

# CONSUMER PROTECTION PERSPECTIVE BASED ON THE IMPLEMENTATION OF HALAL CERTIFICATION FOOD AND DRINKS AT THE RESTAURANT IN MAKASSAR

*by Sri Lestari Poernomo*

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# CONSUMER PROTECTION PERSPECTIVE BASED ON THE IMPLEMENTATION OF HALAL CERTIFICATION FOOD AND DRINKS AT THE RESTAURANT IN MAKASSAR

Sri Lestari Poernomo

<sup>1</sup>Department of Law, Indonesian Moslem University of Makassar, Makassar, Indonesia

## ABSTRACT

*Makassar has the largest Muslim population South Sulawesi reaching 88.33% of the number of restaurants and restaurants as many as 500 that have halal certification from the Institute for the study of Medicinal and Food Products (LPPOM) MUI Sulcells are only 11 or about 2.2% of restaurants that have halal certification. Preferred to Law Number 33 of 2014 concerning Halal Product Guarantee (JPH Law) which was only effectively implemented on October 17, 2019, as well as the first law in the world. With the JPH Law, it is hoped that the community, especially Muslims, can be guaranteed security, safety and availability of halal food products. The low number of restaurants that produce halal-certified food products is due to the lack of socialization of the government and related institutions such as LPPOM MUI South Sulawesi, causing public doubts. consume food products that do not have halal certification. Research objectives to find out and analyze (1) the level of legal awareness of consumers in consuming halal-certified food and beverage products in Makassar, (2) the level of legal awareness of business actors in implementing halal certification, (3) the role of the government and related institutions in socializing the halal of certification owned by restaurants. The analysis method used was descriptive quantitative by using the frequency distribution formula from the results of the accidental distribution of questionnaires to 99 respondents who were met in 11 restaurants spread across the City of Makassar. The results of the study found that (1) the level of legal awareness of consumers consuming food and beverage products in restaurants that are certified halal is very high, (2) the level of legal awareness of home business actors eating in implementing the continuity of idolatry certification and food products are still relatively moderate, the role of the government and related institution is very necessary for socializing halal certification of food and beverage products to business actors and the consumer community. In conclusion, the legal awareness of consumers buying and consuming halal-certified products is very high, but it is not followed by the higher legal awareness of business actors in organizing Halal Product Guar so a greater active role is needed from the government and related institutions in socializing and supervising the implementation of halal certification and there are strict sanctions for business actors who are proven to have committed violations.*

**Keywords:** Consumer legal protection, Awareness of business actors, The role of the government and related institutions.

## 1. INTRODUCTION

Indonesia has the position of the world's largest consumer country but is not a producer of the industry of halal goods/and or services, it is unfortunate if the huge potential with the largest Muslim population in the world is only satisfied with being a consumer country in where Indonesia is included in the list of countries with the 10th largest halal food consumption

expenditure in the world (Fauziah, 2018) [1], namely: Indonesia, Turkey, Pakistan, Egypt, Bangladesh, Iran, Saudi Arabia, Nigeria, Russia, and India. However, it has not yet entered the top 10 countries with the world's best halal food industry climate (Hartono, 2020) [2], namely: United Arab Emirates (UAE), Malaysia, Brazil, Oman, Jordan, Australia, Brunei Darussalam, Pakistan, Sudan, and Qatar.

The widespread opening of the national market as a result of globalization and technological advances can provide great opportunities for business actors to carry out economic activities that encourage the improvement of people's welfare. However, in the pursuit of profit, you must pay attention to the balance between the interests of business actors and the consumer community that can guarantee certainty over the quality (quality), legal certainty and halalness of the product, namely; guarantee the availability of the number of halal products, security, safety and comfort of consuming goods and /and/prices that are traded in the market. To protect and increase the dignity and dignity of consumers in choosing, buying and consuming halal products, legal awareness is needed, especially among business actors and consumers (through knowledge, understanding, attitudes, and behavior).

To build legal awareness, both business actors and consumers themselves, a greater role is needed from the government and related institutions in the implementation of halal product guarantees as regulated in Law Number 33 of 2014 concerning Halal Product Guarantees which are only effective on October 17, 2019 concerning Halal Product Guarantees in Indonesia. The implementation of the law requires business actors/restaurants to have halal certification which is directly supervised by the government together with the Institution of Drug and Food Products Supervision (LPPOM) of the Indonesian Ulema Council of South Sulawesi Province.

The implementation of halal products aims to create comfort, security, safety, and certainty of the availability of halal products for the Muslim community to choose, buy and consume according to their needs. The existence of halal certification for restaurants that produce food and beverage products will provide certainty guarantees in legal protection for consumers as mandated by Law Number 8 of 1999 regulates consumer rights, Article 4 letter a states consumers' rights to comfort, security, and safety in consuming goods and/or services. Thus, Muslim consumers have the right to a sense of comfort, safety, and safety in consuming food and beverage products served by restaurants in Makassar City. Therefore, before trading food and beverage products, restaurant business actors must first obtain halal certification from LPPOM MUI, South Sulawesi Province, and include the halal logo on the products and

facilities used to present their products in a transparent, honest, and ethical manner.

In protecting the interests of consumers in obtaining and consuming halal products, good, correct, and ethical governance is needed for the implementation of laws and regulations on guaranteeing Halal products. To realize good governance, serious attention is needed, especially by the government as the holder of the authority to implement the Halal Product Guarantee in Indonesia. The role that must be determined by the government and related institutions is to carry out socialization, supervision, and law enforcement if there are business actors in carrying out business practices doing acts of violation of the law in carrying out the halal certification he has.

The tendency to achieve high profits economically coupled with fierce competition in trying to encourage some halal-certified business actors to act fraudulently and dishonestly both in procurement and in the processing process, which in turn can harm the interests of consumers. Therefore, consumers need to be protected from the possibility of incurring losses as a result of such fraudulent behavior. Although there are provisions that are aimed at protecting consumers, especially consumers of ready-to-eat food products, in reality, there are consumers who are harmed and do not report them because of the perception that their implementation will not provide satisfaction for consumers. In addition to handing over to business actors as a form of responsibility, it is also necessary to have a prudential attitude for consumers in choosing and consuming food products produced by restaurants, especially those that do not have halal certification.

The results of Jannah's research (2019) [3] on the role of LPPOM MUI in socializing halal certification, especially in food and beverage products, can encourage business actors/producers to get halal certification. This research also shows that there are obstacles for LPPOM MUI in socializing halal certificates, namely the lack of funds in LPPOM MUI, cooperation between institutions and the government has not been well established. In addition, there is still a lack of legal awareness of business actors implementing halal certification and a lack of public legal awareness to report restaurants that are not halal certified.

Based on the description stated above, the purpose of this study is to find out and analyze, namely; (1) legal awareness of consumers in choosing, buying, and consuming food products that have halal certification at restaurants in Makassar City ; (2) legal awareness of restaurant business actors in Makassar City, and the role of the government and related institutions in socializing, supervising and cracking down on violations committed by certified business actors halal.

## 2. LITERATURE REVIEW

### 2.1. Consumer Protection

Consumer protection is the entirety of regulations and laws that regulate the rights and obligations of consumers and producers arising in their efforts to meet their needs and regulate efforts to ensure the realization of the legal protection of consumer interests (Sidobalok 2014:39) [4]. This can be in all buying and selling transactions, in person or online as is now increasingly prevalent. Even if there are transactions that do not go through face-to-face, consumers are still entitled to get goods that are by previous notice or goods that are following the promised.

### 2.2. Halal Certification

The MUI Halal Certificate is a written fatwa of the Indonesian Ulama Council stating the halalness of a product by Islamic law. This MUI Halal Certificate is a requirement to obtain permission to include halal labels on product packaging from authorized government agencies. MUI Halal certification on food products, medicines, cosmetics, and other products is carried out to provide certainty of halal status, and to calm the minds of consumers in consuming them. The continuity of the halal production process is guaranteed by producers by implementing the Halal Assurance System.

## 3. RESEARCH METHODOLOGY

This research approach is normative empirical juridical, which is a combination of normative research and empirical research, namely discussing and describing how to legally protect consumers of halal-certified food and beverage products in Makassar City by connecting legal theory and field practice, as Mertokusumo argued (2001) [5], normative research can be continued with sociological/empirical research. Normative

research is library research that is carried out by examining library materials (literature) and laws, as well as regulations). Sociological/empirical research is field research by collecting data in the field of research that has been determined using instruments in the form of questionnaires, supported by Sugiyono (2014) [6] a descriptive approach can be carried out to determine the existence of variable independently and not seeking a relationship of influence.

The object of this research is a halal-certified restaurant in Makassar City and the subject of the study is the consumer/customer of the restaurant with the consideration that this area has distributed mobility si and very high consumption of halal food products with the availability of a varied food menu (traditional and modern). The determination of the location of this study was associated with the cultural/cultural/habitual character of the people of Makassar City who had the habit of eating with family outside the home, friends, and individuals. The research was conducted in January-March 2020.

The population in this study is Muslim consumers/customers who choose, buy and consume halal food products both who come and are worshipped/served directly or who order through grab and gojek online facilities at halal-certified restaurants in Makassar City. The number of halal-certified restaurants/restaurants in Makassar City is 11 pieces with the number of consumers who come every day at least an average of 50 people and per month 1500 people so that it becomes 18,000 people/year (Survey of researchers, end of 2019 ). According to Nawawi (2001) [7] to determine the number of samples, an accidental sampling technique has used the determination the number of samples of Taro Yamane (Hamidi, 2010) [8], namely:  $n = N / Nd2 + 1$  with a significance level of 10%. So that the number of samples was obtained as much as  $N = 18,000 / 18,000(0.10)^2 + 1 = 99.45$  rounded to 99 people.

The technique of disseminating and collecting data using a written questionnaire to respondents of consumers of food and beverage products who are in a halal-certified restaurant in Makassar City. The distribution of questionnaires is carried out directly to consumers who are in restaurants and also through online facilities to consumers using grab, gojek and go food. In addition, it also

used interviews with LPPOM MUI South Sulawesi, a restaurant business actor that is halal certified, and BPOM South Sulawesi. Each consumer respondent was given one questionnaire and each restaurant was given 9 nine questionnaires and filled also for 9 customers who were currently inside the restaurant.

Analytical techniques that can be used to find out and analyze: (1) the legal awareness of consumers in choosing and consuming halal food products that have halal certification at restaurants spread across Makassar City, (2) the role of the Food and Drug Products Supervision Agency (LPPOM) MUI South Sulawesi, and (3) the legal behavior of restaurant business actors in Makassar City. The data analysis technique used is descriptive quantitative using the frequency distribution formula (Sugiyono; 2014).

#### 4. RESULT

Table 1(a) below shows the responses of respondents who perceived consumer legal awareness through the four indicators assessed, namely; knowledge, understanding, attitudes, and behavior, and each of these indicators translated into four halal Product Guarantees, skin; about security, comfort, safety, and availability of halal products. The respondents' responses through consumer knowledge translated into the four halal product guarantees have an average value (mean) of 83.08% so they can be categorized as very high. This means that consumers have the ability through their knowledge to assess the purpose of guaranteeing halal products very well so that they can create a very high awareness of consumer law.

| NO          | VALUATION                      | KNOWLEDGE |       | UNDERSTANDING |       | ATTITUDE |       | BEHAVIOR |       |
|-------------|--------------------------------|-----------|-------|---------------|-------|----------|-------|----------|-------|
|             |                                | F         | %     | F             | %     | F        | %     | F        | %     |
| 1           | Security                       | 88        | 88.89 | 84            | 84.38 | 89       | 89.89 | 86       | 86.87 |
| 2           | Comfort                        | 81        | 81.81 | 79            | 79.80 | 81       | 81.81 | 82       | 82.83 |
| 3           | Safety                         | 81        | 81.81 | 74            | 74.74 | 75       | 75.76 | 77       | 77.78 |
| 4           | Availability of halal products | 79        | 79.80 | 75            | 75.76 | 72       | 72.72 | 71       | 71.72 |
| Rata (Mean) |                                | 83.08     |       | 78.67         |       | 80.04    |       | 79.80    |       |

Figure 1(a) Description of Legal Awareness in Choosing and Consuming Halal Certified Products

The high awareness of consumers consuming halal products is largely determined by consumers dating with their families, because it can be believed that if the head of the family is a society

that obeys their religion (Islam), of course, all families who are invited to eat together will choose restaurants that have halal certificate labels. However, there are also nonmuslim consumers who choose and consume foods labeled halal, because they also believe that in addition to halalness, they also consider the specifics of the dignity of the food and beverage products served.

The important benefit of eating with family at a restaurant labeled halal certification is to strengthen silaturahmi more, it can also increase family identity immunity and last but not least is to provide halal education for their families. The results of this study are supported by research by Suyani et al (2020) [9] family consumers can help socialize halal products to all their families by introducing them directly and at the same time providing education to their family members about the importance of choosing halal food products.

| No          | Valuation                                         | Knowledge |       | Onthe mahaman |       | Attitude |       | Behavi |   |
|-------------|---------------------------------------------------|-----------|-------|---------------|-------|----------|-------|--------|---|
|             |                                                   | F         | %     | F             | %     | F        | %     | F      | % |
| 1           | Contents of the Halal Product Guarantee Law       | 72        | 72.73 | 55            | 55.56 | 57       | 57.58 | 52     |   |
| 2           | Halal Certification Labeling                      | 67        | 67.68 | 54            | 54.55 | 52       | 52.53 | 54     |   |
| 3           | Consistency of Halal Certification Implementation | 62        | 62.63 | 62            | 62.63 | 54       | 54.55 | 57     |   |
| 4           | Sanctions for Violations                          | 46        | 46.46 | 57            | 57.58 | 52       | 52.53 | 51     |   |
| Rata (Mean) |                                                   | 62.38     |       | 57.58         |       | 54.30    |       |        |   |

Figure 1(b) Description of Consumer Responses About Business Actors' Implementation of Halal Certification

Table 1(b) above shows that the four indicators of legal awareness of business actors that can be translated into four assessments are; the contents of the JPH Law, Halal Certification Labeling, Consistency in the implementation of halal certification, and violation sanctions have an average value of 62.38%, meaning that business actors' knowledge of the content and substance of Law No. 33, 2014, halal certification labeling, consistency in the implementation of halal certification and violation sanctions are included in the moderate category. The questioning of the existence of the content and substance of the Halal Product Guarantee Law, the labeling of Halal Certification, the consistency of the implementation of halal certification, and sanctions for violations committed by business actors have an average value of 57.58%, still

classified as moderate ego. The attitude of business actors towards the existence of the Halal Product Guarantee Law, the labeling of halal certification, the consistency of the implementation of halal certification, and the sanctions given to business actors who commit violations have an average value of 54.30% including the category of still being in the medium category.

Meanwhile, the fourth indicator shows that the level of behavior of business actors in carrying out the Halal Product Guarantee Law, labeling halal certification, consistency in the implementation of halal certification and sanctions are given for violations also have an average response value of 54.05% including the moderate category. The results of this study are in line with research by Haryanti (2016) [10] that the issue of halal certification has not become a serious concern for restaurant business actors in Batu Merah, Ambon City.

| NO | QUESTION INDICATORS                                                                                                           | FREQUENCY |     |
|----|-------------------------------------------------------------------------------------------------------------------------------|-----------|-----|
|    |                                                                                                                               | SUM       | (%) |
| 1  | The importance of socializing halal certification                                                                             | 93        | 93% |
| 2  | Community support on the need for socialization of halal certification                                                        | 95        | 95% |
| 3  | The need for supervision to be carried out effectively                                                                        | 95        | 95% |
| 4  | Strict sanctions against halal certification holders but do not maintain and supervise the running of the restaurant business | 89        | 89% |

Figure 1(c) Description of Respondents' Responses to Halal Certification

Tabel 1(c) above has a question with two answers, but what is shown in the table is only the answer chosen as important and necessary, while the opposite is not indicated but can be known as unimportant and unnecessary. The table can provide clues that the role of governments/countries and related institutions are very necessary to provide legal protection to consumers. As it is known that halal certification for restaurants protects consumers avoid food and drinks that are prohibited in Islam. In addition, Muslim consumers do not feel hesitant in choosing, buying, and consuming products that are traded in the restaurant.

The four indicators of the role of the state/government and related institutions and the

community in providing legal protection to consumers in choosing and consuming halal food and beverage products in halal-certified restaurants are in line with the findings of research conducted by Hartati (2019) [11] that the state/government, society and other institutions must be present in socializing and supervising the implementation of halal product jaminasn and even criminal acts are also needed for business actors who cannot maintain and supervise the implementation of halal certification they have.

## 5. CONCLUSION

Indonesia is a country that has the largest Muslim population in the world and is among the 10 countries that consume halal products, but is not among the top 10 halal product producers in the world. therefore, this potential as the largest consumer, needs to be followed by the number of producers of halal products, especially food and beverage products served by restaurants. The results of research conducted at restaurants in Makassar City show that the level of consumer awareness is very high to choose, buy and consume halal food and drinks. The high awareness of consumers is not necessarily in line with the high level of awareness of business actors in implementing halal certification. Therefore, consumer expectations are that a more effective active role is needed from the government and related institutions to carry out socialization, supervision strict, and strict sanctions for business actors who violate the law as contained in the Halal Product Guarantee Law.

The limited number of halal-certified restaurants in Makassar City can narrow the space for movement in choosing, buying and consuming halal-certified food and beverage products. This provides an opportunity for Muslim consumers to buy and consume products at restaurants with the consideration of Muslim owners and shows the attributes of Islamic nuances and not necessarily the products according to the requirements of the Halal Product Guarantee Law. It is necessary to maintain more awareness of consumer law and especially for restaurant business actors in Makassar City to always have commitment and consistency in carrying out halal certification. The role of the government and related institutions in the implementation of halal products is more effective and continuous in socializing, supervising, and inviting the public to play an

active role in supervising the implementation of halal product guarantees in Makassar City.

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