

Halalan Thayyiban: Implementation of Community's Participation in Local Halal Food Based on Indonesian Halal Product Assurance Regulation in Banten Province

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Abstract

The implementation of the community's participation related to halal product assurance regulated in Chapter VII, Articles 53-55 of Act Number 33 of 2014 concerning Halal Product Assurance (*Jaminan Produk Halal/JPH*) is an important issue to be deeply examined. Based on the pre-research, the community does not seem to have performed its role optimally based on JPH regulations on local halal food. Therefore, measuring the implementation of the provisions of the article is considered necessary as a reference that whether the regulation of the article has been carried out as it should, or whether more in-depth study and education in the community is needed. Therefore, research using empirical juridical research methods with an abductive approach, and qualitative methods of data analysis was carried out using primary and secondary data. Primary data is in the form of in-depth interviews with local food producers and consumers in Banten Province. Furthermore, secondary data are obtained from primary, secondary, and tertiary legal materials. The results of the study provide various facts in the community that community's participation based on regulations has partially run,

and minors in some circumstances, namely, the community's participation on implementation local halal food based on the JPH Act related to the concept of halalan thayyiban, the education on JPH regulations, and the supervision of local halal food circulation. Nevertheless, the community's awareness on fulfilling local halal food has been emerged. Subsequently, the public education on local halal food by the government and stakeholders is the main thing in increasing community participation.

Keywords: Community Participation, Indonesia Halal Product Assurance Regulations, Local Halal Food.

Introduction

Private food law be established in the study of human relationships with each other to meet their own food needs regarding individual citizens and influence relationships between individuals (Gordon, 2015). Food products, such as rice, cassava, and wheat are purchased privately by the community as legal subjects to meet their daily food needs. In this sense, private food law is a privately made food law (Meulen, 2011). The government undertakes efforts in the field of public law that deal with issues affecting the general public or the state; society as a whole (Baumeyer, 2018). Furthermore, the role of government in public law, the set of rules governing the relationship between citizens and state organizers (Audiopedia, 2015), is government interference in regulating personal relations between groups of people so that conflicts can avoid. For example, for the issue of halal thayyiban, the Indonesian government has passed Law Number 33 of 2014 concerning Halal Product Assurance (JPH). In this regard, the term law *lex specialis derogat legi generali* (Dworkin et al., 2007) is used to strengthen General Law No. 18/2012 on Food.

Article 1, number 1 of Law No. 18/2012 on Food defines that food is everything derived from biological sources of agriculture, plantation, forestry, fishery, animal husbandry, water, and water products, both processed and unprocessed intended as food or beverages for human consumption, including food additives, food raw materials, and other materials used in the preparation process, processing, and/or manufacture of food or beverages. There are 17 Chapters and 154 Articles regulated in Law No. 18/2012 on Food (Ikomatussuniah, 2017) written in the State Gazette of the Republic of Indonesia Year Number 227 of 2012, with the following systematics

1. Chapter I on general provisions, provided for in Article 1.
2. Chapter II on the principles, objectives, and scope of regulation, set out in Articles 2-5.
3. Chapter III on planning, provided for in Articles 6-11.
4. Chapter IV on food availability; General, Domestic Food Production, National Food Reserves, Food Exports, Food Imports, Food Diversity, and Food Crisis are regulated in Articles 12-45.
5. Chapter V on food affordability: General, Food Distribution, Food Marketing, Food Trade, Stabilization of Supply and Prices of Basic Foods, and Food Aid, provided for in Articles 46-58.
6. Chapter VI on food consumption and nutrition: Food Consumption, Food Consumption Diversification, and Nutrition Improvement, regulated in Articles 59-66.
7. Chapter VII on food safety: General, Food Sanitation, Regulation of Food Additives, Food Regulation of Genetically Modified Products, Regulation of Food Irradiation, Food Packaging Standards, Food Safety and Food Quality Assurance, and Halal Product Assurance for the Required, regulated in Articles 67-95.

8. Chapter VIII on food labels and advertisements: Food Labels, and Food Advertising, regulated in Articles 96-107.
9. Chapter IX on supervision, provided for in Articles 108-112.
10. Chapter X on food information systems, provided for in Articles 113-116.
11. Chapter XI on food research and development, provided for in Articles 117-125.
12. Chapter XII on food institutions, provided for in Articles 126-129.
13. Chapter XIII on community participation, provided for in Articles 130-131.
14. Chapter XIV on the investigation, provided for in Article 132.
15. Chapter XV on criminal provisions, provided for in Articles 133-148.
16. Chapter XVI on transition, provided for in Article 149.
17. Chapter XVII on closing provisions, provided for in Articles 150-154.
18. Chapter XVIII.

Food regulation is applied substantially and structurally as the basis for policy formulation. Thayyiban halal food law regulates in Article 95 Chapter VII on food safety. Furthermore, the halal thayyiban food law implementation shall be underpinned by the effectiveness of law enforcement. Therefore, the synergy of Indonesian food law with Islamic teachings is indispensable. Furthermore, the government enacted Law Number 33 of 2014 concerning Halal Product Assurance. The 1945 Constitution states that the state guarantees the freedom of every citizen to profess his religion and worship according to his belief. Furthermore, to ensure that every religious believer practices their religion, the state obliges to ensure food security and halal status, especially for Muslims. Legal certainty on these matters regulates in the Act of Halal Product Assurance (JPH) with the following regulatory points are as follows

- a. Ensure the availability of halal products. Halal Product Process (Halal Product Process or PPH) is defined as a series of activities to ensure the halalness of a product, which includes the provision of materials, processing, storage, packaging, distribution, sale, and presentation of products.
- b. The government is responsible for organizing Halal Product Assurance (JPH) to provide public services, where the implementation of the JPH delegates to the Halal Product Assurance Organizing Agency (BPJPH). BPJPH collaborates with ministries and institutions, the Indonesian Ulema Council (MUI), and the Halal Inspection Agency (LPH).
- c. Business actors obtain halal certificates by applying for halal certificates from BPJPH. Then the completeness of the documents is checked by BPJPH. Furthermore, inspection and/or testing of halal products by LPH carries out. LPH obtained accreditation from BPJPH in collaboration with MUI. The determination of halal products through a trial carries out by an MUI Fatwa in the form of a decision on the determination of halal products signed by the MUI. Finally, halal certificates are issues by BPJPH based on the MUI Halal Product Decision.
- d. Halal certification fees are charged to business actors who apply for halal certificates. The law provides a role for other parties to facilitate the cost of halal certification for micro and small enterprises.
- e. LPH supervision carries out by BPJPH to ensure the implementation of JPH, the validity period of halal certificates, the halal status of a product, halal labelling, inclusion of haram information, separation of locations, places and process equipment, storage, packaging, distribution, sale, and presentation between halal and haram products; the presence of halal supervisors; and/or other activities related to JPH.

f. Violators of this act will be subject to administrative and criminal sanctions. Based on pre-research, the unawareness role of people in halal product assurance emerged. Food and beverages found have not halal certified due to low awareness of business actors and human resource capabilities (Ramadani, 2022). Community participation should be assessed in ensuring the independence of Bantenese local food security. Subsequently, the local food in Banten has a premium quality and is economically competitive. Local food in Banten, for example, is processed products made from purple sweet potato, yellow pumpkin, cassava flour, suji leaves, moringa leaves, spinach, taro beneng, and red ginger (Disketapang, 2021).

Based on Article 1 paragraph (4) of Indonesian Act Number 18 of 2012 concerning Food regulates food safety and must not conflict with religion, faith, and culture. Furthermore, it is explained in Article 1 number (6) of the Food Act that the production process includes production, preparation, processing, manufacturing, preservation, packing, repackaging, and changing the form of food (Ikomatussuniah et al., 2021). Halal Product Assurance in Indonesia is a guarantee given and protected by the government for Muslim consumers. Regarding halal food, the government guarantees that Muslim communities get their right to produce, purchase, and consume foods. Halal food regulation is explained in Act No. 34 of 2014 concerning Halal Product Assurance (UU-JPH).

Latest, a study by Riza et al (2022) suggested that all key parties such as associations, institutions, and individuals have their precise role in assuring that food is Halal and its production processes are in accordance with the Shari'ah obligations. Therefore, the community's participation in JPH needs to be studied to measure to what extent it has been through. The measurement of community participation implementation will use the halal product assurance regulation. Based on it, data in the field analysed in whether the community participation in JPH based on Articles 53-55 of the Act-JPH has been carried out properly or needs to evaluate, and education to the community related to halal awareness also needs to be carried out by stakeholders (Ikomatussuniah & Mohas, 2022). How to overcome the situation is things that want to be known and explained in this study through the problem formulation.

Literature Review

Based on the Quran, the verse that explains the term "Halal-thayyib", especially related to food products states about food or halal food is: "O man! Eat of the lawful and good (food) found on earth, and do not follow the steps of Satan. Truly, Satan is a real enemy to you." (Al-Baqarah: 168); "And eat of what Allah has given you as lawful and good sustenance and be fearful of Allah whom you have faith in Him." (Al-Maidah: 88); "Then eat of some of the spoils of war that you have obtained, as lawful and good food, and fear Allah. Truly, God is merciful, most merciful." (Al-Anfal: 69); "Then eat what is lawful again good from the sustenance that Allah has given you; and give thanks to God's favour, if you only worship him." (QS An-Nahl: 114).

Halal and thayyib food are foods recommended by Islam for the benefit of mankind. As explained in Sura al-Maidah: 87-88, "O believers! Do not forbid what is good that Allah has lawful to you, and do not transgress the limit. Surely God does not like those who transgress boundaries." (Al-Maidah: 87); "And eat of what Allah has given you as lawful and good sustenance, and fear Allah whom you believe in Him" (QS Al-Maidah: 88). In addition, halal food of marine origin is described in Sura al-Maidah: 96, "It is lawful for you sea game and food (that comes) from the sea as a delicacy for you, and for those who are on the way; and

it is forbidden upon you (to catch) land animals, as long as you are in ihram. And fear Allah to whom you will be gathered (again)". While the type of animal that can be consumed is explained in Sura al-Hajj: 30, "Such is (Allah's commandment). And whoever exalts what is honourable in the sight of Allah (*hurumat*) then he should be with his Lord. And it is lawful for you all livestock, except those that are explained to you (their haram), so stay away from you (worship) the unclean idols and stay away from lying words". It is further explained in Sura Al Baqarah: 173 that, "Verily He only forbids upon you carrion, blood, pork, and (flesh) animals slaughtered by (name) other than Allah. But whoever is compelled (to eat it), not because he wants it and does not (also) transgress the limit, then there is no sin for him. Truly, God is merciful, merciful." Furthermore, it is explained that "It is forbidden for you (to eat) carrion, blood, pork, and (flesh) animals that are slaughtered not in the (name of) Allah, those who are suffocated, those that are struck, those that are fallen, those that are horned, and those that are pounced upon by wild animals, except those that you have slaughtered. And (it is forbidden anyway) to be slaughtered for idols. And (it is also forbidden) to draw fate with *azlam* (arrows), (because) it is an ungodly act. Today the unbelievers have given up hope to (defeat) your religion, so do not fear them but fear Me. This day I have perfected your religion for you, and I have satisfied My blessings for you, and I have pleased Islam as your religion. But whoever is compelled because he is hungry, not because he wants to sin, then verily, Allah is most forgiving, most merciful" (QS.Al-Maidah: 3).

Halal-certified food has now become a consumer trend. The circumstance is not only based on the needs of sharia for Muslims but also the awareness that the process of achieving halal certification has gone through several stages related to health and food safety. The various policy changes made are also part of Indonesia's halal strategy in competing but also a protection of citizens (Fithriana & Kusuma, 2018). Halal product assurance is a guarantee - every product that already has certification- is safe for consumption, especially for Muslim consumers (Hamberi & Saputra, 2016).

As a form of government attention, a law on halal product assurance was made as a legal umbrella to provide protection to consumers, especially Muslim consumers. The birth of Act Number 33 of 2014 concerning Halal Product Assurance emphasizes the urgency of the halal-haram problem in the production chain from business actors to reach consumers and be consumed by consumers, where there is also the role of intermediaries such as distributors, sub-distributors, wholesalers, and retailers before reaching the hands of the consumer. The implementation of consumer protection related to halal products is regulated on Law Number 8 of 1999 concerning Consumer Protection and Government Regulation Number 69 of 1999 concerning Food Labels and Advertising, one of which regulates the obligation of producers to check the halalness of their products first before including the "halal" label on their products. So, with the establishment of the Act on halal product assurance, the government pays great attention and guarantees that all products circulating in the community must have halal certification from MUI, so consumers feel satisfied and get protection, especially Muslim consumers (Nur, 2021).

As a trade commodity, food has a significant role in improving the image of national food in the international world. Furthermore, at the same time earning foreign exchange and food safety should get serious attention. The Halal Product Assurance Act aims to provide comfort, security, safety, and certainty of the availability of halal products for the public in consuming and using products so that people get inner peace in purchasing and using goods. Certification and labels on food products become measuring and controlling tools so as not to harm and endanger consumers. Halal certification on food products has a decisive function and role not only from the consumer side (society) but also from the perspective of business

actors. Consumers need food products that are safe for consumption, disease-free, nutritious and healthy and bring a wave of inner peace -uncontaminated with non-halal ingredients-. From the business side, they need loyal consumers as the target of marketing the products they produce. Nowadays, halal food is not only required for Muslim communities but has become an urgent need for non-Muslim communities. This phenomenon is understandable scientifically, food that is declared halal is safe and healthy, and the world community's awareness of the importance of halal food has increased. Encouraging the issuance of regulations and policies is helping consumers and business actors with legal certainty.

Regarding timing, the Halal Product Assurance Act is left behind compared to Malaysia and Singapore, which have gone so far in responding to halal food needs. Both countries even have halal ports that are the entry point for the exported goods to Middle Eastern countries or countries that require imported products to be halal certified. As the most populous Muslim-majority country in the world, Indonesia should be able to catch up so that it is not only used as an object of marketing products from other countries, and it can be started by encouraging the issuance of progressive halal policies (Hidayat & Siradj, 2015).

The halal certification is a process of clarifying vague halal products by tracing starting from the preparation stage of raw materials, the production stage, to the storage stage, and how to control them to be consistently halal. So, halal certification is applied to products that still contain vague aspects of halal, so it needs to be ensured. The purpose of halal certification is to provide certainty of the halal status of a product as a form of fulfilment of consumer rights.

Indonesia has Act Number 33 of 2014 concerning Halal Product Assurance promulgated on October 17th, 2014. The Act aims to provide protection, comfort, security, safety, and certainty in consuming and using halal products. Halal products themselves are products that are declared halal under Islamic law. Halal goods consumed are a must and require protection regulations. In the past, the application for halal certification by producers was still voluntary. However, after the enactment of the Law of the Republic of Indonesia, Number 33 of 2014 concerning Halal Product Assurance, the submission of halal certification by producers is mandatory.

The implementation of halal product assurance is still questionable, especially from business actors. Readiness from human resources such as auditors to the mechanism for obtaining the halal assurance label. In addition, there is also an assumption that this policy burdens micro, small and medium enterprises (MSMEs) who must pay so that their products get the halal label. A Muslim's need for halal products should be supported by halal assurance. However, not all products circulating in Indonesia have been guaranteed halal.

Halalan Thayyiban Food Law Concept

The logic of halal thayyiban food law is a theological concept. The term halal means "things and activities permitted by Shariah." This concept shows that Muslims should base all their activities, including consumption act to Sharia (Islamic law) (Ayuniyyah et al., 2017). Asnawi (2018) stated, "Halal" means "allowed"; objects or activities that are consumed or carried out according to sharia (provisions of Allah SWT and hadith of the Prophet Muhammad). Consuming halal products is obligatory for Muslims as described in the Qur'an" (View Quran 7:157; Quran 5:88; Quran 2:168; Quran 2:172-173).

"Halal" means "permissible"; objects or activities that may to be consumed or carried out according to sharia. The previous research conducted to emphasize the halal context. However, thayyib has not been described in detail and has nearly excluded. Thus, gaps arise

in the literature review and knowledge of halalan thayyiban food laws as a unified concept of thayyiban halal food laws based on Islamic teachings.

Islamic food law has governed by the principle of halalan thayyiban food in a unified concept. Thayyib translates as healthy, pure and good. However, Iqbal (2015) also states that "thayyib is thus understood to encompass all aspects of the physical, environmental, social, economic, and ethical footprint of a particular food". In this regard, Islam has specific rules about which foods are halal and thayyib and which foods should not consume in any way (haram). Based on Al-Qaradawi (1997), *"Good things are those which moderate people acknowledge to be wholesome, and which are approved by human beings in general without relation to the habits of a particular group. Allah Taala says: they ask thee what is lawful to them (as food). Say: whatever is good is lawful to you.... (5:4) He also says: Today whatever is good is made lawful to you.... (5:5)."*

Thayyiban Halal Food Regulation in Food Products In Indonesia

Mukhlisin (2016) states that the halal and thayyib context is a unison. However, the public and policymakers often ignore the term thayyib. Moreover, the general public does not understand halalan thayyiban food. People assume that halal food contains no pork and no alcohol and involves the slaughter of animals by Islamic means, which generally ignores the thayyib context. In Indonesian regulations, the thayyib context is explicitly not written, although the food rules require food products to comply. Laws and regulations related to halal thayyib food law in Indonesia are as follows:

1. Act No. 18/2012 on Food.
2. Act No. 33/2014 on Halal Product Assurance.
3. Act No. 41/2014 on Amendments to Law No. 18/2009 on Livestock and Animal Health.
4. Act No. 22/2019 on Sustainable Agricultural Cultivation System.
5. Act No. 11/2020 on Job Creation.
6. Government Regulation No.39/2021 concerning the Implementation of Halal Product Assurance.
7. Regulation of the Minister of Religious Affairs No. 112/2021 concerning the accreditation team of the halal inspection agency (*Lembaga Pemeriksa Halal/LPH*).
8. Regulation of the Minister of Religious Affairs No. 57/2021 concerning Service Rates for Public Service Agencies of the Halal Product Assurance Agency (*Badan Layanan Umum Badan Penyelenggara Jaminan Produk Halal/BLU BPJPH*).
9. Decree of the Minister of Religious Affairs No. 748/2021 concerning Types of Products Must Be Halal Certified.

Bukhori (2015) stated that the issue of halal needs more attention to providing guarantees for consumers when shopping for products. In addition to the supply chain, the halal thayyib aspect must examine. Thayyib is the quality that determines whether foods are consumables. According to Mukhlisin (2016), "The notions of halal and thayyib in Al-Baqarah (2): 168 and Al-Maidah (5): 88 mention two words 'halal' and 'thayyib'. In Surah Al-Baqarah, the verse means advocating that people eat anything on this earth only as long as it is halal and healthy. Whereas, in Surat Al-Maidah, the verse forbids a believer not to limit himself too much to live in the world. People are encouraged to enjoy the decent life exemplified by the Prophet Muhammad; One of them is to eat anything halal and holy." The verses are about halal thayyib, which means healthy, nutritious, and beneficial for the human body and mind (Kathir, 2018).

According to Mujiono (2016), halal labelling relates to sharia and Consumer Protection Law implementation in Indonesia. From an economic point of view, producers are producers

of products, and consumers are users of products. From a sociological perspective, the free-market system makes the relationship between producers and consumers increasingly tenuous. Halal certification determines by a fatwa issued by the Indonesian Ulema Council (MUI) to producers through trials by the MUI BPOM (Food and Drug Supervisory Agency) laboratory. Technically, people cannot self-detect halal or haram foods. For the circumstances, laboratory tests have required. However, it is expensive and very burdensome for people. The passivity of Islamic institutions and organizations such as NU, Muhammadiyah and others in defending the rights of Muslim consumers in the protection of halal thayyiban foods further aggravates the auspices of people's rights. The institution acts passively by waiting for community case reports, then responds by issuing fatwas or deliberations as a solution. The halalan thayyiban aspects on food productions are as follows

1. Process and handling raw materials. At this stage, it must confirm that there is no contact and contamination of non-halal materials with halal materials from the beginning to the end.
2. Place of processing of products. The separate production sites of halal and non-halal products.
3. Product processing machinery and equipment. The product processing machinery and equipment are not used interchangeably for halal and non-halal products.
4. Addition of additives. Additives should not come from products that are not halal, even though they have gone through the process.

Furthermore, Chapter VIII, Article 53 of the Act of Halal Product Assurance on community's participation are as follows:

(1). The community participates in the implementation of Halal Product Assurance.

(2). Community participation, as referred to in paragraph (1) are:

- a. conducting education on Halal Product Assurance; and
- b. Supervises Halal Products and Products in circulation.

(3). Community participation in the form of supervision of Halal Products and Products circulating as referred to in paragraph (2) point b in the form of complaints or reports to Halal Institution (Badan Penyelenggara Jaminan Produk Halal/BPJPH). Then, Article 54 of the Act of Halal Product Assurance explains that "BPJPH provides awards to people who participate in the implementation of Halal Product Assurance".

Research Design

This research is related to community participation in Halal Product Assurance, especially in local halal food products in Banten Province. From the pre-research, it is known that there are still many people who do not understand their role as mandated in Articles 53-55 of the Halal Product Assurance Act (*Undang-Undang Jaminan Produk Halal/JPH Act*). Therefore, this research is categorized as a field study that collects information through in-depth interviews and literature research.

The research conducted in Banten Province, and data collection carried out by conducting in-depth interviews with resource persons producers and consumers of local halal food related to the implementation of articles 53-55 of the JPH Act. The interview technique carried out with providing questions that have been prepared and recorded interview session. Furthermore, literature studies were carried out in the library of Universitas Sultan Ageng Tirtayasa, and the Regional Library of Banten Province.

The data used are primary and secondary data. Primary data was obtained using an in-depth interview method to producers and consumers of local food products by purposive sampling. Furthermore, primary data were obtained from primary legal materials based on

the order of laws and regulations, secondary legal materials derived from various writings, such as dissertations, theses, and scientific journals related to the object of research become reference sources. Research materials are obtained from data in the field and literature data containing all information regarding the implementation of community participation in halal product assurance.

The method used in this study is Qualitative Data Analysis (QDA) by applying thematic data analysis. Data collection carried out by interviews, then the recorded interview sessions were transcribed. Furthermore, the grouped transcriptions according to a list of questions compiled to answer the identification of the research problem. Grouping of possible themes, sub-themes and sub-sub-themes is carried out in accordance with the results of the research to answer the research problem. The next stage is conducting an analytical study with data interpretation based on existing regulations used. The final stage is conducting a paper.

Analysis and Discussion

The results of the study found that the less knowledge about the Act of Halal Product Assurance, the public does not acknowledge the BPJPH institution, the people have no comprehensive knowledge about halal certification, lack knowledge of halal certificate submission procedures, lack of information on the halal certificates' cost, uneven information and education of halal certification, local food business actors seem not grouped, less technical promotion and information on local food, high awareness of local halal food, and little possibility of mixing halal and non-local halal food, no complaints to BPJPH about the circulation of halal and non-halal products, and lack of awards for the implementation of halal products from the government. Furthermore, based on the findings, it can be concluded that there are two circumstances related to community participation in product assurance regulations: First, most of it has not been implemented based on existing rules, and small portions are carried out based on behaviour.

The weakness of community participation in the implementation of JPH

Related to what has not been done regarding Article 53 paragraph (1), which is community participate in halal product assurance, is the people have lack knowledge about the Act of halal product assurance and does not know the halal institution.

Table 1

Community Participation in Halal Product Assurance (JPH) Implementation

| Respondent (s) | People's participation on the halal product assurance (JPH) Act | People understanding on the Halal Agency (BPJPH) |
|----------------|---|--|
| R1 | unknowledgeable | unknowledgeable, and recognising BPOM |
| R2 | unknowledgeable | unknowledgeable |
| R3 | unknowledgeable | unknowledgeable |
| R4 | unknowledgeable | unknowledgeable |
| R5 | unknowledgeable | unknowledgeable |
| R6 | unknowledgeable | unknowledgeable |
| R7 | knowledgeable but do not comprehend | unknowledgeable |
| R8 | unknowledgeable | unknowledgeable |

Source: The data based on in-depth interview results (Researchers, June 2023)

Based on table 1, it shows that community participation in the implementation of JPH is minor due to public knowledge of the JPH Act and the Halal Agency is very low. Based on the findings of the interviewed respondents, the results obtained were that most of respondents did not recognise the JPH Act, and only a respondent acknowledge it but do not understand. Moreover, all respondents do not notice related the Halal Agency (BPJPH)

Minor education on JPH regulations

Based on the circumstances of the implementation of Article 53 paragraph (1), the participation of the community regulated further in paragraph (2), namely conducting education on JPH and supervising halal products and circulation, does not work. This circumstance is due to incomprehensive knowledge about halal certification, procedures for applying for halal certification, lack of information about the cost of halal certification, uneven information and education about halal certificates, and the weakness of technical promotion and information on local halal food.

Table 2

Education on JPH Regulations

| Respondent (s) | Halal Certificate Understanding | Understanding of Halal Certificate Application Procedure | Understanding of Halal Certificate Fees | Halal Certificate Education | Halal Local Food Promotion and Information Techniques |
|----------------|---------------------------------|--|---|-----------------------------|---|
| R1 | X | X | X | X | WhatsApp |
| R2 | √ | X | √ | √ | Face to face |
| R3 | X | X | X | √ | No respond |
| R4 | √ | X | X | X | No respond |
| R5 | X | X | √ | X | Face to face |
| R6 | √ | X | √ | √ | Face to face, WhatsApp, and Facebook |
| R7 | √ | X | X | √ | Face to face |
| R8 | X | X | X | X | No respond |

Note of the sign

1. X : Unknowledgeable
2. √ : Knowledgeable

Source: Results of in-depth interviews (Researchers, June 2023)

Table 2. describes that education on JPH regulations to the public is minor due to some circumstances

1. Incomprehensive knowledge of the halal certification understandings.
2. Lack of public understanding about the procedure for applying for halal certificates.
3. Less information about the fees for halal certificates.
4. Unequal information and education of halal certificates.
5. Minor technical promotion and information on halal local food.

Based on the results of interviews with 8 respondents related to education on JPH regulations knowledge about halal certification, half of the respondents understand the halal certificates and the rest do not understand. The circumstances describe that people's knowledge of halal certificates has not been comprehensive. Moreover, all respondents do

not comprehend the procedures for applying for the halal certificate. Furthermore, most people do not aware related the fees for the halal certificate, and the rest are noticing the cost of it, and they notice that it is free for the MSMEs business actors.

The education of halal certificate carried out by the government to the community has been partially implemented, this is based on the half of respondents claiming to have never received a halal certificate education program, and the other respondents have participated in halal certificate education that organized by the sub-district, public health centre, and from the village office. Moreover, the lack of promotion techniques and information on halal local food carried out by the community appeared. Simple techniques of promotion emerge by direct selling face-to-face, and through social media namely WhatsApp and Facebook.

Lack of supervision and reporting of local halal food circulation

Based on Article 53 paragraph (3), community participation in the form of supervision of Halal Products and Products circulating, as referred to in paragraph (2) point b in the form of complaints or reports to BPJPH, has not been carried out. The circumstances are emerged by the absence of complaints to halal institutions regarding the circulation of halal and non-halal products, the lack of awards for the implementation of halal products from the government, and local food business actors who are not in groups.

Table 3

Supervision and Reporting of Local Halal Food Circulation

| Respondent (s) | Complaints of Circulation of Halal and Non-Halal Products to BPJPH | Halal Product Award from the Government | Local Food Business Group Organization | Awareness in the Fulfillment of Local Halal Food | The mixing of Halal and Non-Halal Local Food |
|-----------------------|---|--|---|---|---|
| R1 | X | X | XX | Aware | X |
| R2 | X | X | XX | Not aware | X |
| R3 | X | √ | √√ | aware | X |
| R4 | X | X | XX | aware | X |
| R5 | X | X | XX | Not aware | X |
| R6 | X | X | XX | aware | X |
| R7 | X | X | XX | Not aware | X |
| R8 | X | X | XX | Not aware | X |

Note :

1. X: Never
2. XX: Do not joining
3. √: awarded
4. √√: Joining

Source: Results of in-depth interview (Researchers, 2023)

Table 3 describes that respondent had no complaints about halal and non-halal product circulation to the BPJPH. Furthermore, the implementation of halal product awards from the government found fewer. Of all respondents, only a respondent has ever received an award

from the government related to the taste competition. Moreover, local food business actors do not group into an organization. The circumstance creates difficulty in supervising the circulation of local halal food. The people have high awareness behaviour of local halal food fulfilment. Subsequently, people are aware of halal and non-halal local food, and there is a minor possibility of mixing halal and non-halal. It consistent with a study by Fathoni et al. (2022) which found a very high level of awareness on halal food among consumers in Indonesia. Then, public awareness of the fulfilment of local halal food is knowledgeable by respondents that pay attention to the quality of ingredients, how to make the process, and the packaging. From the consumer's side, the cleanliness of the seller is a must, and the materials used must clean from non-halal product contamination, such as pork oil. Nevertheless, the mixing of halal and non-halal local food is unlikely to find because most of the population is Muslim.

Conclusion

The implementation of community participation in local halal food security based on articles 53-55 of the JPH Law has not been fully implemented. The findings of the study found limited community participation, lack of education on Halal Product Assurance (*Jaminan Produk Halal/JPH*), and minimum of supervision and reporting on local halal food circulation. Although, some positive things have been carried out with high awareness from the community in fulfilling local halal food, so there is a small possibility of mixing halal and non-local halal food.

The lack participation of the community is marked by the less of public knowledge about local halal food regulations, and they do not recognise halal institutions in their area. Furthermore, lack of socialization about JPH is a further affair. The circumstances appear due to people do not have required knowledge on the halal certification, the application procedures, the costs, and the promotional techniques on local halal food information. Furthermore, on the system of supervision, complaints or reporting of local halal food has not fully implemented. It is indicated by the lack of complaints to the halal institution (*Badan Penyelenggara Jaminan Produk Halal/BPJPH*) regarding on halal and non-local halal food, the lack of appreciation for the implementation of halal products from the government, and local food business actors who are not in groups -the condition creates a difficulty to coordinate, and educate them from other business actors, government, and related stakeholders-.

Community participation is the frontline in guarding local halal food in maintaining food safety, halal certification, brand image, and quality perception of consumer purchasing interest, through health reasons or can be concepted as *thayyiban*. The concept of halal *thayyiban* in local food has potential and affects consumer buying interest both directly and indirectly. Thus, Banten as a regional government that has extraordinary potential with the availability of port, industrial and trade centres as well as the participation of religious communities has a strategic opportunity as a mecca brand image of the local halal *thayyiban* food system that can be implemented locally, nationally, and even internationally.

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References

Journal Article

- Asnawi, N., Sukoco, B. M., & Fanani, M. A. (2018). Halal products consumption in international chain restaurants among global Moslem consumers. *International Journal of Emerging Markets*, 13(5), 1273–1290. <https://doi.org/10.1108/IJoEM-11-2017-0495>.
- Audiopedia. (2015). Public Law. Retrieved August 19, 2020, from <https://www.youtube.com/watch?v=bWqpoqYK9Kw>.
- Ayuniyyah, Q., Hafidhuddin, D., & Hambari. (2017). Factors Affecting Consumers' Decision in Purchasing MUI Halal-Certified Food Products. *Tazkia Islamic Finance and Business Review*, 10(2), 122–143.
- Baumeyer, K. K. (2018). *Public Law vs. Private Law: Definitions and Differences*. Study.com. Retrieved from <https://study.com/academy/lesson/public-law-vs-private-law-definitions-and-differences.html>.
- Bukhori, I. B., Widodo, K. H., & Ismoyowati, D. (2015). Evaluation of Poultry Supply Chain Performance in XYZ Slaughtering House Yogyakarta Using SCOR and AHP Method. *Agriculture and Agricultural Science Procedia*, 3, 221–225. <https://doi.org/10.1016/j.aaspro.2015.01.043>.
- Disketapang. (2021). DUA UMKM BANTEN IKUTI EKSPON PANGAN LOKAL TINGKAT NASIONAL. Retrieved November 4, 2022, from <https://disketapang.bantenprov.go.id/Berita/topic/230>.
- Dworkin, R., Hart, H. L. A., & Avila, H. (2007). Lex Specialis Derogat Legi Generali. Retrieved August 14, 2018, from <http://www.oxfordreference.com/view/10.1093/acref/9780195369380.001.0001/acref-9780195369380-e-1303>.
- Fathoni, M. A., Suryani, S., & Sumilir, S. (2022). Determinant of consumer awareness toward halal food during the COVID-19 pandemic: Evidence from Indonesia. *IQTISHODUNA: Jurnal Ekonomi Islam*, 11(1), 67. <https://doi.org/10.54471/iqtishoduna.v11i1.1319>.
- Fithriana, A., & Kusuma, R. P. (2018). Implementasi kebijakan pangan halal Indonesia: Keunggulan kompetitif dalam tren pangan halal di Asia Tenggara. *Global Insight Journal*, 3(2).
- Gordon, J. M. (2015). Public Law and Private Law. Retrieved February 24, 2019, from <https://www.youtube.com/watch?v=IgvXhtRm5fo>.
- Hamberi, H., & Saputra, B. D. (2016). Implementasi Kebijakan Jaminan Produk Pangan Halal di Kota Palangka Raya Provinsi Kalimantan Tengah: Implementation of Halal Food Product Guarantee Policy in Palangka Raya City, Central Kalimantan Province. *Pencerah Publik*, 3(1), 16-23.
- Hidayat, A. S., & Siradj, M. (2015). Sertifikasi halal dan sertifikasi non halal pada produk pangan industri. *AHKAM: Jurnal Ilmu Syariah*, 15(2).
- Ikomatussuniah & Mohas, M. (2022). Institutional Logic Hukum Pangan Halalan Thayyiban Masyarakat Banten. *International Journal Mathla'ul Anwar of Halal Issues*, 2(2).
- Ikomatussuniah, bin Bustami, M. R., & Abdul Latip, A. R. (2021). Social constructs halalan thayyiban food law: A social scientific study into the insight of Muslim and Non-Muslim in Banten Indonesia. *Intellectual Discourse*, 29(1), 53–70.

- Ikomatussuniah. (2017). Hukum Pangan Indonesia. *Dinamika*, 41(1), 4–6.
- Iqbal, N. F. K. (2015). From Permissble to Wholesome: Situating Halal Organic Farms Within The Sustainability Discourse. *Islamic Sciences*, 13(1), 49–56.
- Kathir, I. (2018). A compilation of the Abridged Tafsir Ibn Kathir Volumes 1 - 10. In The English Language with Arabic Verses. *Tafseer*, 10, 1000.
- Riza, M. N. S., Ariffin, M. F., Hamdan, M. N., & Ramli, N. (2022). Halal Food: A Social Responsibility on Cartel Meat Issue in Malaysia. *Food Research*, 6(3), 92–100. [https://doi.org/10.26656/fr.2017.6\(3\).277](https://doi.org/10.26656/fr.2017.6(3).277).
- Mujiono, S. (2016). Perlindungan Konsumen: Regulasi Bisnis. *JEBI (Jurnal Ekonomi Dan Bisnis Islam)*, 1(Perlindungan Konsumen), 67–81.
- Mukhlisin, M. (2016). “Mana yang Halal dan Mana yang Thayib?” Retrieved May 5, 2019, from <https://money.kompas.com/read/2016/04/01/195030526/Mana.yang.Halal.dan.Man.a.yang.Thayib.?page=all>.
- Ramadani, A. (2022). *IMPLEMENTASI KEWAJIBAN SERTIFIKASI HALAL PADA PRODUK MAKANAN DAN MINUMAN UMKM DI KECAMATAN BEJI DEPOK Studi Implementasi Undang-Undang Nomot 33 Tahun 2014 tentang Jaminan Produk Halal*. UIN Syarif Hidayatullah. Retrieved from <https://repository.uinjkt.ac.id/dspace/handle/123456789/61188>.

Book

- Al-Qaradawi, Y. (1997). *The lawful and the prohibited in Islam*, El Falah Publication. (Sheikh Ahmad Zaki Hammad, Ed.). Egypt.
- Meulen, B. M. J. van der. (2011). Governing food chains through contract law, self-regulation, private standards, audits and certification schemes. In *Private Book Law* (p. 30). Wageningen, Netherlands: Wageningen Academic Publisher.