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HALAL CHARACTERISTICS OF MICRO, SMALL, AND MEDIUM ENTERPRISES (MSMES) PRODUCTS IN PATEMON VILLAGE, KREJENGAN DISTRICT, PROBOLINGGO REGENCY

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Abstract

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

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

1. INTRODUCTION

Halal certification is currently not only concern and needs of countries with a majority Muslim population but also needed by countries where the majority of the population is non-Muslim, such as New Zealand, which is very concerned about the availability of halal products, in order to meet the product needs for tourists originating from Muslim countries (Charity, 2017). There is also the Netherlands, where this country continues to develop a market that provides halal food products, in connection with the existence of Islamic food laws (Charity, 2017). The next country, England, to be precise London,

brought several experts, including legal experts to discuss topics related to halal products packaged in the World Halal Forum Europe, with the main issue being Halal Products and Services - Going Mainstream (Charity, 2017). Unlike other countries, Japan made a breakthrough by holding the Japan Halal Expo which is able to attract the attention of the public at home and abroad, wherein this exhibition, Japan offers its products that have been declared halal.

The explanation above shows that halal products have received priority in the trade sector, especially in the Muslim country of Indonesia, where for the

Muslim population, the most important thing in choosing food is not only from the standard of quality of food, but also the standard in solving doubts about purchased food, namely doubts in determining whether the purchased food is halal or not (Maryati, Syarief, & Hasbullah, 2016). In this regard, business products, especially food or beverages that are halal and safe, are a very prospective business, because of the existence of halal certification, they will be able to attract customers who are not only interested in Muslim consumers but also non-Muslim consumers, even non-residents. Muslims who consume halal products state that halal products are of higher quality and safer (Maryati et al., 2016). In this regard, for a Muslim, food or beverage products that are halal are proven to be of high quality and very good for the health of the human body, for example, meat from animals that are halal and slaughtered by following the provisions of Islamic law is healthier for consumption. It should also be understood that halal as meant is not only halal seen from the food product, but also determined from the suitability of the process, raw materials, transportation used until the product reaches the consumer (Ma'rifat & Sari, 2017).

In connection with the explanation above, Indonesia itself, as one of the countries with the largest Muslim population in the world, is a potential and profitable market for halal food and beverage products, including products of Micro, Small, and Medium Enterprises (hereinafter referred to as MSMEs) such as Banana Sale Products with the Name Barokah Salafiyah (BARSAH), Taro Chips with the Name Patemon Taro (PATALAS), and Daun Katuk (BARSAH) which are products of MSMEs in Patemon Village, Krejengan District, Probolinggo Regency. In this connection, halal certification for MSMEs products is very important and needs to be done. In this regard, to provide protection and guarantee of legal certainty for both business actors and consumers, the government issued Law of

the Republic of Indonesia Number 33 of 2014 concerning Halal Product Assurance (hereinafter referred to as the Halal Product Assurance Law) in which there is an explanation as regulated in Article 4 of the Halal Product Assurance Law states that all products traded in Indonesia must be certified halal.

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

2. METHOD

This research uses normative legal research or doctrinal legal research which aims to provide a detailed and systematic explanation carried out by examining various legal rules, analyzing the relationship between one legal rule and another, even can also predict the development of legal rules in the future (Susanti, Efendi, & Sari, 2014). In connection with this definition, Soejono and Abdurrahman argue that the object of study is doctrinal legal research (Soejono & Abdurrahman, 2003). This shows that the purpose of using doctrinal legal research is to systematize, correct and clarify a legal rule that applies to certain areas of law through an analysis of primary legal materials and Sekunde legal materials (Susanti et al., 2014). In this regard, the object of this research is related to the halal characteristics of the

products of Micro, Small, and Medium Enterprises (MSMEs) in Patemon Village, Krejengan District, Probolinggo Regency. Furthermore, the approaches used in this research are the statute legal approach, conceptual approach, and comparative approach. The statute legal approach is carried out by examining laws and regulations (Marzuki, 2005). This statute legal approach is applied to examine statutory regulations or regulations relating to the halal characteristics of products of Micro, Small, and Medium Enterprises (MSMEs) in Patemon Village, Krejengan District, Probolinggo Regency. Concerning the conceptual approach is an approach by referring to legal principles obtained in the view of a legal scholar or another legal doctrine. This approach used without departing from existing regulations because there are no regulations that regulate it (Susanti et al., 2014). In this regard, the conceptual approach used to explore and analyze the characteristics halal of Micro, Small, and Medium Enterprises (MSMEs) products in Patemon Village, Krejengan District, Probolinggo Regency, can be found in legal textbooks and other legal journals. The third approach, namely the comparative approach, is an approach by making legal comparisons. Related to this, Henry Campbell Black in Dyah Ochtorina Susanti and A'an Efendi argues that comparative law is the study of the principles of legal science by comparing various legal systems (Susanti et al., 2014). The comparative approach is implemented by analyzing and making comparisons related to the meaning of halal according to Islamic law and civil law (code civil) to find halal characteristics in MSME products in Patemon Village, Krejengan District, Probolinggo Regency.

3. DISCUSSION

Patemon Village is a village in Probolinggo Regency, which has potential in the field of entrepreneurship. This can be seen from the existing products of Micro, Small, and Medium Enterprises (MSMEs), such as Banana Sale products

which are named BARSAN, Taro Chips with the name PATALAS, and Katuk Leaves namely is BARSAN. These three products are the superior products of Patemon Village and are a source of income and are of great interest to the community because the UMKM products in Patemon Village are halal, so they are safe for the health of consumers (The results of observations by the service team consisting of (Susanti et al., 2014)

In connection with the above, the term halal itself comes from Arabic its means free, detached, not bound, or regardless of something, bonding to a prohibition. Etymologically, halal is something that can be doing, because there is no binding prohibition (Ali, 2016). According to the encyclopedia of Islamic law, halal is something that can make a person not subject to sanctions for his actions because doing with the principles of sharia (Islamic sharia), (Dahlan & Al, 1996). According to Islamic law, halal is the opposite of the term haram. Halal is something that is not allowed by Allah SWT to do, and when violated, there is punishment in both this world and the hereafter (Rahmadani, 2015). The QS. Al-Maidah 5:3, regulates halal, the translation of which is:

“Prohibited to you are dead animals, blood, the flesh of swine, and that which has been dedicating to other than Allah, and (those animals) killed by starling or by a violent blow or by a head-long fall or by the goring of horns, and those from which a wild animal has eaten, except what you (can) slaughter (before its death), and those which a sacrificed on stone altars”.

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

Likewise, with business products whose ingredients contain types as mentioned above, it is haram to use, such as cosmetic products, shoes, crafts, and others. In this regard, producers must avoid haram food so that UMKM products in Patemon Village, Krejengan District, Probolinggo Regency can be halal products.

In connection with the explanation above, in addition to the six types of food that are prohibited according to Islamic law, business products, whether food, beverages, or other businesses that is halal must also be tayyib (good). The QS. Al-Baqarah 2:168, the translation of which is: (RI., 2002).

“O mankind! eat from whatever is on earth (that is) lawful and good and do not follow the footsteps of Satan. Indeed, he is to you a clear enemy.”

There are also other rules, namely QS. Al-Baqarah 2:172, the translation of which is: (RI., 2002)

“O you who have believed! eat from the good things which We have provided for you and be grateful to Allah if it is (indeed) Him that you worship.”

The above verse shows that in Islam, a good food or drink product, apart from being halal, must also be tayyib. Concerning the definition of tayyib itself, at the language level, tayyib means clean and lawful if seen from the original meaning, halal is to defined as what is delicious and pleasant according to taste . (Thabrani, 2014). Another definition of tayyib is food that is safe and healthy for consumption or food that is not harmful both physically and intellectually, it means food that is not harmful both physically and intellectually, which broadly means healthy food. In contrast to this understanding, al-Sabuni in Abdul Mukti Thabrani argues that tayyib is all that is allowed by Allah SWT to be good, and vice versa, so things that are forbidden are certainly not good (Thabrani, 2014). In connection with good food, which is not dirty or damaged, meaning that the food is not unclean in terms of its substance (Zulham, 2013). Based on the definition of

Tayyib above, that food or drink consumed by humans as consumers must be halal and tayyib because food or that halal drink will undoubtedly bring good and benefit to both individuals and others (Hasan, 2014).

Based on the description above, if the two terms halal and tayyib are combined, then the meaning of halalan thayyiban in terms of food is that food and drink that is allowed (halal) is beneficial and well for every human being. In this case, the good in question depends on each person in providing health for body and spirit (Thabrani, 2014). Kindness can be done by paying attention to the quality of food and drinks by: first, maintaining the cleanliness and purity of drunk or food, such as one of the MSME products in Patemon Village, Krejengan District, Probolinggo Regency is Sale Pisang BARSAN, were to make this product, workers are required to ensure that the place and tools to be used are clean. Workers are also required to wear special plastic gloves for cooking purposes, maintaining the cleanliness and purity of their products. Second, food and drinks (including the process of obtaining them) must not contain things that are prohibited by Islamic law so that they can cause sin. The product of taro chips made from taro is no prohibited by law. Based on this, Halalan Thayyiban is very important to pay attention to in producing or consuming food, drink, or other business product, including MSME products in Patemon Village, Krejengan District, Probolinggo Regency (Thabrani, 2014) That the plant is obtained from the garden of the Patemon Village community itself, not from stolen goods, fraud, or other things prohibited by Islamic law so that the product can be said to be a halal product. Based on this, Halalan Thayyiban is very important to pay attention to in producing or consuming food, drink, or other business product, including MSME products in Patemon Village, Krejengan District, Probolinggo Regency (Thabrani, 2014).

In connection with the explanation above, the word halal is not only

mentioned in Islamic Law but also in Civil Law, which listed in Article 1320 of the Code Civil (further referred to as the Code Civil), which explains the validity of the agreement, one of which is namely the cause or causa that is lawful. Concerning the definition of a cause or causa that is halal, are not explained in Article 1320 of the Code Civil moreover the meaning of halal itself. Halal is regulating in Article 21 Supreme Court Regulation No.2 of 2008 concerning the Sharia Economic Law Compilation (further referred to as KHES) that the causa that is halal is not against the law, is not prohibited by law, and is not haram. Other definitions also explained by experts such as explain that the causa that is halal is something that causes a legal relationship in the form of a series of interests that must be fulfilling as stated in the contents of the legal relationship (agreement).

Concerning the cause or causa that is lawful as referred to in article 1320 of the Civil Code, it is not a cause in the sense of encouraging people to make an agreement, but because in the sense that

the content or substance of the contract itself describes the goals to be achieved by the parties, does not conflict with public order, and decency. In the contained in Article 1337 of the Civil Code, which states that:

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

This provision shows that the meaning of lawful according to the Code Civil is an act that is not prohibited, meaning that the act is an act that does not contradict morality and public order. Concerning MSMEs products in Patemon Village, Krejengan Subdistrict, Probolinggo Regency, where to be said to be a halal product, the content (substance), processing process, or how to obtain it must not conflict with the law, decency, and public order.

There is a difference between halal according to Islamic law and halal according to the Code Civil. In this regard, the difference can saw in the table below for more details.

Table 1.

Difference between Halal according to Islamic Law and Code Civil

No	Information	Islamic Law	Code Civil
1.	Halal Category	In connection with food or drink	Relating to an agreement or contract
2	something that is forbidden	the product does not contain food or things that are prohibited (prohibited) by Islamic law	Not against the law, morals, and public order
3	Types of products that are prohibited	Carcasses Blood, Pork, Animal meat that a slaughtered does not mention the name of Allah, The meat of animals that a not killed by being slaughtered, such as choking, being hit, falling, being gored, and being killed by wild animals; Meat of animals slaughtered for worship other than Allah SWT (such as idols)	Not mentioned
4	Definition is other	Aligned with the term tayyib, which is good, does not damage the body and mind, is not dangerous, and provides benefits	Nothing
5	Method determination of halal	Can be seen from the materials used and the manufacturing process or how to get it.	Nothing

Source: Personal Notes, processed, 2019

Based on the table above, it can be seen that there is a difference between the meaning of halal according to Islamic law and civil law. The difference then becomes the characteristic or characteristic of each legal system in interpreting the term halal. The complete explanation of halal is a state in Islamic law rather than civil law because in Islam, halal is the main priority in making, selecting, and using a product. Thus, halal is an urgent thing because halal assurance can improve the quality of a business product, such as MSMEs in Patemon Village, Krejengan District, Probolinggo Regency, so that it is more attractive to all Indonesian people whose majority of the population is Muslim. Considering that halal is an urgent thing in a product, halal products certainly need a guarantee of protection and certainty regarding the halalness of the product, which have been realized through the Halal Certification program. Article 1 point 10 of the Halal Product Assurance Law states that halal certification recognition the halalness of a Product issued by BPJPH based on a written halal fatwa issued by the Indonesian Ulema Council (further referred to as MUI). The purpose of halal certification is to provide assurance and protection to consumers (mainly Muslim consumers). Another goal is to account for the halalness of the products it sells. The provided benefits for both consumers and producers, so, naturally, the government requires business actors (producers) to carry out halal certification of their business products as regulated in Article 4 of the Halal Product Assurance Law, to provide protection and assurance legal certainty for halal products. Including MSME products in Patemon Village, Krejengan District, Probolinggo Regency. Furthermore, the Halal Product Assurance Law also regulates the halal criteria for a product, precisely in Article 17 paragraph (1) of the Halal Product Assurance Law, which to be including through 2 (two) aspects, namely the ingredients and also the manufacturing process or how to obtain the product. In connection with the first aspect, the materials that used to be

said to be halal products are raw materials, processed materials, additives, and auxiliary materials. In connection, the meaning of materials described in Article 17 paragraph (2) of the Law on Halal Product Assurance Law, namely in the form of materials derived from animals, plants, microbes as materials produced through chemical processes, biological processes, or genetic engineering processes. Concerning materials derived from animals, it is necessary to know it advanced that in Islam, not all animals are allowed to be using as business products, such as the types of animals as mentioned in the QS. Al-Maidah 5:3 and is also regulated in Article 18 paragraph (1) of the Halal Product Assurance Law contains the following:

“The material originated from the animal that is forbidden as intended in Article 17 item (3) including a) Corpse; b) Blood; c) Pig; and/or d) Animal that is slaughtered not by the following sharia.”

Concerning the types of animals above, other animals are haram, namely dung-eating animals (al-Jalalah), disgusting animals, and animals with diseases (Ranuwijaya, 2005). These types of animals charitycharity not be used or used as business products. Continue to the material derived from regulated in Article 20 paragraph (1) of the Law on Halal Product Assurance, where all types of plants are halal, except for plants where a person is drunk and/or is a health hazard the law is haram to be used or used for business products. The last type of material is material derived from microbes and materials produced through a chemical process as regulated in Article 20 paragraph (2) of the Law on Halal Product Assurance, in the form of a biological process, or a genetic engineering process, and will be haram during the growth process and/or the production is mixed, contained, and/or contaminated with prohibited materials.

The second aspect is the manufacturing process or how to get it. Article 21

paragraph (1) of the Halal Product Assurance Law regulates the process that the location, place, and means of processing halal products must be separating from the location, and means of slaughtering, processing, storing, packaging, distributing, selling, and presentation of non-halal products. In this regard, apart from having to be separated, the location, place, and means of processing halal products must be kept clean and hygienic; free from unclean, and free from non-halal materials, as regulated in Article 21 paragraph (2) of the Halal Product Assurance Law.

The materials used by the Patemon Village MSMEs products consist of bananas, taro, and katuk. These three materials are not including in the material which is prohibited either in Islamic law. Regarding the manufacturing process or how to get it, the location, place, and tools are only using to make products made from bananas, taro, and katuk, so that they are free from non-halal ingredients. Based on this, the Patemon Village MSMEs products have met the halal, so that these products get halal certification because their quality and safety are guaranteed. The quantity of goods production has also increased due to consumer confidence in MSME products in Patemon Village, Krejengan District, Probolinggo Regency.

4. CONCLUSION

Based on the discussion described above, it concluded that the halal characteristics of MSMEs products in Patemon Village, Krejengan District, Probolinggo Regency include 2 (two) aspects, namely: the first aspects of the materials used consist of the ingredients of bananas, taro, and katuk leaves, where the three-ingredient are not prohibited or prohibited by Islamic law (pork, carcass, blood, not intoxicating and not harmful to health). The second aspect of the manufacturing process or how to get it. The location, place, or tools used in the manufacture of BARSAH Banana Sale MSMEs products, PATALAS Taro Chips, and Katuk BARSAH leaves are only for making these three products so that they

are free from a mixture of prohibited ingredients (haram), clean, hygienic, safe, and guaranteed quality and halalness. Thus, it is suggested to the Government to conduct socialization related to halal on Micro, Small, and Medium Enterprises (UMKM) products so that the public, especially producers understand the importance of halal products, it is easy to process halal certification and it is also suggested to the producers of Patemon Village MSMEs products to immediately take care of the halal certification of their product, to improve the economy of the people of Patemon Village.

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