

# Halal Certification in Used Goods Products in the Perspective of Islamic Law

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## Halal Certification in Used Goods Products in the Perspective of Islamic Law

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### Abstrak

Tujuan penelitian ini adalah untuk mengetahui sertifikasi halal pada produk barang gunaan dalam perspektif hukum Islam. Jenis penelitian yang digunakan adalah penelitian kualitatif field research. Penelitian ini terdiri atas 2 informan dengan menggunakan teknik Purposive Sampling. Data primer yang digunakan dalam penelitian ini merujuk pada hasil wawancara pada subyek penelitian. Adapun data sekunder yang dirujuk ialah buku, jurnal produk halal, dan buku lainnya yang relevan dengan tema penelitian. Teknik pengumpulan data berupa wawancara mendalam dan pelacakan dokumentasi. Analisis data meliputi kondensasi data, penyajian data, dan penarikan kesimpulan. Berdasarkan hasil penelitian di lapangan, sertifikasi halal pada barang gunaan dimaksudkan untuk mendatangkan kemaslahatan dengan mengutamakan prinsip kehati-hatian. Selain itu, diterapkan beberapa tahapan waktu pada barang gunaan untuk wajib di labeli halal. Adapun prosedur halal yang harus dilalui produk barang gunaan untuk mendapatkan sertifikat halal mengacu pada system jaminan halal LPPOM MUI. Dalam tinjauan hukum Islam, sertifikasi halal pada barang gunaan sesuai dengan tujuan pembentukan hukum Islam yakni mendatangkan maslahat. Adapun maslahat yang didatangkan berada pada tingkatan hajiyat (sekunder). Lebih lanjut, kesesuaian hukum Islam pada sertifikasi halal barang gunaan terlihat pada pemenuhan terhadap asas umum dalam hukum Islam. Asas tersebut meliputi asas keadilan, kepastian hukum, kemanfaatan, tauhid, kebebasan, dan asas berangsur-angsur dalam menetapkan hukum.

**Kata kunci:** Sertifikasi halal, baranggunaan, hukum Islam

### Abstract

This study aimed to assess the halal certification of utilized goods from the perspective of Islamic law. It is qualitative field research. The purposive sampling technique was used to gather two informants for this study. The primary data used in this study were from the results of interviews with research subjects. Meanwhile, the secondary data were secondary sources of books, journals on halal products, and other books relevant to the study issue. In-depth interviews and tracking documentations were employed to gather the data. Data analysis involved data condensation, data presentation, and conclusion drawing. Based on the field study results, halal certification on utilized goods is intended to provide benefits by emphasizing precautionary principles. Furthermore, numerous phases of time are applied to utilized goods before they are required to be labelled halal. They have to follow the halal procedures referred to the LPPOM MUI halal assurance system to receive a halal certificate. According to a review of Islamic law, halal certification on utilized goods follows the principles of Islamic law stipulation, which is to provide benefits. The benefits are generated at the *hajiyat* (secondary) level. Furthermore, the Islamic law's conformity to halal certification of utilized goods is indicated in the fulfilment of basic principles of Islamic law.

They are the principles of justice, legal certainty, practicality, monotheism, freedom, and gradual law stipulation.

**Keywords:** Halal, certification, utilized goods, Islamic law

### Introduction

In the past few years, the halal lifestyle sector has shown tremendous potentials. Its expansion may be traced back to an increase in halal product consumption across all market segments. According to data released by the Global Islamic Economy Indicator, spending on food and beverage products tallies USD 1.24 trillion, 198 billion USD for media and recreation, 83 billion USD for pharmaceuticals, 254 billion USD for fashion, 169 billion USD for tourism, and 57.4 billion USD for cosmetics.<sup>1</sup> The data suggest that customer demand for halal products is growing by the day. This surge is expected to continue due to the support of the growing Muslim population, which is expected to account for 2.8 billion of the total world population in 2050.<sup>2</sup> Another reason is that an individual has a higher degree of welfare and adherence to ethical norms as a Muslim.<sup>3</sup> Furthermore, an increasing number of countries are devoting their products to halal-based commodities.<sup>4</sup>

The rise in halal products is affecting more than just the worldwide market. Annually, the development of halal products in Indonesia grows. According to MUI's 2020 statistics data for halal products, there has been a considerable growth in halal product certification from 2012 to 2019.<sup>5</sup> The government reacted positively to this trend by enacting a regulation on halal product assurances, which directly addresses the issue of halal products. Through the Halal Product Assurance Organizing Agency (BPJPH), the flow of halal product development is constitutionally regulated. This is done to ensure that the products traded are of high quality and halal.<sup>6</sup>

Furthermore, to preserve the halal status of the circulating commodities, each product must be certified halal. According to the stipulation of **Law No. 33 of 2014**, Article 4 **concerning Halal Product Assurance** states that any product that arrives, circulates, or is traded onto Indonesian territory must be certified halal. This implies that not only cosmetics but also food and beverages must be halal-certified. Non-consumable products that are essential must also be labelled

<sup>1</sup> Kementerian Perencanaan Pembangunan Nasional/Badan Perencanaan Pembangunan Nasional, *Master Plan Ekonomi Syariah 2019-2024* (Jakarta: PT Zahir Syariah Indonesia, 2018), 11.

<sup>2</sup> Mastercard-Crescentrating, *Global Muslim Travel Index* (Singapore: Mastercard & Crescentrating, 2018), 5.

<sup>3</sup> Komite Nasional Keuangan Syariah, *Potensi Indonesia Jadi Pusat Logistic Dunia* (Jakarta: Komite Nasional Keuangan Syariah (KNEKS), 2020), 3.

<sup>4</sup> Komite Nasional Keuangan Syariah, *Potensi Indonesia Jadi Pusat Logistic Dunia*.

<sup>5</sup> LPPOM MUI, "Data Statistik Produk Halal LPPOM MUI Indonesia 2012-2019," 2020, <https://www.halalmui.org>.

<sup>6</sup> Muhammad Syarif Nurdin and YUSDANI RAHMAN, "Sertifikasi Produk Halal Oleh BPJPH DIY Dengan Pendekatan Ekonomi Politik Perspektif Maqasid Syariah," *Equilibrium: Jurnal Ekonomi Syariah* 9, no. 1 (2021): 199, <https://doi.org/10.21043/equilibrium.v9i1.9783>.

halal. Clothing, accessories, home appliances, and medical devices are examples of such items.<sup>7</sup>

The issue of halal products gains both benefits and drawbacks in society. Endah Dwi Rohayati's study, for instance, which focused on used products through the halal product assurance law, revealed indications of the process of monetizing halal certification.<sup>8</sup> This is supported by Juri Lestari and Kamila Adnani's study, which mentioned the tendency of religious beliefs to be monetized as a profitable product for businesses.<sup>9</sup> Furthermore, Juri Lestari and Kamila Adani claimed that the "Zoya halal hijab" helps their goods circulate in the market. Another study conducted by Rizka Trisna Arianti and Hadi Purnama revealed that Zoya's halal hijab symbolizes Islamic beliefs' commercialization.<sup>10</sup>

Hatoli's study, on the other hand, stated that the declaration of halal certification by the Indonesian Ulema Council (MUI) on electronic and non-consumable products is an element of consumer protection, particularly for Muslims.<sup>11</sup> It is clear that what has been imposed on halal products, particularly the categorization of products that comprise commodities for use, cannot be classified as an attempt to capitalize from the halal certification process.

To unravel and provide a solution to these challenges, the researcher employed a review of Islamic law. This perspective is used to argue for capitalizing on halal certification on utilized goods to profit in the face of measures to protect Muslim consumers. This study aims to assess the halal certification of utilized goods from the perspective of Islamic law.

## Research Methodology

### a. Research Type

The research type is qualitative research (field research). In this study, field activities were conducted to collect the relevant data and information.<sup>12</sup>

### b. Research Subjects

The subjects of this study were, firstly, the chairman of the BPJPH DIY task force and the communication board of LPPOM MUI Yogyakarta. The informants were determined using the purposive sampling technique, in which

<sup>7</sup> H Ahmad Sukandar, "Ketentuan Regulasi Halal Dalam Penyelenggaraan JPH Di Indonesia," accessed March 1, 2021, <https://www.halal.go.id>.

<sup>8</sup> Dwiyatmoko Pujiwidodo, "Politik Hukum Islam Dalam Regulasi Jaminan Produk Halal Di Indonesia" (UIN Sunan Ampel Surabaya, 2016).

<sup>9</sup> Juri Lestari and Kamila Adnani, "Resepsi Komodifikasi Halal Pada Iklan Jilbab Zoya," *Academic Journal of Da'wa and Communication* 1, no. 1 (2020): 2, <https://doi.org/10.22515/ajdc.v1i1.2399>.

<sup>10</sup> Riska Trisna Arianti and Hadi Purnama, "Komodifikasi Kata Halal Pada Iklan Hijab Zoya (Analisis Semiotika Sosial Van Leeuwen)" 2, no. 2 (2019): 30, <https://doi.org/http://dx.doi.org/10.23969/linimasa.v2i2.1687>.

<sup>11</sup> Hatoli, "Sertifikasi Halal Majelis Ulama Indonesia Pada Produk Elektronik Dan Non Konsumsi Perspektif Maslahah," *Journal of Islamic Law* Vol.1, no. 2 (2020): 237-55, <https://doi.org/10.24260/jil.v1i2.45>.

<sup>12</sup> Sugiyono, *Penelitian Kuantitatif Dan Kualitatif dan R & D* (Bandung: CV. Alfabeta, 2013), 19.

the data source was determined based on specified parameters.<sup>13</sup> The determination to appoint the chairman of the BPJPHDIY task force as an informant was based on comprehensive expertise of halal certification issues and the fact that he's been the leader of the governing board with the power and authority to administer halal certification. The second research subjects were the communication board of LPPOM MUI Yogyakarta due to their capability of providing information regarding halal certification on utilized goods.

#### c. Data, Instrument, and Data Collecting Techniques

The results of interviews with the research subjects were used as primary data in this study. Meanwhile, the secondary data referred to books, journals on halal products, and other books relevant to the study issue. Both interviews and documentation were employed as research instruments. In-depth interviews with the chairman of the BPJPH DIY task force and the media and communication board of LPPOM MUI Yogyakarta using Zoom were conducted to investigate the main data of the study. Furthermore, the documentation method was utilized for documentation tracking to obtain data as supplementary in the form of journals, books, and online media that correlate with the study focus.

#### d. Data Analysis Techniques

In this study, the Huberman and Milles model was adopted for data analysis. This analysis technique entails data condensing, data presenting, and conclusion drawing.<sup>14</sup> Data condensation entails simplifying interview results in a proper linguistic arrangement, which is subsequently converted into notes. Meanwhile, the results of interviews and documentation were provided in the form of analysis to draw conclusions from the data gathered in the field in order to address the issue mentioned. Conclusions were made by comparing interview data with existing documents, which were subsequently examined or assessed from the perspective of Islamic law.

### Halal Certification on Utilized Goods

Halal certification is a series of halal assessment processes on products carried out from the beginning to the end under stipulated regulations. This assessment is not limited to cosmetics, food, and beverages. Moreover, it focuses on non-consumable goods. The particular challenge in the issue of halal certification on utilized goods is the urgency and procedures for halal certification on these goods.

#### 1. The Urgency of Halal Certification on Utilized Goods

According to the stipulation of Law No. 33 of 2014 concerning Certified Halal Products, products that wish to engage in the domestic market and local products that want their products to circulate domestically must obtain a halal license. The product categories that must be labeled halal include

<sup>13</sup> Sugiyono, 218–19.

<sup>14</sup> A. Michael Huberman Matthew B. Miles, *Qualitative Data Analysis*, Third Edit (United State of America: Arizona State University, 2014), 8–10.

goods and services. Goods products take account of food and beverages, cosmetics, drugs, biotech products, genetically modified products, chemical products, and those that are worn, utilized, and used by the public. On the other hand, service products include presentation, sale, distribution, shipping, storage, processing, and animal slaughter.<sup>15</sup> Among utilized products that must have the halal certification, reported by BPJPH, are as follows:

Table 1. Types of utilized goods that must be labeled Halal

Goods which are worn	<ol style="list-style-type: none"> <li>1. Clothing: including jackets, socks, underwear, and clothing that contains or is made of animals.</li> <li>2. Headwear: including helmets, hoodies, hats, and caps that feature or originate from animals.</li> <li>3. Accessories: including brooches, eyeglass frames, sandals, shoes, bags, wallets, belts, hair ties, bracelets, earrings, watches, and rings containing or originating from animals.</li> </ol>
Goods which are used	<ol style="list-style-type: none"> <li>1. Home appliances containing or originating from animals, such as knives, glasses, bowls, plates, spoons or forks, and couches</li> <li>2. Household health equipment, including cleaning enzymes, dental floss, toothpicks, and toothbrushes containing or originating from animals.</li> <li>3. Food and beverage packaging, made of aluminum foil, styrofoam, paper packaging, and plastic packaging containing or originating from animals.</li> <li>4. Muslim praying equipment, including mukena, sarong, prayer beads, and prayer rugs made of or derived from animals.</li> <li>5. Office supplies and stationery, such as ballpoints, pens, the Quran printing paper, glue, and ink containing or originating from animals.</li> </ol>
Goods which are utilized	Medical equipment and devices, such as dentures, hearing aids, surgical threads, and heart valves containing or originating from animals.

The grounds underlying these utilized goods on the list of products that must be certified halal vary as well. The BPJPH DIY task force's chairman argued that the certification of halal products on utilized goods is a demand from the Muslim community that the government would have to meet. The reason for this is that, even if the utilized goods are not consumed, they come into close contact with our life. Furthermore, halal products are now available for export and import. As a result, to access and fulfill the

<sup>15</sup> Sukandar, "Ketentuan Regulasi Halal Dalam Penyelenggaraan JPH Di Indonesia."



domestic and worldwide market demand, halal permits are required at all product levels, including utilized products. For this reason, the certification of utilized goods is accommodated by the stipulations of the halal product assurance law. Furthermore, the BPJPH DIY task force chairman stated that the government now administered halal certification. Thus the interests return to the public benefits. This perspective is in line with Article 3 of the Halal Product Assurance Act, which strives to give the public a sense of **comfort, security, safety, and assurance regarding the availability of halal-licensed products** (consumers). Another purpose is to improve and provide value-added to halal goods producers or businesses.

Another different perspective was expressed by the management of LPPOM MUI Yogyakarta. According to them, the precautionary principle underpins the certification of non-consumable goods. The materials employed are thought to be capable of intersecting or coming into contact with humans. The certification of this category of goods seeks to give consumers peace or tranquillity. Another information provided by the management LPPOM MUI regarding the materials that are not vital but submitted for a halal certification based on criteria other than consumers' demand may be deemed value-added for corporate entities. For example, *unite selling* halal-certified headscarves will appeal to specific market segments. As a matter of fact, halal certification is employed as a value-added for the producers. Because the halal certification, in principle, is also a guarantee of quality from the producers or corporate entities. For Muslim corporate entities, ensuring the quality that producers give to customers and producers' obligation to God is considered.

The period for issuing halal status mandatory on utilized goods is prolonged compared to other types of products. According to the BPJPH DIY task force chairman, the implementation of utilized goods certification that we hold on to daily will last until 2034. According to data released by the BPJPH center, the period of halal certification issued to utilized goods is classified into several stages. Utilized goods in office supplies and stationery, Muslim praying equipment, food and beverage packaging, home appliances, and household health supplies from October 17, 2021, to October 17, 2026. The accessories, such as headwear and clothing, are valid from October 17, 2021, to October 17, 2026. The goods in the medical equipment and devices category are valid commencing October 17, 2021, and ending on October 17, 2034.

## 2. Halal Certification Procedures for Utilized Products

The halal certification procedure is a step taken to assess the quality standards of halal products that are produced. The MUT's quality standards are **put in place through a halal assurance system**. In a broad sense, the halal assurance system states that everything done by corporate entities is documented in the halal assurance system. Not only that, whatever the producers do must also refer to the halal assurance system. **As a result, companies that apply for a halal certification must develop and implement**

the halal assurance system in their business. Referring to the LPPOM MUI guidelines for the halal assurance system, the halal elements consist of halal policies, halal guidelines, halal management organizations, standard operating procedures, technical references, administrative systems, documentation systems, socialization, training, external and internal communication, internal audit, improved performance, and management review.<sup>16</sup>

In addition, LPPOM MUI emphasized in the interview that the halal assurance system is created and implemented as a means of protecting halal regulations or halal standards. Therefore, the corridor must be sustained consistently to keep the production process running smoothly. Materials, manufacturing processes, procurement of goods or raw materials, manufacturing processes, distribution processes, and even product displays and the existence of traceability efforts related to halal products are all covered.

The same treatment is also given to utilized goods. Companies that produce utilized goods must also complete halal documents based on the halal assurance system established by LPPOM MUI. The content of the halal assurance system varies. Because the halal assurance system is undoubtedly specific to the activities or service products undertaken, the size of the complexity or difficulty of the halal assurance system depends on or is very similar to the typical business actors. Furthermore, LPPOM MUI Yogyakarta asserted that the halal assurance system for large companies, such as producers or processing industries, is not the same as the halal assurance system for small food businesses, but they share the same points. The only difference is that the complexity and levels of difficulty in the halal assurance system will vary depending on the size of the company and the activities performed. MUI's halal examination of utilized goods is focused on the content of substances contained in the product. This is because the basic ingredients that make up the goods may contain or be contaminated with non-halal ingredients.

### Halal Certification on Utilized Products from the Perspective of Islamic Law

In general, products that must be halal-certified are those that are consumed. This specifically refers to QS. al-Baqarah (2): 168, 172-173, QS. al-Maidah (5): 3, 5, 87-88, 90-91, 96, 100, QS. an-Nahl (16): 114, QS. al-An'am (6): 118, 121, 145, and QS. al-Hajj (22): 28, 30, 34 regarding the command to consume halal and avoid haram goods. At this point, there are almost no pros and cons associated with halal certification in this category of goods. With the advancement of technology, the determination of halal is no longer limited to food and beverage products. Current market conditions also necessitate the

<sup>16</sup> Lembaga Pengkajian Pangan Obat-Obatan dan Kosmetika Majelis Ulama Indonesia, *Panduan Umum Sistem Jaminan Halal LPPOM-MUI* (Jakarta: LPPOM MUI, 2008), 18–29.



inclusion of utilized goods on the list of products that must be labeled halal. That is why determining halal on utilized goods is something new that the Islamic community is dealing with today. In order to objectively place the position of utilized goods among the existing pros and cons, this issue presupposes a broader perspective. Therefore, the basic objectives and principles in the formation of Islamic law are a set of analytical tools. This is because, in Islam, the application of law cannot be separated from its purpose of meeting human needs. The goal is to achieve and make goodness and happiness come true by utilizing, preventing, and disregarding badness or harm in human life.<sup>17</sup> Similarly, the principle of Islamic law is used as a foundation for reasoning and repository for all legal issues.<sup>18</sup>

In Islam, the implementation of the law is aimed to achieve the goal of attaining human benefits through the fulfilment of life's necessities.<sup>19</sup> In general, the goal of Islamic law is referred to as or associated with *maqasid sharia* in Islamic law literature. The term *maqasid sharia* refers to the purpose of Islamic law in achieving benefits. In this case, Al-Ghazali categorized the benefit's quality and importance into several levels, namely;<sup>20</sup>

1. *Daruriyat* (Primary)

*Daruriyat* is a need that must and should be fulfilled. If the needs are not met, the benefit of the entire globe cannot be realized, and it may even harm the benefit itself. In terms of economy, Al-Ghazali, as quoted by Anton Athoillah, defines *daruriyat* as a level of meeting basic needs such as food, clothing, and housing.<sup>21</sup> This type of need is said to be the fulfillment of the most basic human needs. According to Al-Ghazali, *daruriyat* is a benefit that ensures the preservation of five main goals: religion, body, mind, heredity, and property.

2. *Hajiyat* (Secondary)

In addition to basic needs that must be met, humans also need a sense of comfort, the need of the second level, *hajiyat*. The need at this level complements the needs of the *daruriyat*, wherein it is a tool in providing comfort, convenience, and benefits for humans. The fulfillment of this level does not threaten safety if it is not fulfilled, as is the case with the *hajiyat* level.<sup>22</sup>

3. *Tahsiniyat* (Tertiary)

<sup>17</sup> Ghofar Shidiq, "Teori Maqashid Al-Syari'ah Dalam Hukum Islam," *Sultan Agung* 44, no. 118 (2009): 117.

<sup>18</sup> Muhammad Daud Ali, *Hukum Islam: Pengantar Ilmu Hukum Dan Tata Hukum Islam Di Indonesia* (Jakarta: PT Raja Grafindo Persada, 2006), 126.

<sup>19</sup> Rohidin, *Pengantar Hukum Islam: Dari Semenanjung Arabia Hingga Indonesia* (Yogyakarta: Lintang Rasi Aksara Books, 2016), 30.

<sup>20</sup> Abu Hamid Al-Ghazali, *Al-Mustasfa Fi'Ilm Al-Ushul* (Beirut: Dar Al-Kutub al-Ilmiyah, 2000), 174.

<sup>21</sup> Bambang Anees Anton Athoillah, *Filsafat Ekonomi Islam* (Depok: Sahifa, 2013), 93.

<sup>22</sup> Satria Effendi, *Ushul Fiqhi* (Jakarta: Kencana, 2017), 212.

*Tahsiniyat* is the last level of needs formulated by Ghazali. The desire for luxury needs is one of the needs that shall be met in human beings, and it is a basic need.<sup>23</sup> Needs at this level lead to ways of adorning humans' appearances while doing various activities.

In summary, the goals of Islamic law, or Al-Ghazali's *maqasid sharia*, are as follows:

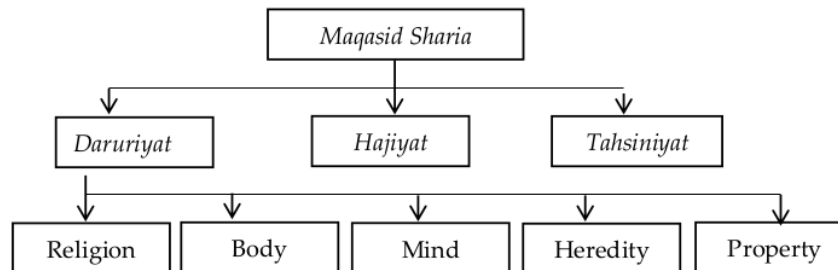


Figure 1. Al-Ghazali's *Maqasid Sharia*

These needs, according to Al-Ghazali, are not only for the fulfillment of worldly life. Moreover, humans require these needs in order to carry out religious activities. Regarding halal certification on utilized goods, according to the chairman of the BPJPH DIY task force, one of the urgencies is to realize the benefit of consumers by assuring halal products. Besides, the halal certification is used as a value-added to their products for producers since the halal principle is regarded as a quality assurance from producers or corporate entities to consumers. This is in line with Islamic business principles, which are as follows:<sup>24</sup>

#### 1. Customer-oriented

This is a principle that upholds and prioritizes customers' satisfaction. The company's commitment to providing the best services to consumers is reflected in the public demand for halal-labeled utilized products. This means that today's certified utilized products result from initiatives by corporate entities seeking to provide services in the form of halal assurances for marketed products.

#### 2. Transparency

Transparency in business is associated with producers being open about the quality, composition, and chemical elements in a product. This transparency is intended to ensure that consumers do not feel exploited. By labeling the halal logo on their products, producers of utilized goods inform the public that the products have gone through a series of processes to obtain a halal certificate. The series of processes have gone through the stages required in the halal assurance system. As a result, the product can indeed be assured to be halal. Halal products include the following characteristics:

<sup>23</sup> Anton Athoillah, *Filsafat Ekonomi Islam*, 93.

<sup>24</sup> Norvadewi, "Bisnis Dalam Perspektif Islam (Telaah Konsep, Prinsip Dan Landasan Normatif)," *Al-Tijary: Jurnal Ekonomi Dan Bisnis Islam* 1, no. 1 (2015): 38, <https://doi.org/https://doi.org/10.21093/at.v1i1.420>.

substance content, method of acquiring, process, storage, transportation, and presentation.<sup>25</sup>

### 3. Fair competition

Competitiveness in benevolence is one of the religious commands intended to encourage fair competition. The initiative of utilized goods producers to obtain halal certification is fair competition among them. Halal certification is not a market in which a single large producer can monopolize halal certification. Any business actor who has met the halal assurance standard is entitled to obtain halal.

Halal certification on utilized goods is included under the category of *hajiyyat* or secondary needs in terms of benefits taken. Its existence is intended to provide consumers with comfort and transparency. Halal certification in this category of goods is a public demand that the Nation then fulfills through the law on halal assurances. According to the writer, the urgency of halal certification on utilized goods is not as demanding as halal labeling on food and beverage products that come into direct contact with the human body and are connected with these goods daily. Nonetheless, the emergence of a new culture that reflects a halal lifestyle is unavoidable. Thus, it is natural to maintain and develop products that can be used with a halal license. The certification is fair at the secondary level or *hajiyyat*. Its existence benefits producers by promoting their products to the Muslim market share, which typically requires the label to ensure their product choice. More importantly, the major benefit consumers perceive is the ease of obtaining used halal-licensed goods. This facility is aimed to support Muslim customers in developing a halal lifestyle.

At the same time, the Nation's involvement in formulating a halal policy for utilized goods is part of the efforts to give rise to benefits. Even though the benefits sought do not fall under the category of primary benefits or *daruriyyat*. In accordance with Ahmad Rajafi's statement that what the government sees as more beneficial than harmful, this action can be taken, and in some cases, it becomes mandatory, even if the policy is not found in the primary source of Islamic law.<sup>26</sup> Furthermore, Achmad Rajafi suggested that Islamic law gives the nation a great deal of flexibility in determining policies to achieve what is seen as being beneficial to the public benefits and to prevent specific actions that are considered bad, all of which are not in conflict with the permanent texts and legal rules.

Besides the goal of Islamic lawstipulation, legal principles play an essential role in determining the substance of halal certification on goods for use. In Islamic law, knowledge of principles is used to determine the meaning or value of a stipulation. The principles of Islamic law are also used as the

<sup>25</sup> Departemen Agama RI, *Tanya Jawab Seputar Produksi Halal*, (Jakarta: Departemen Agama RI, 2005), 17.

<sup>26</sup> Ahmad Rajafi, *Masa Depan Hukum Bisnis Islam Di Indonesia: Telaah Kritis Berdasarkan Metode Ijtihad Yūsuf Al-Qaradāwi* (Yogyakarta: LKIS, 2013), 45.

foundation for a legal order. Islamic law is divided into three major principles, namely, the principles of justice, legal certainty, and practicality.<sup>27</sup>

#### 1. The Principle of Justice

Justice is regarded as the most important aspect of human life. In Islam, justice applies to all human activities, including socioeconomic, political, and legal activities. Therefore, Islam considers justice to be a fundamental principle that must be embodied in various activities. In Islam, justice consists of God's absolute justice, the justice of His words on the verses, justice of sharia as explained by His Prophets, justice in the nature of His creation, and the justice imposed on humans for their life in society.<sup>28</sup>

According to this point of view, the practice of halal certification on utilized goods is an attempt to achieve social justice. One form of justice for consumers is avoiding *muamalah* (social interaction) behavior that can end up causing harm or loss to consumers, as well as acts of forgery.<sup>29</sup> According to Nejatullah Siddiqi, production as a means of providing products in goods and services must prioritize the values of justice and virtue for the community in depicting Islamic behavior.<sup>30</sup> Attaching a halal logo in their products done by producers is part of achieving justice for consumers. The inclusion of halal information on their products reinforces that the products have undergone a series of certification processes guaranteed by the halal assurance system. Thus, the producers ensure that no non-halal elements are present in their products, from production processes to consumption by the public.

#### 2. The principle of legal certainty

Legal certainty is a principle that emphasizes that an action cannot be penalized unless it is supported by the strength of the existing regulatory provisions that apply to the action.<sup>31</sup> In Islam, all things are permissible, especially those related to *muamalah*, unless a verse explicitly prohibits it. Therefore, as long as no legal sources prohibit it, the culprits will face no legal consequences. Regarding halal certification on utilized goods, the author believes that there is no information in the verse that can be used to invalidate the halal certification. As a result, any manufacturing company can carry the certification process as long as the criteria are met and the entire process is carried out following the LPPOM MUI. Furthermore, the principle of legal certainty promotes the flows of products in domestic and international markets based on halal license demands.

<sup>27</sup> Ali, *Hukum Islam: Pengantar Ilmu Hukum Dan Tata Hukum Islam Di Indonesia*, 121.

<sup>28</sup> Achmad Irwan Hamzani, *Asas Hukum Islam: Teori Dan Implementasinya Dalam Pengembangan Hukum Di Indonesia* (Yogyakarta: Penerbit Thafa Media, 2018), 80.

<sup>29</sup> Norvadewi, "Bisnis Dalam Perspektif Islam (Telaah Konsep, Prinsip Dan Landasan Normatif)," 39.

<sup>30</sup> M. Aslam Haneef, *Penikiran Ekonomi Islam Kontemporer* (Jakarta: PT Raja Grafindo Persada, 2010), 37.

<sup>31</sup> Hamzani, *Asas Hukum Islam: Teori Dan Implementasinya Dalam Pengembangan Hukum Di Indonesia*, 83.



### 3. The principle of practicality

The practicality principle is employed to support the principles of justice and legal certainty. In law enforcement, this principle is utilized to assess the value of a legal judgment's applicability. It is one of the concerns in establishing a halal policy that includes utilized goods as products that must be labeled halal. It is aimed at both consumers and producers. The existence of halal certification on utilized goods has benefited halal consumers who have been vocalizing the halal lifestyle. The effect brought up then forms a halal circle, which has now constituted other halal circles in regions and even nation-wide that are currently feeling the impact of the halal lifestyle's birth. This halal circle benefits consumers by making it easier for them to access and obtain products that are assured to be halal. Producers of the utilized goods, on the other hand, take advantage of this certification. The value-added that is generated triggers the product to be received by the market. As a result, the halal products of such categories have their very own halal market. Thus, both consumers and producers obtain direct benefits from the existence of halal certification. Furthermore, the Nation also benefits from the increased level of economic growth generated by these halal products.

In addition to those three basic principles proposed by Daud Ali, Rohodin reinforced them by some other principles, such as the principles of monotheism, independence or freedom, and gradual law stipulation.<sup>32</sup>

#### 1. The principle of Monotheism (*Tawhid*)

The core of all *Samawi* (heavenly) religious teachings, including Islam, is based on monotheistic teaching. This teaching is a form of complete submission to the Creator in devotion and *muamalah* (social-economic) behavior. Realizing monotheistic values in *muamalah* has particular signs derived in the primary sources of Islamic law to be directed and performed. Referring to this legal system, human beings always relate their activities to bringing God into business economic activities. In terms of halal consumption and avoiding haram goods, it is a direct religious command that must be followed. Non-consumable utilized product certification stems from the precautionary principle, which seeks to avoid contact with non-halal goods, which is one of the religious orders. In this regard, halal certification of utilized goods follows the rules. So apart from the assessment of the utilized goods, it does not include consumption that goes into the human body. Used goods are still believed to have direct contact with the human body. To preserve this, both consumers and producers, who the government directly supports, must implement certification to support the consumption of utilized goods in everyday lives.

#### 2. The principle of independence or freedom

The freedom principle is part of one's efforts to obtain something good. The meaning of freedom can also be interpreted as the ability to get benefits from the community and personal benefits as long as it does not harm

<sup>32</sup> Rohidin, *Pengantar Hukum Islam: Dari Semenanjung Arabia Hingga Indonesia*, 41–42.



others.<sup>33</sup> Islam allows its adherents to engage in various activities, particularly *muamalah*, as long as they do not contradict the regulations of Islamic law (sharia) that have been outlined and violate the freedom of others. The freedoms include freedom to express one's opinions, conduct business, practice religious rituals, and freedom to buy and sell. The initiative taken by utilized goods producers to achieve halal certification is an act to express the independence or freedom principle. This expression reflects their freedom to engage in economic activities while adhering to Islamic teachings on halal-haram without infringing on and violating the bounds of legitimate legal norms.

### 3. The Principle of Gradual Law Stipulation

Throughout history, Islam has served as an example of determining the law stipulation of an issue. The Quran's bans of something are carried out gradually. Similarly, the description of the Quran's revelation did not occur all at once but gradually or step by step. The revelation of the verse was frequently based on specific events. This was due to the Arab community's social conditions at the time, with their customary legal system frequently contradicting Islamic law.<sup>34</sup> BPJPH's Halal certification also imposes this principle on used goods products, implemented through legal provisions. Among several products that must be halal-certified, the category of used products is the final product that must be done so. The period given is unmitigated and extends up to 2034 in stages. Considering that the use of goods is not one of the public's primary needs, implementing mandatory status on them will take some time. As of now, halal-certified goods are merely the producers' voluntary measure.

## Conclusions

Based on the results of the study on halal certification on used goods from the perspective of Islamic law, the following conclusions can be drawn: Halal certification on used goods is intended to provide benefits according to the precautionary principle. In addition, several time stages are applied to used goods labelled halal, starting from October 17, 2021, to October 17, 2034. Meanwhile, the procedures for halal certification for used goods products refer to the LPPOM MUI halal assurance system. This system consists of halal policy, guidelines, management organizations, standard operating procedures, technical references, administrative systems, documentation systems, socialization, training, external and internal communication, internal audit, remedial measure, and management review.

From the perspective of Islamic law, halal certification on utilized goods is under the goal of Islamic law establishment, which is to provide benefits. The benefits generated are at the *hajiyyat* or secondary level. Its existence is aimed to provide consumers with comfort and transparency. On the other hand, its

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<sup>33</sup> Rohidin, 70.

<sup>34</sup> Rohidin, *Pengantar Hukum Islam: Dari Semenanjung Arabia Hingga Indonesia*.

existence benefits producers by allowing them to market their products to the Muslim market share, which typically requires the label to guarantee their product choice. Furthermore, the suitability of Islamic law on halal certification of used goods is proved by the fulfilment of basic principles of Islamic law. The principles are justice, legal certainty, practicality, monotheism, freedom, and gradual law stipulation.

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