

ISLAMIC LAW REVIEW OF THE VALIDITY OF *SELF-DECLARATION* IN THE HALAL CERTIFICATION PROCESS OF MICRO AND SMALL BUSINESSES (MSEs)

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Abstract

This research is entitled Islamic Law Review of the Validity of *Self declare* in the halal certification process of micro and small businesses (MSEs). The main problem of this research is How is the Islamic Law Review of the validity of *self-declaration* in the halal certification process of micro and small businesses (MSEs). The type of research used is *library research* or library research. The method used is data collection which is done by reading references and literature with the aim of supporting this research. The research approach used is the Shari'i Theological Approach with a normative juridical approach. The results of the study indicate that halal certification with a *self- declaration* scheme in the perspective of Islamic law is said to be valid, because the concept of *self-declaration* in Indonesia does not necessarily mean that business actors can declare that their products are halal, but there are still mechanisms that regulate *the self-declaration* such as products that are not risky or use materials that have been confirmed halal and PPH assistance is carried out. In addition, the presence of *self-declaration* has fulfilled the three basic principles of muamalah fiqh, namely the Principle of Tawhid, the Principle of Mubah, the Principle of Maslahah. The implication of this research is to help ensure that products claimed to be halal by micro and small businesses (MSEs) through the *self-declaration* scheme actually meet halal standards recognized by Islamic law, so that consumers can have greater confidence in the products in circulation, besides that this research is also expected to be the basis for improving regulations related to halal certification of *self-declaration* schemes, including improving supervision and monitoring mechanisms to prevent unauthorized *self-declaration* practices.

Keywords: Validity, Halal Certification, *Self declare*

A. Introduction

Indonesia is a country where the majority of consumers are Muslim, so that every product that is used, used, or utilized must be guaranteed the quality and halalness of the product in accordance with Islamic law. Product halalness is a very important thing to do with the aim of providing a sense of comfort and security for consumers both Muslim and non- Muslim in choosing halal products.

As found in QS al-Baqarah / 2: 168.

يَا أَيُّهَا النَّاسُ كُلُوا مِمَّا فِي الْأَرْضِ حَلَالًا طَيِّبًا وَلَا تَتَّبِعُوا خُطُوَاتِ الشَّيْطَانِ إِنَّهُ لَكُمْ عَدُوٌّ مُبِينٌ ١٦٨

Translation:

“O people! Eat of the lawful and good things found on earth, and do not follow the steps of the devil. Indeed, the devil is a real enemy to you.”¹

The verse explains about the command to consume halal food again good from what is on earth, as well as the prohibition to follow the steps of Satan, because Satan is a real enemy for humans, which sometimes people do not realize that they have been trapped by Satan's whispers so that they do things that are prohibited by Allah without feeling guilty and even underestimate the sins committed.²

Products circulating in Indonesia are very diverse, both local and imported products. In order to facilitate customers in choosing halal products, each product must have a halal marker. Therefore, the product must be certified and given a halal label.³

Based on the regulations governing halal products, which are contained in Law No.33 of 2014 concerning Halal Product Guarantee (JPH Law) and Government Regulation No. 31 of 2019 concerning Halal Product Guarantee which then has implications for changing the system of procedures and registration of halal certification which was originally voluntary (voluntary) turned into mandatory⁴ which is stated in article 4 of the JPH Law which reads "Products that enter, circulate, and are traded in the territory of Indonesia must be halal certified."⁵ So it appears clearly that business actors in producing and trading their products in Indonesia, must be halal certified and have a halal logo on the packaging.

The enactment of Law number 11 of 2020 concerning work copyright has actually brought significant changes in various aspects of legislation in Indonesia. One of the important changes mandated by the law is in Law Number 33 of 2014 concerning Halal Product Guarantee. Through the 2020 Job Creation Law, a new article was added to Law Number 33 of 2014, which discusses the concept of *self-declaration* of halal certification specifically for

¹Ministry of Religious Affairs of the Republic of Indonesia of *al-Qur'an and its Translations* Indonesia .

²Nashirun, 'Halal and Haram Food in the Perspective of the Qur'an, *Halalan Thayyiban: Journal of Halal Management and Islamic Tourism Studies*, Vol. 3, No. 2 (2020), pp. 2–3.

³Warto and Samsuri, "Halal Certification and its Implications for the halal Product Business in Indonesia," *Al Maal: Journal of Islamic Economics and Banking*, Vol. 2, No. 1 (2020), pp. 98–112.

⁴Aidah Mardatillah, "Halal Certification Switches, MUI Questions the Halal Product Guarantee Law", <<https://www.hukumonline.com/berita/a/sertifikasi-halal-beralih--mui-persoalkan-uu-jaminan-produk-halal-lt5d53e60da9064/?page=1>> (2 September 2023).

⁵Republik of Indonesia, *Law of*, n.d.

micro and small businesses (MSEs). Article 4A of the Law states that for micro and small businesses (MSEs), the obligation to have halal certification can be carried out based on a statement from the business actor himself, provided that the statement must comply with the halal standards set by the Halal Product Guarantee Agency (BPJPH).

One of the government's efforts to facilitate business establishment licensing for micro and small business actors (MSEs) is by facilitating the acquisition of halal certificates. However, this new provision changes the halal certification process, which previously involved the Halal Product Process Institution (LPH) which is responsible for analyzing food products using a laboratory, and now only involves the Halal Product Process Assistance (PPH) which is tasked with examining and analyzing product ingredients that have been submitted by business actors as a condition for *self-declaration*.⁶

Micro and Small Enterprises (MSEs) can declare or declare independently about the halalness of their products. This is also able to make it easier for micro and small businesses to obtain halal certification without having to spend money, but on the other hand it raises concerns about the halalness of products that use the *self-declaration* scheme, because micro and small businesses declare the halalness of their own products.

B. Research Methods

The type of research used is Normative Legal Research or library research, which is research conducted only on written regulations or other legal materials.⁷

The research approach used in this study is used as a basis for building arguments in a study. as for the research approach used in this study is the Shar'i Theological Approach and the normative juridical approach. Shar'i Theological Approach, is an approach that uses the balance sheet of Islam to see the existence of God through the interpretation of the Qur'an and hadith. While the normative juridical approach or statutory approach, is an approach that seeks to analyze the laws governing halal product guarantees and *self-declaration*.

C. Results and Discussion

1. Halal Certification Application Process

Halal Certification Is a statement and recognition of the halalness of a product from the Halal Product Guarantee Agency (BPJPH) which issues halal certificates based on the MUI (Indonesian Ulama Council) fatwa.⁸ This halal

⁶Zahrannisa Putri Faizal and Jeane Neltje Saly, 'Review of the Implementation of Self Declare Halal Certification on Food Product for Consumer Based on Positive Law in Indonesia, *Adigama Law Jurnal*, Vol. 5 No. 2 (2022), p. 453.

⁷Sri Mamudji Soerjono Soekanto, *Normative Legal Research* (Jakarta: : PT. Raja Grafindo Persada, 2004), p. 14.

⁸Panji Adam Agus, "The Position of Halal Certification in the National Legal System Consumer Protection in Islamic Law," *Amwaluna: Jurnal of Islamic Economics and Finance*, vol. 1 no. 1 (2017), pp. 149–165.

certificate is a requirement to obtain permission to include a halal label on product packaging from the authorized government agency, namely BPOM RI.⁹

The halal certification submission process is divided into two schemes, namely Regular and *Self declare*.

a. Regular Scheme

The flow of Regular Scheme Halal Certification is as follows:¹⁰

- 1) Before registering, make sure the business actor has an active email and *Risk-Based NIB* (if not, please register or migrate NIB via (<https://oss.go.id>)).
- 2) Business actors create an account, then apply for Halal Certification by filling in data and uploading required documents via, <https://ptsp.halal.go.id/> (SIHALAL).
- 3) BPJPH verifies the suitability of the data and completeness of the application documents.
- 4) LPH calculates, determines and enters the inspection fee in SIHALAL.
- 5) Business actors make payments and upload proof of payment (pdf format) in SIHALAL
- 6) BPJPH verifies payment and issues STTD (Document Receipt Letter) in SIHALAL.
- 7) LPH conducts the audit process and uploads the Audit Report in SIHALAL.
- 8) MUI Fatwa Commission conducts Fatwa Session and uploads Halal Decree in SIHALAL.
- 9) BPJPH issues Halal Certificate
- 10) Business actors download halal certificates in SIHALAL if the status is "Issued SH"

The required documents that must be completed by business actors in conducting Regular Scheme Halal Certification are as follows:¹¹

No	Document Type	Description	Description
1.	Application Letter	Uploaded on SIHalal	The format can be downloaded at bpjph.halal.go.id/detail/information-1
2.	Registration Form	Uploaded on SIHalal (mandatory for	The format can be downloaded at bpjph.halal.go.id/detail/information-1

⁹Purwanti Paju, "Guarantee of Halal Product Certificates as One of the Protections of Consumers According to Law Number 0 of 1999 concerning Consumer Protection", *Jurnal of Lex Crimen*, Vol. 5, No. 5, (2016), p. 112.

¹⁰Halal Product Guarantee Agency of the Ministry of Religious Affairs of the Republic of Indonesia, "Flow of Regular Halal Certification" <<https://bpjph.halal.go.id/detail/sertifikasi-halal>> (14 April 2024).

¹¹Halal Product Guarantee Agency of the Ministry of Religious Affairs of the Republic of Indonesia, "Regular Halal Certification Requirements Document" <<https://bpjph.halal.go.id/detail/sertifikasi-halal>> (14 April 2024).

		slaughter service)	
3.	Legal aspects: NIB	Filled in SIHalal	Risk-Based NIB
4.	Document Halal Supervisor: a. Halal Supervisor Designation Decree b. Copy of ID card c. Curriculum vitae	Uploaded on SIHalal in 1 File	a. Halal Supervisor is Muslim b. Halal Supervisor Large medium enterprises, and overseas must have a training certificate and halal supervisor competency certificate c. Especially for Medium, Large and Overseas Business Actors, Halal Supervisors must have a certificate of training and competency test.
5.	Register product name	Filled in SIHalal	-
6.	Register products and materials used	Uploaded on SIHalal	The format can be downloaded at bpjph.halal.go.id/detail/information-1
7.	SJPH Manual	Uploaded on SIHalal	The format can be downloaded at bpjph.halal.go.id/detail/information-1
8.	Distribution license or SLHS (if applicable)	Uploaded on SIHalal	Not Required

b. Self Declare Scheme by Ministry of Religious Affairs

Self declare comes from two words namely *self* and *declare*, *self* in English is defined as "self" while *declare* is defined as "Stating, announcing, or declaring" so that it can be interpreted as a statement from oneself.

In the context of halal certification, *self-declaration* is defined as a statement of the halal status of MSE products independently. Business actors can do *self-declaration* if they meet certain conditions, namely there must be assistance by a registered halal product process assistant (PPH).¹² *Self declare* itself does not necessarily mean that business actors can declare that their products are halal, but there is still a mechanism that regulates it.¹³

The free halal certification program "Sehati" for MSEs is a form of government support in improving halal certification for micro and small

¹²Istianah and Gemala Dewi, "Maslahah Analysis on the Concept of Halal *Self-Declare* Before and After Enactment of the Job Creation Law," *Al-Adl: Journal of Law*, vol. 14 no. 1 (2022), pp. 85–109.

¹³IHATEC, "What is Self Declare? and What are the Benefits for MSEs?" <<https://ihatec.com/self-declare/>> (14 April 2024).

enterprises (MSEs). According to the Minister of Religious Affairs, Yaqut Cholil Qoumas, the "Sehati" program is intended to make it easier for MSEs to obtain halal certification. This program also aims to increase the awareness of MSE actors regarding the importance of halal certificates and halal labels for accelerating business growth, increasing public awareness about the importance of consuming halal products, strengthening halal products from MSE actors, increasing the number of MSE actors who meet halal requirements, and increasing the added value and competition of MSE products in local and international trade.¹⁴

The following is the flow of Halal Certification *Self declare* scheme or free halal certification "Sehati":¹⁵

- 1) Business Actors
 - a) Create an account through ptsp.halal.go.id
 - b) Preparing halal certification application data and selecting PPH assistants
 - c) Complete data request data with PPH Facilitator
 - d) Apply for halal certification with a business statement through SIHALAL.
- 2) Halal Product Process Assistant (PPH)
 - a) PPH Facilitator Conduct verification and validation of the business actor's statement
- 3) BPJPH
 - a) BPJPH conducts system verification and validation of reports on the results of halal product process assistance
 - b) Issuing STTD (Document Receipt Letter)
- 4) Halal Product Fatwa Committee
 - a) Receive reports on the results of assisting the halal product process that has been verified by the BPJPH system and conduct a fatwa hearing to determine the halalness of the product.
- 5) BPJPH
 - a) Accepting the halal status of the product
 - b) Issuing halal certificate
- 6) Business Actors
 - a) Downloading halal certificate through SIHALAL
 - b) Downloading the national halal label to put on products

In addition to knowing the flow of Halal Certification *self-declaration* scheme or free halal certification "Sehati" Business actors who want to register through the scheme must prepare the required documents. The required

¹⁴Ministry of Religious Affairs of the Republic of Indonesia, "Sehati, Free Halal Certification Program for MSEs to be Launched Soon" <<https://kemenag.go.id/nasional/sehati-program-sertifikasi-halal-gratis-untuk-umk-segera-diluncurkan-4n6o8b>> (20 January 2024).

¹⁵Halal Product Guarantee Agency of the Ministry of Religious Affairs of the Republic of Indonesia, Flow of Free Halal Certification (SEHATI)" <<https://bpjph.halal.go.id/detail/sertifikasi-halal>> (14 April 2024).

documents that must be completed by business actors in conducting Halal Certification *Self-declaration* scheme or free halal certification "Sehati" as follows¹⁶.

- 1) Products are not risky or use ingredients that have been confirmed halal
- 2) Production process that is halal and simple
- 3) Have a Business Identification Number (NIB)
- 4) Having annual sales results (turnover) of a maximum of Rp. 500.000.000.00 (Five hundred million rupiah) as evidenced by an independent statement
- 5) Has a location, place, and halal product process equipment (PPH) that is separate from the location, place and process equipment for non-halal products.
- 6) Has or does not have a distribution permit (PIRT/MD/UMOT/UKOT). Certificate of Good Hygiene Sanitation (SLHS) for food/beverage products with a shelf life of less than 7 (Seven) days, or other industrial licenses for products produced from related agencies.
- 7) Products produced in the form of goods
- 8) Does not use hazardous materials
- 9) The ingredients used have been confirmed halal
 - a) Proven by a halal certificate; or
 - b) Included in the list of ingredients according to Degree of the Minister of Religious Affairs Number 1360 of 2021 concerning Ingredients that are exempted from the Obligation to be Halal Certified.
- 10) Has been verified for halalness by the halal peoduct process assistant
- 11) The type of product/group of products that are halal certified do not contain elements of slaughtered animals, unless they come from producers or slaughterhouses/poultry slaughterhouses that are halal certified.
- 12) Using production equipment with simple technology or done manually and/or semi-automatically (home business not factory business)
- 13) Product preservation process is simple and does not use a combination of more than one preservation method
- 14) Willing to complete halal certification application documents with an online self-statement mechanism through SIHALAL

2. The validity of *self-declare* from the perspective of Islamic law

The relationship between human beings always changes along with the development and progress of the times. Therefore, Allah swt revealed rules that not only reach an era but can also be followed along with the development of every era.¹⁷

¹⁶Halal Product Guarantee Agency of the Ministry of Religious Affairs of the Republic of Indonesia, "Requirements for Registering for Free Halal Certification (SEHATI)" <<https://bpjph.halal.go.id/detail/sertifikasi-halal>> (14 April 2024).

¹⁷Nurindah Pertiwi Ismail And M. Thahir Maloko, "Review of Muamalah Jurisprudence on the Application of Stone Printing Labor Wages", *Iqtishaduna: Scientific Journal of Students of the Departement of Sharia Economic Law*, Vol. 3, No. 1 (2021), pp. 55.

The basis used in Halal Certification is as follows:

1. Al-Qur'an

Allah swt. says in QS al-Baqarah/2:168.

يَا أَيُّهَا النَّاسُ كُلُوا مِمَّا فِي الْأَرْضِ حَلَالًا طَيِّبًا وَلَا تَتَّبِعُوا خُطُوَاتِ الشَّيْطَانِ إِنَّهُ لَكُمْ عَدُوٌّ مُبِينٌ (١٦٨)

Translation :

“O people! Eat of the lawful and good things found on earth, and do not follow the steps of the devil. Indeed, the devil is a real enemy to you.”¹⁸

Allah swt. says in QS al-Baqarah/2:172.

يَا أَيُّهَا الَّذِينَ آمَنُوا كُلُوا مِنْ طَيِّبَاتِ مَا رَزَقْنَاكُمْ وَاشْكُرُوا لِلَّهِ إِنْ كُنْتُمْ إِيَّاهُ تَعْبُدُونَ (١٧٢)

Translation :

“O you who have believed, eat of the good of the sustenance We have given you. And give thanks to Allah, if you truly worship Him.”¹⁹

Allah swt. says in QS al-Maaidah/5:87.

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَحْرِمُوا طَيِّبَاتِ مَا أَحَلَّ اللَّهُ لَكُمْ وَلَا تَعْتَدُوا إِنَّ اللَّهَ لَا يُحِبُّ الْمُعْتَدِينَ (٨٧)

Translation :

“O you who believe, do not forbid that which Allah has made lawful for you, and do not exceed in the limits. Verily, Allah dislikes those who transgress”²⁰

Allah swt. says in QS al-Maaidah/5:3.

حُرِّمَتْ عَلَيْكُمْ الْمَيْتَةُ وَالِدَمُّ وَالْحُمُ الْجُنْزِيرُ وَمَا أَهَلَ لِغَيْرِ اللَّهِ بِهِ وَالْمُنْخَنِقَةُ وَالْمَوْقُوذَةُ وَالْمُتَرَدِّيَةُ وَالنَّطِيحَةُ وَمَا أَكَلَ السَّبْعُ إِلَّا مَا دَكَّيْتُمْ وَمَا ذُبِحَ عَلَى النُّصُبِ وَأَنْ تَسْتَقْسِمُوا بِالْأَزْلَامِ ذَلِكَ فِسْقٌ الْيَوْمَ بَيِّنَ الَّذِينَ كَفَرُوا مِنْ دِينِكُمْ فَلَا تَحْشَوْهُمْ وَاخْشَوْنِ الْيَوْمَ أَكْمَلْتُ لَكُمْ دِينَكُمْ وَأَتَمَمْتُ عَلَيْكُمْ نِعْمَتِي وَرَضِيْتُ لَكُمْ الْإِسْلَامَ دِينًا فَمَنْ اضْطُرَّ فِي مَحْمَصَةٍ غَيْرِ مُتَجَانِفٍ لِإِيْمَانِهِ فَمَنْ اللَّهُ غَفُورٌ رَحِيمٌ (٣)

Translation :

“Forbidden to you (are) carrion, blood, pork, and (the meat of) animals slaughtered not in (the name of) Allah, the strangled, the beaten, the fallen, the gored, and the devoured by wild beasts, except that which (you) slaughter. And what is slaughtered for idols is also forbidden, and casting lots with arrows is an unlawful act. On this day the disbelievers have despaired of overcoming your religion. Therefore, do not fear them, but fear Me. On this day I have perfected your religion for you, I have made My favor sufficient for you, and I have approved Islam as your religion.

¹⁸Ministry of Religious Affairs of the Republik of Indonesia, Al-Qur'an and its Translations, p.25.

¹⁹Ministry of Religious Affairs of the Republik of Indonesia, *Al Qur'an and its Translations*, p. 26.

²⁰Ministry of Religious Affairs of the Republik of Indonesia, *Al-Qur'an and Translations*, p. 1.

So, whoever is compelled by hunger, and not by the desire to sin, surely Allah is Forgiving, and Merciful”.²¹

Allah swt. says in QS al-Maaidah/5:90.

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رِجْسٌ مِّنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ
(٩٠)

Translation :

“O you who believe, verily alcoholic beverages, (sacrificing to) idols, and casting lots with arrows are abominable (and) among the deeds of the devil. o, avoid them so that you may prosper”.²²

Allah swt. says in QS al-Nahl/16:114.

فَكُلُوا مِمَّا رَزَقَكُمُ اللَّهُ حَلَالًا طَيِّبًا وَاشْكُرُوا نِعْمَتَ اللَّهِ إِنَّ كُنتُمْ لِيَاءَهُ تَعْبُدُونَ (١١٤)

Translation :

“Eat of that which Allah has bestowed upon you as (sustenance) that which is lawful and good, and thank Allah for His favors if you worship Him alone.”²³

2. Al-Hadis

a. Hadiths about Halal Food

عَنْ أَبِي عَبْدِ اللَّهِ النُّعْمَانِ بْنِ بَشِيرٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: (إِنَّ الْحَالَ بَيِّنٌ وَإِنَّ الْحَرَامَ بَيِّنٌ وَبَيْنَهُمَا أُمُورٌ مُّسْتَبْهَاتٌ لَا يَعْلَمُهُنَّ كَثِيرٌ مِنَ النَّاسِ، فَمَنْ اتَّقَى الشُّبُهَاتِ فَقَدْ اسْتَبْرَأَ لِدِينِهِ وَعِزِّهِ، وَمَنْ وَقَعَ فِي الشُّبُهَاتِ وَقَعَ فِي الْحَرَامِ كَالرَّاعِي يَرَعَى حَوْلَ الْجَمَى يُوشِكُ أَنْ يَقَعَ فِيهِ. أَلَا وَإِنَّ لِكُلِّ مَلِكٍ جَمَى. أَلَا وَإِنَّ جَمَى اللَّهِ مَحَارِمُهُ، أَلَا وَإِنَّ فِي الْجَسَدِ مُضْغَةً إِذَا صَلَحَتْ صَلَحَ الْجَسَدُ كُلُّهُ وَإِذَا فَسَدَتْ فَسَدَ الْجَسَدُ كُلُّهُ أَلَا وَهِيَ الْقَلْبُ) رَوَاهُ الْبُخَارِيُّ وَمُسْلِمٌ

Meaning:

“An-Nu'man ibn Bashir (may Allah be pleased with him) reported: I heard the Messenger of Allah (blessings and peace of Allah be upon him) say: "What is lawful is clear, and what is unlawful is clear, and between them there is something vague that most people do not know, so whoever avoids the shubhat has saved his religion and honor. And the one who falls into doubt is like a shepherd who grazes around a forbidden place, and it is very likely that he will fall into the prohibition. Remember, every king has forbidden places. Remember that what Allah has forbidden on this earth is what is forbidden. Remember that there is a clot of blood in a man's body, and if it is good, all his body is good, and if it is bad, all his body is bad.

²¹Ministry of Religious Affairs of the Republic of Indonesia, *Qur'an and Translations*, p. 107.

²²Ministry of Religious Affairs of the Republic of Indonesia, *Al-Qur'an and Translations*, p. 123.

²³Ministry of Religious Affairs of the Republic of Indonesia, *Al-Qur'an and Translations*, p. 280.

Remember, that is the heart." (Reported by Bukhari in Book 2, Book of Faith, Chapter 39, on the virtue of one who keeps his religion clean).²⁴

b. Hadiths Relating to Unlawful Foods

عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَيُّهَا النَّاسُ إِنَّ اللَّهَ طَيِّبٌ لَا يَقْبَلُ إِلَّا طَيِّبًا وَإِنَّ اللَّهَ أَمَرَ الْمُؤْمِنِينَ بِمَا أَمَرَ بِهِ الْمُرْسَلِينَ فَقَالَ { يَا أَيُّهَا الرُّسُلُ كُلُوا مِنَ الطَّيِّبَاتِ وَاعْمَلُوا صَالِحًا إِنِّي بِمَا تَعْمَلُونَ عَلِيمٌ } وَقَالَ { يَا أَيُّهَا الَّذِينَ آمَنُوا كُلُوا مِن طَيِّبَاتِ مَا رَزَقْنَاكُمْ } ثُمَّ ذَكَرَ الرَّجُلَ يُطِيلُ السَّفَرَ أَشْعَثَ أَغْبَرَ يَمُدُّ يَدَيْهِ إِلَى السَّمَاءِ يَا رَبِّ يَا رَبِّ وَمَطْعَمُهُ حَرَامٌ وَمَشْرَبُهُ حَرَامٌ وَمَلْبَسُهُ حَرَامٌ وَغُذِيَ بِالْحَرَامِ فَأَنَّى يُسْتَجَابُ لِذَلِكَ

Meaning:

“Abu Hurairah Radhiyallahu 'anhu reported: he Messenger of Allah (peace and blessings be upon him) said: "Verily Allah is good, accepting nothing but that which is good and verily Allah commands the mu'min as He commands the messengers, Allah says : "O messengers, eat of the good sustenance that we have given you". Then he gave the example of a man, who had traveled a long way, his hair was matted and dusty, and he raised his hands to the sky: "Ya Rabbi! Ya Rabbi! While he eats haraam food, and the clothes he wears are from haraam wealth, and he drinks from haraam drinks, and was raised from haraam things, how can his prayers be accepted". (Hadith narrated by Muslim, no. 1015)

In Islamic Law there are no provisions that specifically discuss *self-declaration*. However, in the context of muamalah, the concept of *self-declaration* can be assessed based on the basic principles of Fiqh Muamalah.

The basic principles of Fiqh Muamalah are as follows:

A. Principle of Tawhid

All muamalah actions are carried out on the basis of divine values. Any type of muamalah carried out by a Muslim must always have the principle that Allah always controls and supervises these actions. This principle also means that all muamalah issues must consider the issues of the afterlife, paying attention to the balance of material value with spiritual value.²⁵

A Muslim when he has embedded a sense of faith in himself will always remember that there will be a resurrection day after life in the world ends and there is no single creature that can benefit or harm him other than Allah SWT who has the power to help His servants.²⁶ If correlated with the *self-declaration* arrangement, the principle of tawhid in the *self-declaration* arrangement means that MSE actors in declaring the halalness of the product, should remember that Allah has the nature of "*Al-Bashir*" which means "*all-seeing*", so that MSE actors

²⁴Muhammad Fu'ad Abdul Baqi, *Al-Lu'Lu Wal Marjan*, transl. Muhammad Ahsan bin Usman, *Al-Lu'Lu Wal Marjan* (Jakarta: PT Elex Media Komputindo, 2017), pp. 586-587.

²⁵Prilla Kurnia Ningsih, *Fiqh Muamalah* (Cet I, Jakarta: Rajawali Pers, 2021), p. 15.

²⁶Sohrah, "Actualization of the Concept of Fair Economy According to the Qur'an", *El-Iqtishady*, Vol. 2, No. 1 (2020), pp. 159.

in declaring the halalness of their products must instill fear and trust that every action taken by humans, Allah always sees and supervises these actions.

The declaration of halal products from MSE actors can be guaranteed halal if they have adhered to the Principle of Tawheed because by adhering to the principle of Tawheed, MSE actors will be kept away from lying, cheating, and manipulating data for submitting halal certificates because they believe that Allah is all-seeing.

B. Mubah Principle

This principle is the most important principle of Islamic law in the field of muamalah.²⁷ This principle implies that fiqh muamalah provides ample opportunities for the development of various forms and kinds of new muamalah in accordance with the development of the needs of society.²⁸

All forms of business and economic transactions and other related matters are valid and may be carried out as long as there is no evidence that prohibits it.²⁹ This is based on the following fiqh principle:

الأصل في الشُرُوطِ فِي الْمُعَامَلَاتِ الْجُلِّ وَالْإِبَاحَةُ إِلَّا بِدَلِيلٍ

Meaning :

“The original law in all forms of muamalah is permissible and valid unless there is evidence that forbids it”

The basic law of muamalah is *permissible*, unless there is a *saheeh*, solid *text* that prohibits or forbids it. This is the main principle or main rule, that the basic law of all things and actions is *permissible*.³⁰ If it is related to the regulation of *self-declaration*, the principle of permissibility in the regulation of self-declaration means that MSEs may declare the halalness of their products as long as they avoid haraam ingredients and ensure the production process is in accordance with Islamic teachings.

As the word of Allah swt in QS Al-Maaidah 5:3.

حُرِّمَتْ عَلَيْكُمُ الْمَيْتَةُ وَالِدَمُّ وَالْحَمُّ الْخَنْزِيرُ وَمَا أُهْلَ لِغَيْرِ اللَّهِ بِهِ وَالْمُنْخَنِقَةُ وَالْمَوْفُوذَةُ وَالْمُتَرَدِّيَةُ وَالنَّطِيحَةُ وَمَا أَكَلَ السَّبْعُ إِلَّا مَا ذَكَّيْتُمْ وَمَا ذُبِحَ عَلَى النُّصَبِ وَأَنْ تَسْتَقْسِمُوا بِالْأَزْلِ لَكُمْ فِيهِ نَسْوٌ الْيَوْمَ يَسِرُّ الَّذِينَ كَفَرُوا مِنْ دِينِكُمْ فَلَا تَحْسَبُوهُمْ وَاحْسِنُوا الْيَوْمَ اكْمَلْتُ لَكُمْ دِينَكُمْ وَأَتَمَمْتُ عَلَيْكُمْ نِعْمَتِي وَرَضِيْتُ لَكُمُ الْإِسْلَامَ دِينًا فَمَنْ اضْطُرَّ فِي مَخْمَصَةٍ غَيْرَ مُتَجَانِفٍ لِإِثْمِهِ فَإِنَّ اللَّهَ غَفُورٌ رَحِيمٌ (٣)

Translation :

“Forbidden to you (are) carrion, blood, pork, and (the meat of) animals slaughtered not in (the name of) Allah, the strangled, the beaten, the fallen, the gored, and the mauled by wild animals, except that which (you)

²⁷Prilla Kurnia Ningsih, *Fiqh Muamalah*, p. 15.

²⁸Ahmad Azhar Basyir, *Principles of Muamalah Law (Islamic Civil Law)* (Yogyakarta: UII Press, 2000), p. 10.

²⁹Rusdan, "Basic Principle of Fiqh Muamalah and Its Application to Economic Activities", *EL- HIKAM: Journal of Education and Islamic Studies*, Vol. 15, No. 2, p. 217.

³⁰Yusuf Al-Qardhawi, *7 Main Rules of Muamalat Jurisprudence* (Jakarta Timur: Pustaka al – kautsar, 2010), p. 10.

slaughter.(Alsoforbidden) that which is slaughtered for idols. (Likewise) casting lots with azlām (arrows) (for) it is an ungodly deed. On this day the disbelievers have despaired of overcoming your religion. Therefore, do not fear them, but fear Me. On this day I have perfected your religion for you, I have made My favor sufficient for you, and I have approved Islam as your religion. So, whoever is compelled by hunger, and not by the desire to sin, surely Allah is Forgiving, and Merciful”.

Self-declaration is permissible and valid provided that it avoids what Allah has forbidden in the Qur'an such as carcasses, blood, pork and meat of animals slaughtered not in the name of Allah, those that are strangled, those that are beaten, those that fall, those that are gored, and those that are pounced upon by wild animals except those that have been slaughtered in accordance with Q.S Al-Maaidah 5:3.

In addition, the rules regarding the requirements for business actors who can submit *self-declaration* are also comprehensively discussed in the Decree of the Head of the Halal Product Guarantee Agency Number 57 of 2023 concerning the Halal Product Guarantee System Manual for halal certification with halal statements of micro and small businesses (*self-declaration*) by considering Islamic Sharia values.

C. Maslahah Principle

In language, *Maslahah* is defined as benefit. As for the terminology according to Imam Ghazali that *maslahah* is in principle "taking benefits and avoiding harm in order to maintain the objectives of *sharia*"³¹, In addition, Imam Ghazali also added that a benefit must remain in line with the objectives of *shara*' even though it is contrary to human goals.³¹

The implementation of halal certification has been enforced since the beginning in order to protect religion, helping Muslims in choosing halal food for consumption, so its enforcement for consumers is very important.³² When connected with the *self-declaration* rule, the application of *self-declaration* in Indonesia is certainly present to provide convenience to micro and small business actors in order to carry out halal certification for free. This regulation is motivated by the fact that many micro and small business actors do not carry out halal certification due to cost constraints, so the government provides a solution by presenting the *sehati* program (free halal certification), besides that *self-declaration* is also present to prevent the circulation of products that are not halal certified.

³¹Ma'ruf Amin, *Fatwa in the Islamic Legal System* (Jakarta: eLSAS, 2011), h. 152.

³²Istianah and Gemala Dewi, "Maslahah Analysis on the Concept of Halal *Self-Declaration* before and after the enactment of the Job Creation Law", p. 103.

D. Closing

Based on the results of the research and discussion previously described, it can be concluded that the Islamic Law Review of the validity of *self-declaration* in the halal certification process of micro and small business actors (MSEs) is said to be valid, with reasons:

1. *Self declare* is a statement of halal status by micro and small business actors independently. *Self declare* does not necessarily mean that business actors can declare that their products are halal, but there are still mechanisms that regulate it, such as products that are not risky or use materials that have been confirmed halal such as halal certified or included in the positive list, do not use hazardous materials and have been verified halal by PPH assistants.
2. In Islamic Law there are no provisions that specifically discuss *self-declaration*. However, in the context of muamalah, the concept of *self-declaration* can be assessed based on the basic principles of Fiqh Muamalah. Based on the author's analysis, *self-declaration* has fulfilled the three basic principles of fiqh muamalah, namely the Principle of Tawhid, the Principle of Mubah and the Principle of Maslahah

The suggestions that researchers can provide regarding the validity of *self-declaration* in the halal certification process for micro and small business actors (MSEs) are that regulations related to halal certification of *self-declaration* schemes should be improved, including improving supervision and monitoring mechanisms to prevent unauthorized *self-declaration* practices.

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