

HALAL PRODUCT CONSTITUTION AS INDONESIAN MUSLIM SHIELD

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ABSTRACT

The stronger the legal basis of halal agencies, the more guaranteed halal products circulating in the community. As Indonesia is a country with a majority of Muslim population in the world, its products such as food, beverage, medicine and cosmetics that are produced and circulated should not be doubted about its halal status. However, with the rise of products containing haram ingredients as well as imported products that are not guaranteed as halal, it is necessary that the government establish an agency administering guaranteed halal products, moreover as we entered the era of global trade and the issue that government will legalize alcohol. After conducting a comparative study toward halal institutions in Europe, America and Asia, it is known that halal agencies sheltered under the government shows better performance than private institutions that do not have a strong legal basis.

Keywords: agency, product, and halal

INTRODUCTION

Allah says, "*and (God) justifies them all good and forbids them evil things.*"¹ Food, beverage, medicine and cosmetics are an integral part of human life. Along with advances in technology and the era of global trade, many products inside and outside the country that is circulating around us, while the product is not guaranteed as halal and also there is no legal certainty, whereas every consumer has the right to protection and guarantee of these products.² As a reference center of halal certification³ and the largest Muslim population and market for halal products in the world⁴, Indonesia's government should improve the supervision of halal products. One of the government's action to anticipate the rise of illicit products that enter or even manufactured in Indonesia, is to establish Halal Product Guarantee Agency (Badan Penyelenggara Jaminan Produk Halal/BPJH) in coordination with the Ministry of Religious Affairs

¹ QS. al-A'râf: 157.

² Kementerian Perdagangan RI, *Undang-Undang No.8 Tahun 1999 tentang Perlindungan Konsumen* (Jakarta: Kementerian Perdagangan RI, 1999).

³ Majelis Ulama Indonesia, *LPPOM MUI Pelopor Standar Halal dan Pendiri Dewan Pangan Halal Dunia* (Jakarta: Lembaga Pengkajian Pangan Obat Obatan dan Kosmetika Majelis Ulama, 2011), http://www.halalmui.org/newMUI/index.php/main/go_to_section/2/31/page (Accessed April 29, 2014).

⁴ Kassim, *The Global Market Potential of Halal* (Cet. I; Kuala Lumpur: Penang Press, 2009), p. 28.

and the Indonesian Ulema Council (MUI), the agency is responsible directly to the President through the Secretary of State.⁵

Implementation of Halal Product Certificate (Jaminan Produk Halal/JPH) is based on consumer protection, legal certainty and transparency of halal certification process. The goal is to provide comfort, security and safety to the public in the use or consume foods, beverages, cosmetics and medicine. Besides, it also grows consumers and producers' awareness of the importance of halal products in a way to enhance and encourage manufacturers to produce products that are halal and provide information to consumers about halal products.⁶

The implementation of JPH has not run in accordance with pre-defined, because the government's move got the refusal by some leaders, including the ethnic Chinese businessman who is also the Chairman of the Indonesian Employers (APINDO) revealed that, this program will only restrict investment. This arrangement was terrible⁷. The rejection was also made by the Vice Chairman of Commission VIII of the Indonesian Democratic Party of Struggle (PDI-P) which alleges that, the program is contrary to the 1945 Constitution, which stated that the whole nation of Indonesia should be protected, not one group (Muslims) only. To insert MUI into the Act is not fair because it is a matter of faith that the government should not meddle too far with no regard to other religions⁸. The urgency of this program was also questioned by members of the House faction Gerindra who question that, if there is a problem with the assurance of halal products that are already running, so it needs to be regulated in a separate law. Obviously, this will only add a new problem.⁹

The rejection from the parties about JPH results in rampant products containing hazardous and illicit materials. A wide variety of these products increasingly widespread and are easily found in the market both in Indonesia and abroad. Among the most hazardous and widespread substances is alcohol. According to data released by the World Health Organization (WHO), in 2010 total alcohol consumption worldwide is 6.2 liters per person and 3.3 million people died of

⁵ Muhamad Julheri, *DPR Setujui Pengesahan RUU Jaminan Produk Halal* (Palembang: Sumatra Ekspres, September 25, 2014), <http://www.sumeks.co.id/sumeks/beritautama/nasional/28469-dpr-setujui-pengesahan-ruu-jaminan-produk-halal>, (Accessed October 1, 2014).

⁶ Kementerian Hukum dan Hak Asasi Manusia RI, *Undang-Undang RI Nomor 33 Tahun 2014 Tentang Jaminan Produk Halal* (Jakarta: Kemenhum, 2014).

⁷ Chaira, "Sofyan Wanandi dan PDI-P Menolak Label Halal," *Metro News*, September 8, 2009, <http://pikirancerah.wordpress.com/2009/09/09/sofyan-wanandi-dan-pdi-p-menolak-label-halal/#more-468> (Accessed October 8, 2014).

⁸ Jabir, "Sah, RUU Jaminan Produk Halal Diketok DPR," *Okezone*, September 25, 2014, dalam <http://news.okezone.com/read/2014/09/25/339/1044228/sah-ruu-jaminan-produk-halal-diketok-dpr> (Accessed Oktober 8, 2014).

⁹ Muhamad Iqbal, "Sempat Tarik Menarik, DPR Akhirnya Sahkan UU Jaminan Produk Halal," *Detik News*, September 25, 2014, dalam <http://news.detik.com/read/2014/09/25/125711/2700961/10/sempat-tarik-menarik-dpr-akhirnya-sahkan-uu-jaminan-produk-halal> (Accessed October 8, 2014).

alcohol per year.¹⁰ While in Indonesia, import quotas of alcoholic products for the period of 2014 to reach 511,246 cartons or equivalent to 4.6 million liters.¹¹ As many as 95 percent of imported alcoholic products circulating in Indonesia is supplied from illegal market that is not known¹², not to mention if coupled with the production of alcoholic products in the country reached 7.2 million liters per year¹³. Alcohol has recently been swallowed 100 victims¹⁴, but on the other hand, the Jakarta government will legalize the trade of alcohol beverages that have strict supervision in legislatif in recent time.¹⁵

Government regulations are arguably the pros against the circulation of illicit products opens wide for manufacturers to increase the production of products that contain ingredients that are forbidden in Islam, as another example of the former Minister of Health of the Republic of Indonesia which states that the drugs do not need to have a halal certificate and label¹⁶. Even a spokesman for the Ministry of Health stated that the halal certification is not valid in the pharmaceutical field¹⁷. So naturally, if the drugs circulating in Indonesia are minimal and manufacturers do not intend to certify their products as halal.

Until now, the drug registered to Agency of Drug and Food Control (BPOM) in Indonesia amounted to 20,839 brands, for as many as 9,071 traditional drug brands.¹⁸ While the drugs containing alcohol and circulated in Indonesia amounted to 553 brands and cough medicines with liquid preparations containing alcohol are 49 brands, while cough medicines that does not

¹⁰ World Health Organization, "Global Information System on Alcohol and Health (GISAH)," *Global Health Observatory*, June 2, 2010, <http://www.who.int/gho/alkohol/en/>, (Accessed June 15, 2014).

¹¹ Kementerian Perdagangan RI, *Kuota Impor Produk Beralkohol* (Jakarta: Direktorat Jenderal Perdagangan Luar Negeri Kementerian Perdagangan, April 4, 2014), <http://finance.detik.com/read/2014/05/16/140212/2583936/4/tahun-ini-jajah-kuota-impor-obat-batuk-sirup-beralkohol-berkurang-7> (Accessed June 15, 2014).

¹² Kementerian Perdagangan RI, *95% Produk Beralkohol di Impor Secara Ilegal* (Jakarta: Direktorat Jenderal Perdagangan Luar Negeri Kementerian Perdagangan, November 29, 2014), http://mirror.unpad.ac.id/koran/bisnis/2010-11-29/bisnis_20101129_006.pdf (Accessed Juni 15, 2014).

¹³ Kementerian Keuangan RI, *Kajian Kebijakan Cukai Alkohol dan Produk Mengandung Alkohol Tahun 2014* (Jakarta: Direktorat Jenderal Bea dan Cukai, 2014), p. 7-8.

¹⁴ Boby Roska, "Korban Miras Bertambah, Mencapai 100 Orang," *Liputan 6 SCTV* Desember 5, 2014, <http://m.liputan6.com/tv/read/2143332/korban-miras-bertambah-mencapai-100-orang>, (Accessed Desember 13, 2014).

¹⁵ Basuki Tjahaja Purnama, "Miras Sudah Legal Kok," *Republika Online*, Desember 13, 2014, <http://nasional.republika.co.id/berita/nasional/jabodetabek-nasional/14/12/12/nggao7-ahok-miras-sudah-legal-kok>, (Accessed Desember 13, 2014).

¹⁶ Maura Linda Sitanggang, "Kemenkes Sertifikasi Halal Bukan untuk Obat," *Kompas Online*, December 9, 2013, <http://forum.kompas.com/kesehatan/310298-kemenkes-sertifikasi-halal-bukan-untuk-obat.html>, (Accessed Desember 13, 2014).

¹⁷ Maura Linda Sitanggang, "Kemenkes Berharap Sertifikasi Halal Tak Berlaku di Dunia Farmasi," *Tribunnews Online*, November 11, 2013, <http://www.tribunnews.com/kesehatan/2013/11/21/kemenkes-berharap-sertifikasi-halal-tak-berlaku-di-dunia-farmasi>, (Accessed Desember 13, 2014).

¹⁸ Badan Pengawas Obat dan Makanan, *Data Base Registrasi Obat dan Obat Tradisional* (Jakarta: Direktorat Registrasi Obat dan Obat Tradisional BPOM, November 19, 2014), <http://www.pom.go.id/webreg/index.php/home/produk/7d5c6bc6b3a4aab1573e6a494ac136ce/01>, (Accessed November 19, 2014).

include the level of alcohol in their containers amounted 160 brands, then cough medicines labeled alcohol-free, there were 13 brands.¹⁹ Until the end of December 2013, the Indonesian Ulema Council (MUI) issued a halal certification for 18 brands of drugs and 162 brands of traditional drug,²⁰ two brands of them are cough medicines that later allowed by Halal Product Labeling Subdireccory of BPOM to include halal label on their container.²¹

Halal certification against drugs is not impossible to do, because with today's technological advances pharmacy ability to formulate legal drugs is not an impossible thing. An example of the most difficult cases of drug made kosher is liquid cough medicine. In the case of cough medicine, the most widely produced preparation is the liquid form.²² This is because the cough more often suffered by children than adults,²³ while children are difficult to swallow solid dosage, it needs to make liquid preparations. In addition, liquid preparations have other advantages such as have a fairly high homogeneity, more easily absorbed than solid preparations that must undergo a process of solving and dissolution First. Moreover, the surface area of contact is higher than the surface of the gastrointestinal tract. Furthermore, it can cover the bad taste or bitter of drugs, especially for administration to children, and also can reduce the risk of stomach irritation by the irritant compounds such as aspirin and KCL, as can be directly diluted in the stomach. Finally, it can reduce the decomposition of active substances that are unstable in solid form.²⁴

The active substance used in cough medicine can work as mucolytic or expectorant, if cough with phlegm, and as narcotic or non-narcotic antitussive if the cough is dry. Cough is usually accompanied with breath that is not relieved and thus require a decongestant, but it is also usually accompanied by fever that took classes of antiperetik and accompanied by an allergy or a runny nose that is mixed with a group of antihistamines.²⁵ The active substance of the drug factions are poorly soluble in water but more soluble in ethanol. Examples of the expectorant is Guafenesin which its solubility in water is 1:33, whereas it is easier in ethanol as 1:11. Class of mucolytics is Bromheksin HCL, which its solubility is low in water and Ambroxsol HCL with its

¹⁹ MIMS Indonesia, "Drug A To Z," *MIMS Online : Drugs Brand and Generic*, November 19, 2014, <http://www.mims.com/Indonesia/Browse/Alphabet/A?cat=drug>, (Accessed November 19, 2014).

²⁰ Majelis Ulama Indonesia, *Panduan Belanja Produk Halal* (Jakarta: MUI Publishing, 2013), p. 92.

²¹ Badan Pengawas Obat dan Makanan RI, *Laporan Tahunan Direktorat Inspeksi dan Sertifikasi Pangan* (Jakarta: Direktorat Inspeksi dan Sertifikasi Pangan, 2013), p. 48.

²² MIMS Indonesia, *loc.cit.*

²³ See Ministry of Health of the Republic of Indonesia, *Health Statistics 2013* (Ed. I; Jakarta: Ministry of Health of the Republic of Indonesia, 2014), p. 169. The case of cough seen from the symptoms of tuberculosis, fever and pneumonia. Where do these diseases more suffered by children aged 0-12 years.

²⁴ See Aci Widiastuti, Salma Sehan, *Teknologi Sediaan Farmasi* (Cet. I; Bandung: ITB Publisher, 2010), p. 44.

²⁵ Elin Yulinah Sukandar, Retnosari Andrajati, *ISO Farmakoterapi 2* (Cet. I; Jakarta: Ikatan Apoteker Indonesia, 2011), p. 211-215.

solubility in water is 1:100. The example of non-narcotic antitussive is Dextromethorphan that is practically insoluble in water, and *Noskapiin* which is insoluble in water. Then, the example of antitussive drug is cocaine that is poorly soluble in water, so it must use 95% ethanol, although not all of these compounds made in a liquid dosage form.²⁶

THE DEVELOPMENT OF HALAL DRUGS

The most popular and frequently used of antipyretic group is paracetamol, which its solubility is easier in ethanol 1:7 than in water 1:70. Meanwhile, one of decongestant group which is Phenylephrine soluble in ethanol 1:10 easier than in water which is 1:70. Among the class of antihistamines that has low solubility in the water is Feniramin. ²⁷ Based on the solubility of the active substance of those cough medicines, it is known that, the difficulty in the water solubility of the active substance requires the creation of cough medicine use ethanol for its solution process.

However, with the development of pharmaceutical technology, paracetamol that only soluble in ethanol and the extract herbal cough medicine that can only be obtained by solvent alcohol can be actually produced, developed and proven halal by replacing alcohol as an instrument. If the most difficult drugs made kosher can be produced kosher, then other drugs' kosher should be able to be certified. The examples are two cough syrups that have been certified as halal and have obtained halal label by BPOM. The first is a cough medicine with halal brand OBH Nellco produced by PT. Lenko Surya Perkasa. Its preparation dose is 100 mL, where each 5 mL contains 100 mg of Glycyrrhiza Succus serving as expectorant and antitussive. In addition, 2.5 mg of Ephedrine HCL acts as a bronchodilator or dilate airways narrower due to allergies or other disorders that are on the airways. Besides, 1.3 mg of Chlorpheniramine Maleate is useful as antihistamines or anti-allergy, because allergies are the cause of cough or cold, so the administration of antihistamines to relieve sneezing, allergy and cough can be cured. 40 mg of Ammonium Chloride works as an expectorant that stimulate, suppress, or modify the secretion of bronchial mucous membrane or throat which then issued simultaneously when coughing. The last is 135 mg of Paracetamol that is efficacious as antipyretic to reduce fever, because usually when the flu and cough attack, they are accompanied by heat.²⁸

Ammonium chloride is soluble in water which is 1: 2. Glycyrrhizae succus is liquorice containing active substances Gliserizin, use hot water to dissolve it. Meanwhile, Ephedrine HCL

²⁶ Kementerian Kesehatan RI, *Farmakope Indonesia III* (Cet. IV; Jakarta: Kemenkes, 1995), p. 85, 51, 39, 72, 231, 109.

²⁷ *Ibid.*, p. 250, 78, 80.

²⁸ Elin Yulinah Sukandar, Retnosari Andrajati, *ISO Farmakoterapi 2* (Cet.I; Jakarta: Ikatan Apoteker Indonesia, 2011), p. 210-215.

and Chlorpheniramine Maleate are soluble in water with 1: 4, but its solubility is easier in ethanol with 1: 1, moreover Paracetamol is poorly soluble in water, namely, 1:70. Therefore, 100 mg paracetamol require 7 ml of water to dissolve it, it is more difficult its solubility in 95% soluble ethanol, which is 1:7, this means that, 100 mg Paracetamol can dissolve with only 0.7 mL of ethanol.²⁹ However, today paracetamol can be dissolved by using other lawful and safe solvents by the method of adding a surfactant, reducing the particle size, nanosuspension technology, pH adjustment, solid dispersion,³⁰ complex formation and the addition of cosolvent.³¹ Associated with the various methods that have been there, Paracetamol that is soluble in water should now be formulated as a liquid cough medicine, without the use of alcohol in the manufacturing process. On the other And, the new active substance has also been found that soluble in water and that has the same efficacy with Paracetamol. Besides, excipients are such as wide range solvents, so that formulators should be able to choose a good solvent and safe for use other than alcohol.

The second cough medicine with liquid dosage labeled halal is OB 100 mL, in which every 15 mL contains extracts of Rhizoma Zingiberis 4.5 g, Rhizoma Kaempferiae 1.5 g, Citrus Aurantifolii Fructus 1.5 g, Thymi Herba 1.5 g, Menthae Folia 0.75 g, Myristicae Cement 0.75 g, Licorice 0.25 g and honey 15 mL. The compounds contained in all OB drugs are obtained from the plants grown in a superior or soil and climatic conditions suitable for their growth, so that the plant can produce secondary metabolites that good to be used as the active drug substance.³²

Active compounds contained in simplisia are obtained by extraction or distillation.³³ As technology advances of natural materials, there are several methods of extraction that can be used, such as extraction by means of cold (Maceration and deep percolation), and by means of heat (Reflux, Soxhletasi, Digestion and Infusion). Meanwhile, various distillation that can be used are Simple distillation, Fraksionisasi, Steam, Vacuum and distillation towers which commonly used in industrial scale. Various compounds contained in the simplisia are separated by using heat as a separator.³⁴ The separation principle is based on the difference between the boiling

²⁹ Kementerian Kesehatan RI, *op.cit.*, p. 105, 86, 64, 241.

³⁰ Wells J. I, *Pharmaceutical Preformulation* (Ed. I; London: Ellis Horwood, 1988), p. 107-110.

³¹ Florence, *Physicochemical Principles of Pharmacy* (Ed. II; London: Mc Millan Publiser, 1988), p. 55.

³² PT. Deltomed Lab, "100% Herbal," *OB Herbal Online*, 2012, <http://www.ob-herbal.com/herbal>, (Accessed Desember 3, 2014).

³³ Badan Pengawas Obat dan Makanan RI, *Peraturan Kepala Badan Pengawas Obat dan Makanan Republik Indonesia Nomor HK.03.1.23.06.11.5629 Tahun 2011 Tentang Persyaratan Teknis Cara Pembuatan Obat Tradisional yang Baik* (Jakarta: Badan POM, 2011), p. 78.

³⁴ Kementerian Kesehatan RI, *Farmakope Herbal Indonesia* (Cet. I; Jakarta: Kemenkes, 2008), p. 47.

point fractions contained in the simplisia. The compound that has a lower boiling point will be separated first, then followed by the compound having a higher boiling point.³⁵

The obtained extracts then be identified the presence of secondary metabolites by means of phytochemical screening, using a microscope and cutting-edge technology such as TLC-scanners, AAS, GCs, HPLCs, GC-MS, LC-MS, UV-Vis and FTIR.³⁶ Empirical test results showed that, *Zingiberis Rhizoma* (rhizome Ginger) contains essential oils and contain other active compounds such as zingiberene, zingiberol, Camphene, β -pinene, Myrcene, Limonene, 1.8-Cineole and β -phellandrene that function as anti-inflammatory (to relieve inflammation caused by other than microorganisms and also for circulation), then *Kaempferiae Rhizoma* (rhizome Powder) which contain active compounds cinnamate (2-4% Ethyl cinnamate), Pentadecane, 1.8-Cineole and Terpenoids are efficacious to overcome problems as well as respiratory and anti-inflammatory.³⁷

Citrus Aurantii Fructus (Lime) containing limonene and Citral Essential Oils serve as antimicrobial and thinning phlegm. *Thymi Herba* (dried leaves and flowers of the plant *Thymus vulgaris* L) containing thymol and Carvarol, Linalool, P-Cymol, cymene, thymine and also pinene which serves as an expectorant and antispasmodic, but it also contributes to relive the throat, to be antibacterial and antiseptic. The other compounds from herbal remedies of OB is *Menthae Folium* (Mint Leaf) containing Menthe Oil or Menthol, which is useful as an expectorant or diluent sputum. Then, *Myristicae Cement* (Nutmeg Seed) that contains Myristicin is efficacious as a sedative or relaxation needed by patients with cough, because it is usually difficult to sleep.

The next is Licorice (*Akar Manis*) that have Liquiritin and Liquiritigenin content which acts as an antitussive, expectorant and sore throats reliever.³⁸ The latter is the content of honey which contains sweeteners such as fructose, glucose, maltose and sucrose. Honey is also used as a humectant,³⁹ and it is often used to treat sore throats and coughs.⁴⁰ Rosullulah SAW said, "If there were a good medicine for you, or there is something good for you guys make the drug, then it is contained in the cupping or drink honey or hot flame shock (treatment with a hot iron stick in the wound area) and I do not like kay."⁴¹

³⁵ World Health Organization, *Research Guidelines for Evaluating the Safety and Efficacy of Herbal Medicine* (Ed. I; Geneva: Departement of Research, 2000), p. 77.

³⁶ Kementerian Kesehatan RI, *Pedoman Industri Obat Tradisional* (Cet. I; Jakarta: Direktorat Bina Produksi dan Distribusi Kefarmasian, 2011), p. 49.

³⁷ Kementerian Kesehatan RI, *Farmakope Herbal Indonesia*, p. 319, 140, 87, 284, 179, 201, 158.

³⁸ *Ibid.*, p. 87, 284, 179, 201, 158.

³⁹ A Garibaldi Lucas, Ingolf Steffan Dewenter, "Wild Pollinators Enhance Fruit Set of Crops Regardless of Honey Bee Abundance", *American Association for the Advancement of Science*, Vol. 339, No.6127, March, 2013, p. 1487-1489, <http://www.jstor.org/stable/i40090484>.

⁴⁰ Randerson, *Honey 'Beats Cough Medicine* (London: The Guardian Publisher, n.y.), p. 23.

⁴¹ Al-Bukhârî, *Sahîh al-Bukhârî* (Ed. III; Beirut : Dâr ibn Katsîr, 1987), p. 215.

Evaluation of the extract quality can be done through organoleptic testing including color, smell, taste and shape, moisture content and ash content.⁴² In addition, evaporation factors and temperature sensitivity are very important in the extraction process, so as to ensure the process goes well, the OB drug industry uses equipments such as Pilot-Extraction Plant, Pilot-Evaporation Plant and Pilot-Drying Plant. For microbiological testing, sterile equipments are used during the process, such as Incubator and Culture Counters.⁴³ To produce the best quality of herbal medicine, the entire production process must apply standards of Good Manufacturing Practice (GMP), a system which ensures that products are manufactured consistently monitored according to standards that have been set, it is intended to minimize the risk that can be obtained in the end of production process. Furthermore, implement Good Manufacturing Practice of Traditional Drugs (CPOTB), and the National Sanitation Food (NSF) to keep clean.⁴⁴ On the basis of these technological advances, OB drug manufacturer could produce safe and lawful cough medicine.

PHARMACEUTICAL PRODUCTS PHARMACIST AND ULAMA PERSPECTIVE

Kartono Muhammad (2008) states that, halal status of the drug has yet to be a serious concern, so the use of materials prohibited in Islam is increasingly found in medicine. Emergency proposition frequently used to justify opening the doors of the use of ingredients that are forbidden in Islam, whereas in Islam emergency has a limit, it could not immediately freed up. One thing that is still commonplace to call emergency is the use of alcohol in cough syrup, whereas the results of the analysis of the experts in the field of food technology and nutrition showed that the solution containing alcohol concentration equal to or greater than 1% will potentially intoxicating. Meanwhile, the benchmark of products containing alcohol is 0% set by the MUI and 0.5% set by JAKIM (Islamic Development Malaysia Position). Therefore, this has not provided security and has not eliminated intoxicating *'illat* in Islam. This should be further attention for the competent institution to re-revise their fatwas issued, given the growing technological advances today, many pharmaceutical companies producing cough medicine with alcohol-free claim even some which are already getting halal lable, their cough medicine is still possible to contain alcohol. Yet among some cough medicines labeled halal, there are some that truly free of alcohol, of course, this makes the alternative for cough medicine that actually halal without having to justify the cough medicine that still contain alcohol.⁴⁵

⁴² Kementerian Kesehatan RI, *Farmakope Herbal Indonesia*, p. 50.

⁴³ PT. Deltomed Lab, *loc.cit.*

⁴⁴ Badan Pengawas Obat dan Makanan, *Peraturan Kepala Badan Pengawas Obat dan Makanan Republik Indonesia Nomor HK.03.1.23.06.11.5629 Tahun 2011*, p. 61-62.

⁴⁵ Kartono Muhammad, "Menggugat Status Halal Obat Beralkohol," *Republika Online*, November 28, 2008, <http://www.republika.co.id/berita/shortlink/17090>, (Accesed : November 7, 2014).

Aisjah Girindra (2008) revealed that, field findings show that a large part of cough medicines contains alcohol either high or low concentrations. The use of alcohol in cough medicines is a separate debate, particularly among Muslims. Actually, in an emergency condition, drugs that contain haram or unclean materials can be used, but the definition of emergency in view of fiqh is when someone's life has been threatened and in these conditions, there is no alternative that can cure it. Therefore, there is needs to review the related cough syrup containing alcohol which is categorized as an emergency, and it is becoming important because it involves the halal and haram products. When the function of the alcohol in cough medicine only as a solvent, it can be replaced with other solvents that is lawful and safe to use. Meanwhile, what is an important point in the drug is not the solvent but the pure active substance. It is the active substances in a drug that determine the effect of therapy, so the role of alcohol actually does not directly correlate to the cough healing process.⁴⁶

Chilwan Pandji (2012) states that, alcohol in cough medicine works only in the process of dissolving the active substance and if its active substances derived from natural or herbal ingredients, the role of alcohol contained in the extraction process to obtain the active substance. Besides, alcohol also acts as a preservative to make the drug more durable and protect it from microbial growth. Based on laboratory studies it is known that alcohol in cough medicines do not have the effectiveness of the cough healing process, so it can be said that alcohol does not significantly affect the decrease of cough frequency. Other research suggests that, alcohol can cause a calming effect which will indirectly reduce the frequency of cough, but because cough is the disease that often affects a person, the possibility of taking cough medicine containing alcohol will be carried out continuously, whereas these conditions are not expected as it will lead to dependence on alcohol. On the other hand, excessive alcohol consumption can cause physiological effects to the health of the body, which is a deadly new cells formed in the body. Then the other adverse effects is that it can lead to cirrhosis in the liver or better known as yellow disease. This is because the viruses in the human body will react and cause this heart disease. From this, it can be seen that alcohol does in fact provide benefits in the treatment, but on the other hand, it turned out to cause a greater negative effects and harm, either in short term or in long term. Therefore, it is recommended that the use of alcohol in medicines be avoided, because alcohol is not the only compounds that cannot be replaced by other compounds that are safer and not harmful.⁴⁷

⁴⁶ Aisjah Girindra, "Dari Sertifikasi Menuju Labelisasi Halal: LPPOM MUI," *Pustaka Jurnal Halal*, Vol.8, No.11, Juli 2008, p. 122.

⁴⁷ Chilwan Pandji, "Alkohol Dalam Obat Batuk," *Halal Corner News*, August 29, 2012, <http://www.myhalalcorner.com/alkohol-dalam-obat-batuk/>, (Accessed June 15, 2014).

As for how to get safe and lawful cough medicine without the use of alcohol is by using the active substance which is soluble in water or in other solvent except alcohol, for example Glyceryl Guaikolat,⁴⁸ Bromhexine Hydrochloride,⁴⁹ Pseudoefidrin HCL,⁵⁰ and Chlorphenamine Maleate.⁵¹ Then the second way is, if it should be forced to use active substances which are difficult to dissolve in water, it could use safe solvents other than etanol, such as sorbitol, glyceryl and others.⁵² Whereas the third way is to use a method of increasing the solubility that have been known in the pharmaceutical field, such as a complex formation. Complex defined as compounds formed via hydrogen bridges or dipole-dipole force, also through inter-action between the hydrophobic materials of different drugs as well as ingredients and excipients. The other method is cosolvent addition. Cosolvent is the solvent added in a system to help dissolve or improve the stability of a substance.⁵³

The other method to increase the solubility is the addition of surfactants. Surfactant or surface active agent is a molecule which its chemical structure consists of two parts and has different affinity for various solvents, they are hydrophobic and hydrophilic parts. The other method is to minimize the particle size as the size and shape affect the solubility of the particles. The smaller the particle size the greater the solubility of a drug substance. Besides, the other method that can be used is the nanosuspension technology. Nanoparticles can be obtained by various methods, such as Crushing, Grinding, Spray Drying, and Freeze Drying. Meanwhile, the most common method is mill media which is a particle size reduction technology and has been proven its reliability. The next method is by adjusting the pH. The active substances used in pharmaceutical preparations are generally weak acids and bases, so the solubility of an acid or a weak substance is influenced by pH. To ensure that a homogeneous solution is clear and has the maximum therapeutic effectiveness, the manufacture of pharmaceutical preparation should be adjusted to the optimum pH. The solubility of weak acids will increase with the increase of pH solution because it is formed by soluble salt. Meanwhile, the solubility of weak bases will increase as the pH solution decreases. The other method that can be used is a solid dispersion, that is the dispersion of one or more active ingredients in an inert carrier or matrix at solid state

⁴⁸ Sherif, "Immunochromatographic Assays in Diagnosis of Parasitic Diseases", *Parasitologists United Journal, Parasitology Department, Faculty of Medicine, Suez Canal University, Ismailia*, Vol.1, No.1, May 2008), p. 02-22.

⁴⁹ Barbara, *Pharmacotherapy Handbook* (Ed. 8; New York : Mc Graw-Hill Medical Publising, 2011), p. 825.

⁵⁰ R. Gaur, P. Hansal, *The British Pharmacopoeia* (Ed. 1; London: British Phamacopoeia Commission, 2013), p. 168.

⁵¹ Sean, *Martindale* (Ed. 37; London: Pharmaceutical Press, 2011), p. 144.

⁵² Departemen Kesehatan RI, *Farmakope Indonesia IV*, p. 567.

⁵³ Florence, *Physicochemical Principles of Pharmacy* (Ed. 2; London : Mc Millan Publiser, 1988), p. 55.

prepared by melting and dissolution.⁵⁴ Based on those reasons, so *'illat*⁵⁵ allowing the alcohol use in the manufacture of drugs by reason of an emergency is gone and no longer valid.

Meanwhile, Mahrus Ali (w.1985 M) revealed that, rampant cough medicines containing alcohol because emergency *'illat* is not fit and is not relevant because the existing cough medicines lawful to use are still found many around us, like treatment with a massage reflection, taking drugs derived from plants directly without distillates process, as well as roots and cupping. With these alternatives, emergency reasons are not appropriately used in cough medicines. When using illicit substance as a treatment, then get into our bodies, it must have a clear proposition on its halal status. Meanwhile, so far it could not be found any proposition stating that people can be treated with anything unlawful. Rajih argument is the saying of Rasullulah SAW, "Allah has created the disease and the cure, then treat yourself and do not seek treatment with illicit goods."⁵⁶

Al-Qaradawi (2008) revealed in his fatwa that it is not including emergency condition just because someone is not having food, even it is not emergency that allows a person to eat food that is unclean when there are people in the community, Muslims or infidels, who still have remaining food that would be used to overcome his problem. This sort of thing also applies to drugs, when there are still halal alternatives to use then there is no emergency to use illicit drugs.⁵⁷

After experiencing a heated debate in the House of Representatives on September 25, 2014, the chairman of JPH Ledia Hanifa from Prosperous Justice Party, stated "The objective of this Act is to provide safety and comfort of people, especially Muslims in using halal products, to raise awareness about the importance of halal products, and to require manufacturers to provide assurance of halal products".⁵⁸ Similar support is expressed also by the Chairman of the House of Representatives of Indonesia, Priyo Budi Santoso, who welcomes and wish to thank all parties for the passing of this JPH bill into the act.⁵⁹

⁵⁴ Wells J. I., *Pharmaceutical Preformulation* (Ed. 1; London: Ellis Horwood, 1988), p. 107-110.

⁵⁵ *'Illat* can be summed up as a consistent feature of enacting the form of something material where it will determine the form of the law against such materials. See Wahbah al-Zuhayli, *Usul al-Fiqh al-Islami*, (Ed. 2; Damsyiq: Dâr al-Fikr, 1986), p. 646.

⁵⁶ Mahrus Ali, *Alkohol Dalam Obat Batuk* (Lirboyo: Lajnat Bahts al-Masâil, 2011), <http://www.lirboyo.net/badan-otonom-pondok-pesantren-lirboyo/lajnah-bahtsul-masail/> (Accessed Oktober 1, 2014).

⁵⁷ Yûsuf al-Qardawî, *al-Halâl wa-al-Harâm fi-al-Islâm* (Ed. 2; Bairut : al-Maktabat al-Islâmî, 1988), p. 47.

⁵⁸ Suryanta Bakti Susila, Nur Eka Sukmawati, "DPR Sahkan RUU Jaminan Produk Halal," *Viva News*, September 25, 2014, <http://politik.news.viva.co.id/news/read/541861-dpr-sahkan-ruu-jaminan-produk-halal> (Accessed Oktober 8, 2014).

⁵⁹ Edi Harahap, "RUU Jaminan Produk Halal Disetujui Menjadi UU," *Kompas*, September 28, 2014), <http://hukum.kompasiana.com/2014/09/28/ruu-jaminan-produk-halal-disetujui-menjadi-uu-691540.html> (Accessed September 28, 2014).

THE DEVELOPMENT OF HALAL INSTITUTIONS IN THE WORLD

Currently, halal institutions in countries of the world have formed an organization called the World Halal Food Council (WHFC). This institution is the idea of the Agency for Food, Drugs and Cosmetics (LPPOM MUI). Because there are many organizations in the world on halal certification, finally MUI want to bring these organizations together to know each other and work together in a meeting in 1999 to establish the World Halal Food Council (WHFC). This organization based in Jakarta, Indonesia and chose Prof. Hj. Aisjah Girindra as the first president. The meeting also agreed to appoint a team consisting of Dr. Mohamed Sadek from the United States as vice-president, Mr Ali Chawk from Australia as secretary general, and al-Chaman from the Netherlands as treasurer. The mission of WHFC is to regulate Halal standards. Over the years, there is a change to the name WHFC resulting word "food" is omitted and the last named is World Halal Council. Then in 2007, Prof. Dr. Aisjah Girindra replaced by Dr. Ir. H.M. Nadrattuzaman Hosen as the president who remained in this position from 2009 until 2010, after that, Ir. Lukmanul Judge, M.Si, was elected as the new President of the World Halal Council on June 23, 2011 until now.⁶⁰

Security institutions for halal products in other countries have different names⁶¹, such as the United States use the term OMAHA which means Halal Transaction of OMAHA. This agency has struggled in providing services to the Muslims in the US and outside the US, as well as actively participate in set halal product for Muslims. In addition to dealing with halal, the institute also serve as a call agency in teaching Islamic religion, especially to Muslim children. The religious advisory commission agency of OMAHA does not have a member who specializes in the field of jurisprudence, while the doctrine adopted by this agency is Sunnis and they are independence, having no relation to the government.⁶²

While in Germany, the agency that handles halal certification is called "Halal Control". This institution is not only act as halal certification agency, but also as an institution of Islamic call. This institution has been very important in providing guidance to Islam for the Muslims in Germany and neighboring countries, such as Austria and Switzerland.⁶³ This institution have also protected the interests of Muslim consumers in these countries so they do not commit immoral acts by consuming forbidden food items. However, some of the agency's practices are still

⁶⁰ World Halal Food Council, *History* (Jakarta: The World Halal Food Council (WHFC), 1999), <http://whfc-halal.com/content/6> (Accessed June 16, 2014).

⁶¹ Chehabi H. E, "How Caviar Turned Out to be Halal", *The Journal of Food and Culture*, Vol.7, No.2, May 2007, p. 54-83.

⁶² Halal Transaction of OMAHA, *The Organization* (Amerika: OMAHA, 2003), p. 3.

⁶³ Ameer Ahmed Ameer, "The Lifestyle Halal in European Marketing", *Journal University of Abdelhamid Ben Badis Kharrouba, Mostaganem*, Vol.83, No.08, February 5, 2011, p. 107-124.

debated by Muslim scholars, such as purifying the impure liquid by using vapors or fumes given to the inside objects. On the other hand, these institutions are cautious in deciding their concerns or seeking the most important opinion. For example, the agency requires people to read basmalah before slaughtering and to cut those four neck veins when slaughtering. Likewise, the attitude of the institution that refuses animals slaughtered by machine or stunning before slaughtering. The organization does not have a fatwa committee, but there is prominent Muslim scholars from various schools. The scholars are not assigned to certify halal product because this task is performed by the other parts, namely the Department of Islamic Sciences (Islamological Department). In addition, there is a consultative council of ulama (Ulama Consultative Committee), who asked for advice in setting halal product. This scholars consultation council is composed of scholars who lived in Germany and in other countries.⁶⁴

In the Netherlands, halal certification agency is called Halal Feed and Food Inspection Authority (HFFIA). This agency has made a great contribution in protecting the Muslim consumers not to consume haram products. The foundation also has to provide guidance to the Muslims about halal food urgency and disseminate to the non-Muslims about the interests of the Muslims⁶⁵. The agency are very cautious in doing their job, such as requiring to read basmalah when slaughtering and exposes the animal's head to the direction of qibla. Meanwhile, to meet these requirements is difficult in home-modern slaughterhouses. The members of this agency does not have complete data about the personnel members and their religion identity⁶⁶. This halal agency does not certify halal food for the products and others, but the agency applies the terms and standards of halal made by the Council of the European Fatwa and issues only certification of slaughterhouses.⁶⁷

In Malaysia, the agency that handles halal product is called JAKIM (*Jabatan Kemajuan Islam Malaysia*), or also known as the Islamic Development Department of Malaysia which includes the Halal Hub Division⁶⁸. The department is very careful in setting standards for food products and animal slaughter especially for those unknown in Islam⁶⁹, such as the standards set

⁶⁴ Ali Musthafa Yaqub, *Lembaga Sertifikasi Halal di Jerman* (Cet. 2; Jakarta: Pustaka Firdaus, 2013), p. 234.

⁶⁵ David Pryce, Jones, "A Western Response to Halal Khashan," *Journal World Affairs*, Vol. 153, No.4, August 1991, p. 77-91.

⁶⁶ Tetty Havinga, "Regulating Halal And Kosher Foods: Different Arrangements Between State, Industry And Religious Actors," *Journal Erasmus*, Vol.3, No.4, June 2010, p. 43-52.

⁶⁷ Ali Musthafa Yaqub, *Lembaga Sertifikasi Halal di Belanda* (Cet. 2; Jakarta: Pustaka Firdaus, 2013), p. 246.

⁶⁸ Arshia Mukhtar, Mohsin Muhammad Butt, "Intention to Choose Halal Products: The Role of Religiosity," *Journal of Islamic Marketing*, Vol.3, No. 2, June 2012, p. 25-51.

⁶⁹ Abdul Bohari Manaf, Cheng Wei Hin, Nurwahida Fuad, "The competitiveness of halal food industry in Malaysia: A SWOT -ICT Analysis," *Malaysia Journal Of Society And Space*, Vol.9, No. 1, April 2013, p. 73.

for the slaughter of animals that must be cut their throat, esophagus and two jugular vein.⁷⁰ When making halal standards, the Malaysian government stated that Islamic law is based on the Shafi'i school⁷¹. When set halal for food products and the results of slaughtering, JAKIM do it with Islamic law and the standards set by the Malaysian government.⁷²

In Indonesia, halal product assurance agency called Food and Drugs Supervisory Agency (LPPOM) under the MUI. The method of halal determination has been done by LPPOM MUI through cooperation with research institute of Bandung Institute of Technology in charge of testing of products which then the results will be discussed by MUI Fatwa Council. After the fatwa council issued halal status of the product, labeling issues addressed by the Agency for Drug and Food Control (BPOM).⁷³

Historically, LPPOM MUI, which now entering the age of 23, noted a number of proud achievement. Domestically, LPPOM MUI services have been increasing. From 2005 until December 2011, LPPOM MUI has issued at least 5,896 halal certification, with the number of products reached 97,794 items of 3,561 companies. That number would be increased if coupled with halal certificate issued by the MUI LPPOM area that now spread in 33 provinces in Indonesia. As a country with Muslim population of 200 million people, Indonesia is supposed to undertake proactive steps in optimizing Indonesia's position as the market and provider of halal products for consumers.⁷⁴

After reviewing halal certification agencies in the United States, Germany, the Netherlands, Malaysia and Indonesia, it is good to do a comparison between these institutions. It is to locate the similarities and differences in order to conclude which one is the most excellent method in determining halal food products and sacrifices. In this comparison, the author classifies these institutions into two groups. The first group is halal certification bodies which are in the US, Germany and the Netherlands while the second group are those in Malaysia and Indonesia. This classification assumption based on the similarities of those countries. Therefore, Malaysia and Indonesia are grouped as those are the majority Muslim population while the US, Germany and the Netherlands are minority Muslim population countries, therefore, between men and donkeys

⁷⁰ Nik Maheran Nik Muhammad, Filzah Md Isa, Bidin Chee Kifli, "Positioning Malaysia as Halal-Hub: Integration Role of Supply Chain Strategy and Halal Assurance System," *Journal Asian Social Science*, Vol.5, No.7, July 2009, p. 132-150.

⁷¹ Anas M.Y., Wan Mohd Yusof. W.C, "The Concept Of Halalan Tayyiba And Its Application In Products Marketing: A Case Study At Sabasan Hyper Runcit Kuala Terengganu," *International Journal of Business and Social Science*, Vol. 1, No. 3, September 2011, p. 72-99.

⁷² Departement of Islamic Development Malaysia, *Halal Ceritifying Bodies Recognized* (Ed. 1; Kuala Lumpur: Putra Jaya, 2008), p. 12-13.

⁷³ Aisyah Girindra, *LPPOM MUI Pengukir Sejarah Sertifikasi Halal* (Jakarta: LPPOM MUI, 2005), p. 38-40.

⁷⁴ Majelis Ulama Indonesia, *Himpunan Fatwa MUI* (Jakarta: MUI, 1997), p. 43-49.

or between women and horses cannot be compared because little similarities between men and donkeys or between women and horses.⁷⁵ So, the correct comparison in this case is the comparison between men and women or between donkeys and horses. If so, then the comparison of halal certification bodies can be done as follows:

The first are halal certification agencies in the United States, Germany and the Netherlands. It is no doubt that these countries are Muslim minority countries. Nevertheless, these countries are most countries producing and exporting food products and sacrifices to the Islamic countries.⁷⁶ Halal certification bodies in these countries have similarities and differences. The similarities are each institution in these countries facing challenges in the form of the discoveries of modern advanced technology in the field of food production. These findings are not only on the materials used as raw material for food products, but also including other things such as slaughtering procedures of animals which meat used as raw material for food products, storage mechanism, cooling, packing, and things related to the production and modern cargo in the world countries.⁷⁷

Each institution not only serves as halal certification bodies, but also at the same time serve as Islamic da'wah institution for Muslims children in these countries and Muslims and non-Muslims immigrant living there⁷⁸. In general, the background underlying the establishment of the halal certification bodies there are those two things. Dakwah Islam for Muslim children there aiming to protect them not to consume haram food items and to maintain their Islamic aqeedah. The Islamic da'wah to non-Muslims there, both official da'wah at the level of government and at the community level, aims to introduce the Islamic values to them in terms of food, beverage, medicine and cosmetics, as well as to safeguard the interests of Muslim immigrants living in these countries⁷⁹.

Every institution in these countries is an organization or a private entity, which does not have any affiliation with the government. In other words, these institutions are NGO (Non-Governmental Organization)⁸⁰. All halal certification agencies in these countries do not have any

⁷⁵ Ali Mustafa Yaqub, *Kriteria Halal-Haram Produk Pangan, Obat dan Kosmetika* (Cet. 2; Jakarta: Pustaka Firdaus, 2013), p. 73.

⁷⁶ Wan Melissa Wan, Hassana, Khairil Wahidin Awang, "Halal Food in New Zealand Restaurants: an Exploratory Study," *Journal of Economics and Management*, Vol.3, No.2, May 2009, p. 38-55.

⁷⁷ Ameer Ahmed Ameer, "The Lifestyle Halal in European Marketing," *Journal University of Abdelhamid Ben Badis Kharrouba, Mostaganem*, Vol. 83, No.08, February 2011, p. 98-110.

⁷⁸ Zalina Zakaria, "Tapping Into the World Halal Market: Some Discussions on Malaysian Laws and Standards," *Jurnal Syariah*, Vo. 16, No. 4, June 2008, p. 45-68.

⁷⁹ H. E Chehabi, "How Caviar Turned Out to Be Halal," *The Journal of Food and Culture*, Vol. 7, No. 2, May 2007, p. 54-83.

⁸⁰ Tetty Havinga, "Regulating Halal and Kosher Foods: Different Arrangements Between State, Industry And Religious Actors," *Journal Erasmus*, Vol. 3, No. 4, June 2010, p. 43-52.

cooperative ties with the government of the country where the institutions are located. If there is participation and contributions from the government, it is just to appreciate the institutions that have assisted the government in developing and increasing the exports value of local government.⁸¹

Each institution establishes cooperative relationships with other institutions at the international level, especially with the institutions engaged in the same field.⁸² Each institute perform cooperative relationships with each other, as each one in a relationship with the Indonesian Ulema Council (MUI), especially with Food and Drugs Supervisory Agency (LPPOM) of Indonesian Ulema Council (MUI). The absence of a fatwa council in each institution is an issue faced by the respective institutions.⁸³ With no doubt, this is due to lack of fiqh scholars who live in the countries where the institutions located. Halal certification agency in the US forms a commission of religious advisors. Of course, this commission cannot certify halal, because it just can give only consideration.⁸⁴ Similarly, halal certification agency in Germany has advisors consisting of the scholars who live in various countries outside Germany, even outside Europe.⁸⁵ It is similar with halal certification agency in the Netherlands. Although this institution is under the European fatwa council, the council is not able to certify halal product, except only make sharia standards for food products and sacrifices.⁸⁶

Aspects of the difference is that halal certification agency in the United States does not deal with the certification of food products, but only handle slaughter certification, then this institution does not make sharia standards for food products and only make sharia standards for slaughter. The halal certification agencies in Germany and the Netherlands do halal certification for food products and the slaughter. By doing so, they also make sharia standards that have been made by the body designated by the agency.⁸⁷ Related to the Islamic standards, halal certification agency in Amerika feels enough with what was required by the four schools scholars

⁸¹ Zalina Zakaria, "Tapping Into the World Halal Market: Some Discussions on Malaysian Laws and Standards," *Jurnal Syariah*, Vol. 16, No. 4, June 2008, p. 45-68.

⁸² Sharifah Mariam Alhabshi, "Halal Food Dilemmas: Case of Muslims in British Columbia, Canada," *International Journal of Asian Social Science*, Vol. 03, No. 04, October 2013, p. 85-103.

⁸³ Zalina Zakaria, "Tapping Into the World Halal Market: Some Discussions on Malaysian Laws and Standards", *Jurnal Syariah*, Vol.16, No.4, June 2008, p. 45-68.

⁸⁴ Sharifah Mariam Alhabshi, "Halal Food Dilemmas: Case of Muslims in British Columbia, Canada," *International Journal of Asian Social Science*, Vol. 03, No. 04, October 2013, p. 85-103.

⁸⁵ Bonne K, I. Vermeir, F. Bergeaud Blackler, "Muslim Consumer Trust in Halal Meat Status and Control in Belgium," *Science Direct Journal*, Vol. 79, No. 1, September 2007, p. 07-23.

⁸⁶ Bonne K, W. Verbeke, "Muslim Consumers' Attitude Towards Meat Consumption in Belgium: Insights From A Means-End Chain Approach," *Journal Anthropology of Food*, Vol. 5, No.4, December 2006, p. 54-60.

⁸⁷ Ameer Ahmed Ameer, "The Lifestyle Halal in European Marketing," *Journal University of Abdelhamid Ben Badis Kharrouba, Mostaganem*, Vol. 83, No. 08, February 2011, p. 98-110.

of jurisprudence in the case of slaughter. Meanwhile, halal certification agencies in Germany and the Netherlands make many conditions in determining halal slaughter. Among these conditions, there is not an obligation in terms of slaughter, also there is not a sunnah according to the four schools, while some terms are just ethical in slaughter. It is no doubt that including things over to the requirements that must be met in terms of sacrifices will cause trouble, or at least while doing the slaughtering process.

The second group is the halal certification agencies in Malaysia and Indonesia. Actually, there was no significant difference between Malaysia and Indonesia except the differences on the country name, flag, national anthem and passport. In other words, there is no difference between them except only on political issues. As for the matter of religion, schools of jurisprudence, the official language, customs, ethnicity and so forth, in general there is no differences between the two. Nevertheless, there are some similarities and differences of the halal certification bodies between Malaysia and Indonesia. The similarities are each country, both Malaysia and Indonesia, is a Muslim majority country. Malaysia population totaled 26 million with a percentage of 65% Moslem. Meanwhile, Indonesia's population is 220 million with a percentage of 87% Muslims.⁸⁸ Each halal certification body which are in Malaysia and Indonesia are the only halal certification agency in each country that serve to make the halal certification for food products and sacrifices.⁸⁹ Each institution adheres to the Shafi'i madhhab, whereas only halal certification agency in Malaysia (JAKIM) has a style of Shafi'i madhhab more viscous than the halal certification agency in Indonesia.⁹⁰ Each of these institutions establishes cooperative relationships with international institutions engaged in the same field, as the two are in a relationship of cooperation between one another⁹¹. Each organization publishes a monthly magazine that discusses the issue of halal and the terms in the food product and sacrifices in the two countries.⁹² We do not know exactly why the name of the magazine in both institutions is the same, namely *Jurnal Halal*, whether it is only coincidental or there is previous agreement.

⁸⁸ Kassim, *The Global Market Potential of Halal* (Ed. 1; Kuala Lumpur: Penang Press, 2009), p. 28.

⁸⁹ Department of Standarts Malaysia, *Malaysian Standard, Halal Food, Production, Preparation, Handling and Storage-General Guide Lines* (Kuala Lumpur: JAKIM, 2004), p. 4.

⁹⁰ Abdul Raufu Ambalia, Ahmad Naqiyuddin Bakara, "People's Awareness on Halal Foods and Products: Potential Issues for Policy-Makers," *Journal Procedia- Social and Behavioral Sciences*, Vol.121, No.19, March 2014, p. 162-185.

⁹¹ Department of Standarts Malaysia, *op.cit.*, p. 4.

⁹² Mohd Rizal Razalli, Suzzaini Abdullah, "Is Halal Certification Process "Green"?," *The Asian Journal of Technology Management*, Vol. 5 No. 1, October 2012, p. 2-18.

PROFESSIONAL HALAL INSTITUTIONS ARE OWNED BY THE GOVERNMENT

JAKIM and MUI is an agency that is engaged in the Islamic da'wah. JAKIM does Islamic da'wah broadly in Malaysia,⁹³ as well as what MUI does in Indonesia. The division for halal certification agency of JAKIM is named Halal Hub Division under JAKIM.⁹⁴ Similarly, halal certification agency in Indonesia is the MUI Fatwa Commission. Among them, there is no difference except only the name. JAKIM has an extensive network among the Muslim community in Malaysia.⁹⁵ There is no Muslim in Malaysia who are not familiar with the following JAKIM's activities, role, and influence in the field of Islamic da'wah in Malaysia.⁹⁶ Similarly, the MUI, none of Muslims in Indonesia, even all residents and all levels of Indonesian society, unless s/he knows the MUI's activities, its influences, and its role in the field of Islamic da'wah in Indonesia.

Aspects of the difference is that halal certification agency in Malaysia (JAKIM) is the official government body, hence the performance of the agency following the Malaysian government regulations⁹⁷. Meanwhile, the halal certification agency in Indonesia is a private agency based on Islam that reflects the unity of all Muslims of *Ahl al-Sunnah wa al-Jama'ah* in Indonesia. Therefore, halal certification bodies in Indonesia is a non-government organization (Non-Governmental Organization or NGO). The special feature of these two institutions is that halal certification agency in Malaysia (JAKIM) implement and apply the *Malaysian Standard* made by the Malaysian government⁹⁸, while the halal certification agency in Indonesia does not because Indonesian government does not make such standards. It is true, as has been mentioned before, when discussing about the halal certification agency in Indonesia, the Indonesian government requires that trade product imported from abroad must be halal and slaughtered by Islamic law, because the majority of Indonesia's population is Muslim. Nevertheless, the Indonesian government does not make sharia law on the import of those meat, but handed the mechanism to the Indonesian Ulema Council (MUI). Therefore, it is MUI that issuing and determining a halal fatwa for the meat imported from abroad.

⁹³ Zalina Zakaria, "Tapping Into the World Halal Market: Some Discussions on Malaysian Laws and Standards," *Jurnal Syariah*, Vo.16, No.4, June 2008, p. 45-68.

⁹⁴ Marco Tieman, "The Application of Halal in Supply Chain Management: in-Depth Interviews," *Journal of Islamic Marketing*, Vol.2, No.2, October 2011, p. 37-54.

⁹⁵ Zainal Mohamed Abidin, Baizuri Badrudin, "Clients' Perception Towards JAKIM Service Quality in Halal Certification," *Journal of Islamic Marketing*, Vol. 3, No. 1, December 2012, p. 23-51.

⁹⁶ Pazim Othman, Irfan Sungkar, "Malaysia as an International Halal Food Hub: Competitiveness and Potential of Meat-based Industries," *ASEAN Economic Journal*, Vol. 26, No.3, December 2009, p. 48-67.

⁹⁷ Marco Tieman, "The application of Halal in Supply Chain Management: in-Depth Interviews," *Journal of Islamic Marketing*, Vol.2, No.2, October 2011, p. 37-54.

⁹⁸ Departement of Standarts Malaysia, *op.cit.*, p. 5.

The existence of Indonesian Ulema Council (MUI) with Food and Drugs Supervisory Agency (LPPOM), though not include government organizations, has legal force set by the Act. For instance, the legislation of Limited Liability Company (PT) 40 of 2007, which states that the limited liability company whose performance is based on Islamic Shari'a should have sharia board, which the names of the members are nominated by the Indonesian Ulema Council (MUI) approval.⁹⁹ However, if this halal certification agency is under the government, of course, it would be ideal because there will be a lot of laws or regulations that support the performance of halal certification agency in Indonesia as the case in Malaysia. It can be seen from the progress Sub Halal Division of JAKIM that get maximum attention from the government so that all programs can be run well,¹⁰⁰ including many related halal studies in Malaysia that have been developing and published internationally.¹⁰¹

Based on the Malaysian Islamic standards, JAKIM set halal certification by applying these standards to food products and sacrifices.¹⁰² Based on these standards, JAKIM issuing halal certificates for such products.¹⁰³ Meanwhile, halal certification agency in Indonesia is not doing the same thing, because there is no standard for Indonesian sharia law. The agency only reports the results of research and studies on these products to the MUI fatwa commission, then in turn, the fatwa committee reviewing the research results, then sets and issues a fatwa about halal certification of the products. Furthermore, MUI establishes and socializes this fatwa to Muslims.

MUI fatwa committee members when assigning and issuing a halal fatwa do not perform and do not practice Islamic standards for food products and the sacrifices, because of the absence of such standards. On the other hand, they based their *ijtihad* on the religious documents. So in this case, the fatwa commission of Indonesian Ulama Council (MUI) do what is called with the term *collective ijtihad*. From this discussion, we can conclude that the halal certification agencies that are handled by the government are much better because they will set official standards in order to provide more correct and better results. Besides, the government will give more attention to the research facilities and human resources for product testing such as

⁹⁹ Kementerian Industri RI, *Undang-Undang RI Nomor 40 Tahun 2007 tentang Pedoman Perseroan pasal 109 ayat 2 dan 3* (Jakarta: Kemenind, 2007), p. 9-10.

¹⁰⁰ Amanda, Much Ado, "About the Malaysian Halal Food Industry", *Halal Journal*, Vol.6, No. 2, October 2012, p. 15-32.

¹⁰¹ Mahiah Said, Khairul Nizam bin Surbaini, "The Empirical Study On The Determinants of Moslem Consumers to Purchase Halal Products," *Journal Manajemen dan Bisnis*, Vol.9, No.1, March 2010, p. 18-41.

¹⁰² Zakiah Samori, Amal Hayati Ishak, "Understanding The Development of Halal Food Standard : Suggestion For Future Research," *International Journal of Social Science and Humanity*, Vol. 4, No. 6, November 2014, p. 125-149.

¹⁰³ Mohamed Syazwan abi Talib, Abu Bakar Abdul Hamid, "Halal Logistics Pest Analysis: the Malaysia Perspectives," *Journal Asian Social Science*, Vol. 10, No. 14/2014, p. 219-230.

products of food, drugs and cosmetics. In addition, the force of law owned by the halal certification body will be followed by industries and will form the detailed and better rules and sanctions in violation. Then, the funds needed in implementing its operational will be more secure and can run better. Most importantly, until now, the halal certification of the product is still underestimated and seen as voluntary, but with the laws of halal product warranties issued by the government on September 25, 2014, the halal certification in chapter 4 of article 31 becomes mandatory.

The products have to be certified as halal products include food, beverage, medicine, cosmetics, chemical products, biological products, and products of genetic engineering. The product should be declared as halal in accordance with Islamic Shari'a and the production must go through lawful process. Hereinafter it is called halal products process (*Proses Produk Halal* or PPH), which is a series of activities to ensure halal products which includes processing, storage, packaging, distribution, sale, and delivery of products. Meanwhile, halal product guarantee (*Jaminan Produk Halal*), hereinafter abbreviated as JPH is legal certainty for the product as evidenced by the halal certificate, halal registration number, and halal label.

CONCLUSION

Then, the government should establish the National Agency of Halal Product Guarantee (Badan Nasional Penjamin Produk Halal) hereinafter abbreviated as BNP2H. This is an agency established by the government to hold a halal product warranty and is accompanied by the Halal Audit Institutions (Lembaga Penjamin Halal) hereinafter abbreviated as LPH. LPH is the institution in charge of inspection and testing of halal products, so come a Halal Certificate, which is a recognition of halal products issued by BNP2H by coordinating with the halal fatwa of MUI. The halal products approved will get Halal Registration Number, which is a registered number issued by BNP2H on products that have gained the Halal Certificate as a requirement to be labeled as halal. Finally, the manufacturer is entitled to obtain Halal Label, which is a sign on the product packaging, certain parts of the product, or a specific place that shows halal product.

Furthermore, business agencies that should register their halal products are an individual or business entity, and legal entity or non-legal entity, which organizes the production of the product. Meanwhile, the ministry that in coordination with the Halal Product Guarantee Agency is the minister which held government affairs in the field of religion, which is responsible for organizing Halal Product Guarantee which is planned, integrated, and comprehensive. This BNP2H is under the President and responsible to the President through the related Minister.¹⁰⁴

¹⁰⁴ Kementrian Hukum dan Hak Asasi Manusia RI, *Undang-Undang RI Nomor 33 Tahun 2014 Tentang Jaminan Produk Halal* (Jakarta: Kemenhum, 2014).

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