

# **Consumer Protection Using Certification of Halal Food Products Offered Through the Website**

**Rina Arum Prastyanti, Indra Hastuti, and  
Faulinda Ely Nastit**

Computer Science Faculty, Universitas Duta Bangsa, Indonesia

Corresponding Authors: rina\_arum@udb.ac.id

## **Abstract**

The purpose of this study is to know the form of consumer protection using halal certification of food products offered through the website and effectiveness of consumer protection using halal certification of food products offered through the website. This study is a legal policy research with a qualitative approach with grounded research models. Subjects in this research are based on e-commerce websites. Data collection techniques used were observation, and documentation. Examination of the validity of the sources of data using triangulation techniques, while the data analysis using inductive analysis techniques. The research of data that has been collected, then processed and Analyzed using qualitative analysis techniques. Indonesia has sought to create regulations Aimed at protecting consumers especially in terms of halal food products offered through the website. But the regulation is not effective enough in protecting consumers who buy food products through the website. Ineffective legal protection for consumers due to the lack of law enforcement, facilities and infrastructure that support the implementation of consumer protection of kosher food products purchased through the website, the legal culture is ashamed to report the loss to law enforcement officers, the public does not understand the rights and obligations as consumers and business actors Using electronic transactions.

**Keywords:** consumer protection, halal food, e commerce

## Introduction

The Internet brings the world economy into a new phase that is more popular with the term economic digital or digital economy. As a technology-based trade, commerce has reformed conventional commerce where the interaction between consumers and companies previously made directly into indirect interaction. E-commerce has changed the classic business paradigm by fostering models of interaction between producers and consumers in the virtual world. The trading systems used in commerce are designed to sign electronically. The electronic signing is designed starting from the time of purchase, inspection and delivery. Therefore, the availability of correct and accurate information about consumers and companies in e-commerce is an absolute requirement (Barkatullah & Prasetyo 2005). The problems arising from the liberalization of trade through the Internet appear to surface in the form of complaints consumers of goods or services consumed.

Indonesia has the fourth largest population in the world, on the condition that Indonesia is a good market for all businesses so it is no wonder if today with e-commerce sites that sell imported goods Including many food products. One of the companies engaged in Korean food & beverages business launched the latest online shopping service called SamWon Shop site. The experienced SamWon Group this online site can be accessed at [www.samwon-shop.com](http://www.samwon-shop.com) which sells a wide range of special products imported from ginseng country. Not only selling food and beverage products, SamWon Shop also sells product variants ranging from K-fashion, K-beauty to K-accessories. The goal of SamWon Shop's online shopping service is to reach a wider market so people easily consume and enjoy Korean products with affordable prices (Yang et al. n.d.). In addition, the famous shopping system is easier and more convenient to run when it can help consumers save time and even cost. So, consumers all over Indonesia Easily can try a variety of Korean products just by visiting sites that can be accessed from anywhere.

Not only the sites mentioned above, but also many imported food products are sold through the marketplace such as [Aladdin.com.sg](http://Aladdin.com.sg), [SamGoi's Tee Yih Jia Foods.com](http://SamGoi'sTeeYihJiaFoods.com), [jualansnack.com](http://jualansnack.com) and many more. From some websites that sell food products there is no logo of halal certification business even though the actor describes the food items sold on the halal sites.

Religion has always played an important role in influencing cultures. Islam, a religion of more than one billion followers spread across the world, heavily affects a large part of the world's population purchasing behavior, habits, and lifestyle.

With the rapid growth of the global halal market, a large number of standardization and certification organizations have been established worldwide. With the increase of demand for Halal meat products, halal certification and halal traceability must be given more attention to satisfy consumers. The complexity of the online environment and the risks consumers will face, as well as the lack of consumer understanding of the rights and obligations of online purchasing, this condition has resulted in the importance of protecting business consumers in e-commerce especially in terms of protection against the guaranteed halal food products sold through the website.

The subject of this research is to know the form of consumer protection through consumer protection through the halal certification of food products offered through the website.

### **Research Methods**

This study is a legal policy research with a qualitative approach with grounded research models (Soekanto & Soerjono 1986). Subjects in this research are based on e-commerce websites. Data collection techniques used were observation, and documentation. Examination of the validity of the sources of data using triangulation techniques, while the data analysis techniques use inductive analysis. The research of data that has been collected, then processed and Analyzed using qualitative analysis techniques that steps are as follows:

#### **1. Data Reduction**

Data Reduction is defined as the process of selecting focusing on simplification, abstraction and transformation of the raw data contained in records Obtained in the field.

#### **2. Presentation of Data**

Form of a set of information that has been arranged by roommates Gives the possibility of drawing Conclusions and taking action.

#### **3. Withdrawal conclusion and verification**

The conclusion is the final step in the analysis of data. Drawing Conclusions based on the data reduction (Miles et al. 1992).

### **Result discussion**

The Organization for Economic Co-operation and Development (OECD; which has a membership of more than 35 countries have now made the regulations that have been agreed by the OECD and member of the World Trade Organization since 1997 that members agree their food safety and quality both in terms of materials, processing, distribution and halal (OECD 1999).

Similarly in Indonesia, Article 29 paragraph (2) of the Constitution of the Republic of Indonesia Year 1945 gives the state guarantees the freedom of each citizen to profess his own religion and to worship according to their religion or belief in it. one of the government's efforts to carry out the mandate is to provide protection and assurance of halal products that are consumed and used by the people. security implementation of Halal products aimed at providing comfort, security, safety, and the certainty of availability of Halal products for masyarakat in the consumption and use of products, and increase the added value for the business communities to produce and sell Halal products in the era of advanced science and technology that allows mixing between the clean and unclean both intentional and unintentional (Republic of Indonesia 2014).

### **The concept of Halal Products**

According to Muslim law, halal means lawful religiously acceptable. Muslims can use or consume anything that has the halal sign on as the sign guarantees it is religiously acceptable. Halal is a concept of the principle of the rule of Islam, which is used to indicate that something is permitted or prohibited for consumption by Muslims on the basis of the Qur'an, hadith, or ijtihad (deal scholars). Halal means justified. His opponent "haram" means forbidden, or not justified according to Islamic law. While "thoyyib" means quality and not harmful to health (Sunhadji 2010).

Article 1 of Law No. 33 of 2014 on halal product assurance explains defining Halal products are products that have been declared lawful in accordance with Islamic law. Article 1 No. 2 Decree of the Minister of Health of the Republic of Indonesia Number 82 / Menkes / SK / I / 1996 on the Inclusion of writing Halal food labels, said the halal food are all kinds of foods and beverages that do not contain elements or substances prohibited / illegal and or processed / processed according to Islamic law.

### **Legal protection of consumers through certification of Halal food products offered through the website**

Food is a basic human need. This means that food is a basic requirement that must be met. Scarcity or error information to the food will misrepresent and harm consumers. A wide variety of businesses and the way in providing information, among others, by directly or through communications media (advertising) or included in the labels of goods or services. Thus the purpose of the information of a product, whether delivered directly or through advertising



and labeling, not only for the expansion of the market, but also for the security and safety of consumers. Food is anything that comes from biological sources of agricultural products, agriculture, forestry, fisheries, livestock, water, and water, whether treated or untreated were applied as a food or beverage for human consumption, including food additives, food raw materials, and other materials used in the preparation, processing, and / or manufacture of food or drink (Article 1 paragraph 1 of Law No. 18 of 2012 on food)

Protection of consumers contained in Article 8 (1) hAct No. , 8 of 1999 on Consumer Protection Which states that business operators are prohibited from producing and / or trading goods and / or services that do not comply are halal production, as well as a statement of "halal" included in the label. Penalties for businesses that violate the provisions of Article 8 of Law No. 8 of 1999 on Consumer Protection under Article 62 paragraph (1) of the Consumer Protection Act are punishable by imprisonment of five (5) years or a maximum fine of Rp 2,000,000,000.00 (two billion).

From the wording of Article 8 (1) of Act No. 8 of 1999 on Consumer Protection In the above is clear that if the seller lists the halal label, then the goods sold must comply with the specified label. Arrangements regarding the halal label on food products as a form of protection of Indonesian society that the majority of the population is Muslim contained in Law No. 18 of 2012 concerning Food and Government Regulation No. 69 of 1999 on Food Label and Advertisement. Pursuant to Article 95 paragraph (1) of Law No. 18 of 2012 on Food, the government is monitoring the implementation of the halal product assurance system required to food.

In terms of protection against imported food products traded in the region of Indonesia, based on Article 97 of Law No. 18 of 2012 on Food, which reads:

(1) Any person who manufactures Food in the country to be traded is required to include a label on the inside and / or on Food Packaging.

(2) Every person who imports to be traded is required to include a label on the inside and / or in the Food Packaging at the time of entering the territory of the Republic of Indonesia.

(3) Labeling in and / or on Packaging Food referred to in paragraph (1) and (2) written or printed using Indonesian as well as at least contain information on:

- a. product name;
- b. the list of ingredients;
- c. net weight or net contents;

- d. names and addresses of the parties manufacture or import;
- e. kosher for required;
- f. date and production code;
- g. date, month and year of expiration;
- h. marketing authorization number for Processed Food; and
- i. Food ingredients specific origin.

(4) Information on the label referred to in paragraph (3) is written, printed, or displayed expressly so easily understood by the public.

Any person who violates the provisions referred to in Article 97 paragraph (2) of Law No. 18 of 2012 on Food shall take it out of the territory of the unitary Republic of Indonesia or destroy imported food. Similarly, referred to in Article 102 paragraph (2) of Law No. 18 of 2012 on Food.

Similarly, mentioned in Article 5 of the Decree of the Minister of Health of the Republic of Indonesia Number 82 / Menkes / SK / I / 1996 on the Inclusion of Halal writings on food labels, manufacturers or importers that have the words "Halal" shall be responsible for the halal food. Article 8 of the Decree of the Minister of Health of the Republic of Indonesia Number 82 / Menkes / SK / I / 1996 on the Inclusion of writing Halal food labels, mentions that the manufacturer or importer shall apply for the inclusion of the words "Halal" shall be ready to be examined by an official appointed by the Director-General.

Based on the exposure of the above, the government has sought to provide protection to the consumer in terms of halal food products through regulations that govern the process of certification of halal food products. on that basis it can be analyzed that businesses have an obligation to include a label on the inside and / or on the packaging of food at the time enter the territory of Indonesia, including the case in which import food business operators shall state the halal label on imported food to be sold in Indonesia.

### **The effectiveness of consumer protection through the certification of kosher food products offered through the website.**

Indonesia is a state based on law (rechtsstaat) and not the state of the power (machtstaat), then the position of the law is placed on top of everything. Every action must be in accordance with the rule of law without exception (Asshiddiqi 2006). Law can be said to be effective in the event of a positive legal impact. Thus the law to reach the target in guiding or transforming human

behavior (so that it becomes legal behavior). In the explanation of the Constitution of 1945 stated that:

"Constitution of a country is only part of the legal basis of the country. Constitution is the basic law that is written, being beside the Basic Law applies also unwritten law, is the basic rules that arise and maintained in the practice of state administration, although unwritten ".

Sociologically, it is likely that the positive law written does not apply because it was ordered (or imposed) by the authorities, or because of pressure from groups, or because of perceived unfairness according to each individual. Thus, in reality it is not impossible, it applies the same three causes, so it can be said that the unwritten positive law is identical with the law of life (living law) (Soerjono 1983b). One of the important efforts to see to it that laws are effective (and therefore, have the effect of positive law), is to establish penalties. In fact, it's not too easy to establish that a particular law would certainly be effective, if accompanied by sanctions (both positive and negative). The threat of punishment to certain behaviors, not necessarily going to reduce the occurrence of crime, although it may in some communities was a decline in crime with the threat of these (Soerjono 1983b) penalties.

Factors that influence the effectiveness of the law (Soerjono 1983) is:

1. Legal / Law / Regulations

Government efforts to provide protection to the consumer through the certification of kosher food products offered through the website has been realized by making the rule of law / Act / Regulations, among others,

- a. the Act No. 8 of 1999 on Consumer Protection
- b. Law No. 18 of 2012 on Food, Law number 33 year 2014 on halal product assurance.
- c. Indonesian Health Ministry Decree No. 82 / Menkes / SK / I / 1996 on the Inclusion of Halal writings on food labels.
- d. Article 9 of Law No. 11 of 2008 on Information and Electronic Transactions stating that Entrepreneurs who offer products via the Electronic System must provide complete and correct information relating to the terms of the contract, the manufacturer, and the products offered. Prohibition for businesses is also regulated in Article 28 paragraph (1) of Law Number 11 Year 2008 on Information and Electronic Transactions, which reads, Every person intentionally and without right of spreading false news and misleading results in loss of consumer in Electronic Transactions.

e. Act No. 7 of 2014 on Trade

Article 65 paragraph (1) - paragraph (3) which states that Every Business communities trading of goods and or services using electronic systems required to provide data or information is complete and correct. Every business and prohibited goods or services using electronic systems which do not conform with the data or information referred to in paragraph (1). The use of electronic systems referred to in paragraph (1) shall comply with the provisions stipulated in Law No. 11 Year 2008 on Information and Electronic Transactions.

f. Government Regulation No. 58 Year 2001 on Development Supervision of Consumer Protection and Consumer protection are also contained in Article 1, which reads, Consumer Protection are all efforts that ensure legal certainty to provide protection to consumers.

g. Government Regulation No. 57 Year 2001 on National Consumer Protection Agency

The purpose of consumer protection set out in Article 1 paragraph 1, which guarantees the legal certainty to provide protection to consumers

h. Government Regulation No. 82 Year 2012 on the Implementation System and Electronic Transactions

Certification Reliability is a document stating the business communities which organize the Electronic Transactions have passed an audit or test the suitability of Reliability Certification Body as mentioned in Article 1 General provisions of Government Regulation No. 82 of 2012 on the implementation of the System and Electronic Transactions. Certificate of reliability typically used by business communities / Electronic System Operators in order to give confidence to consumers or the public on products / services that are collected.

## 2. Law Enforcement

In e-commerce purchase transactions do not rule out the possibility of default by one party. Remedies can be done by the injured party, the Consumer Protection Act has set in Chapter X of Article 45 and Article 48. Through the provision of Article 45 paragraph (1) of the Consumer Protection Act, it is known that to resolve consumer disputes do with two choices:

- a. Through the institution in charge of settling disputes consumers and businesses
- b. Through trial is general judicial environment

There are several principles that should be enforced as law enforcement of consumer protection solutions include (Ramli 2002).

- a. Enforce the prohibition categorized as an act of businesses that could hinder trade
- b. The prohibition on acts of businesses that result in reduced competition, containing the right to any members of the public to be allowed to run economic activity.
- c. Prohibition that enables businesses to not provide options for consumers, this prohibition is intended so that businesses do not seek the concentration of production and marketing activities.

Regulations on Reliability Certification Institute have been no specific rule set so far is only a discourse LSK contained in Government Regulation 82 of 2012 on the Operator System and Electronic Transactions. Indonesia does not have an institution that manages the trust logo (Trustmark) attached to the website businesses (Prasetyanti 2016).

### 3. Legal Culture

Culture of shame and are reluctant to report at the time of getting into trouble after using ecommerce. The conditions on the Act which is used to protect the consumer will not function optimally. Law enforcement does not know if there is a problem in the community about e-commerce, especially unprotected consumer Halal food products are sold through the website. The other side, communities have not been educated about the risks in using e-commerce. In addition, people do not understand their rights and responsibilities as consumers and businesses are using e-commerce.

Based on Authors analysis of consumer protection through the certification of halal food products offered through the website is not effective because based on indicators of effectiveness of the law according to Soerjono Soekanto still not fully met. In this case there is no special institution that handles the certification of halal food products on the website (Trustmark Halal) which provides that a food product sold or offered businesses through the website is Halal.

### Conclusion

Based on the results of research on consumer protection through the certification of halal food products offered through the website, the Indonesian

state has sought to make regulations that aim to protect consumers, especially in terms of halal food products offered through the website. However, these regulations are not sufficiently effective in order to protect consumers who buy food products through the website. Ineffectiveness of legal protection for consumers due to the lack of law enforcement, facilities and infrastructure that support the implementation of consumer protection halal food products purchased through the website, the legal culture embarrassed to report the loss to law enforcement, the public does not understand their rights and obligations as consumers and businesses that using electronic transactions.\*\*\*

## References

- Asshiddiqi, J., 2006. Indonesian Constitution and Constitutionalism, Jakarta: Secretariat General and Registrar of the Constitutional Court.
- Barkatullah, A.H. & Prasetyo, T., 2005. Business E-Commerce.: studi sistem keamanan dan hukum di Indonesia, Yogyakarta: Pustaka Pelajar.
- Miles, B, M. & Huberman, A.M., 1992. Qualitative Data Analysis, Jakarta: UI Press.
- OECD, 1999. Food Safety and Quality Trade Considerations: Trade Considerations, France.
- Prastyanti, R.A., 2016. Optimization of Certificate of Reliability (Trustmark) in order to enhance consumer trust and protect users of e commerce Indonesia. University March Surakarta.
- Ramli, A.M., 2002. Protection of the consumer in e-commerce transactions. Business Law Journal.
- Republic of Indonesia, 2014. Halal Product Guarantee,
- Soekanto & Soerjono, 1986. Introduction to Legal Research, Jakarta: UI Press.
- Soerjono, S., 1983a. Factors Affecting Law Enforcement, Jakarta: Rajawali Press.
- Soerjono, S., 1983b. Some Aspects of Socio Juridical Society, Bandung: Offset printing Alumni.
- Sunhadji, R., 2010. Understanding Halal and Haram According to Islamic teachings. Available at: <http://www.halalmuibali.or.id /pengertian-halal-dan-haram-menurut-ajaran-islam/> [Accessed March 1, 2018].
- Yang, H. et al., Yang, Haihong Xiaojian, Hu Yanli, Zhang Haining, Ding. An Integrate RFID Traceability system for the halal supply chain, 9(9), pp.351–360.