<sup>37</sup>

#### 4. Conclusions

The authority of the Indonesian Ulama Council in certifying halal products in determining halal products is products with clear legal status, whether in the form of food, beverages, cosmetics, and medicines that Muslim consumers can consume. In addition to having a clear legal status, the Indonesian Ulama Council halal certificate must also include a halal certificate logo to provide legal

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<sup>36</sup> Abdi Wijaya, "Respon Lembaga Fatwa terhadap Isu Fikih Kontemporer (Studi Komparatif Lembaga Fatwa MUI, Majelis Tarjih Muhammadiyah dan Bahtsul Masail NU)", *Jurnal Mazahibuna*, Vol.1, No. 2 Desember 2019, 180-181.

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<sup>37</sup> H. Khairuddin, *Kedudukan Fatwa Majelis Ulama Indonesia dalam Perspektif Tata Hukum Indonesia, Hasil Penelitian Individual* (Lampung: Lembaga Penelitian dan Pengabdian Kepada Masyarakat Universitas Islam Negeri Raden Intan Lampung, 2017), 85

protection and certainty for the rights of Muslim consumers with the intention that Muslim consumers do not consume non-halal food. Islam also stipulates the halal terms, including halal in substance, halal in how to obtain it, halal in processing it, halal in its storage, halal in its transportation, and halal in its presentation. The effectiveness of halal certification application on each product is food, beverage, and cosmetic products circulating in the community. This shows the low obligation of business actors to follow the legal provisions of halal certification. The authority of the Indonesian Ulama Council in certifying halal products from a *siyasa syar'iyah* perspective is a fatwa in Islamic law, which has a fairly dominant role in providing legal considerations among the people, even though it does not have binding legal force. However, in the context of legal provisions in Indonesia, fatwas are not rules that must be followed and enforced. The position of the Indonesian Ulama Council fatwa for Muslims is very important because it is used as a reference and is made and issued by people who have authority in the religious field. The Indonesian Ulama Council fatwa is one of the demands of the people who need certainty in answering the problems of the people.

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