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### **Criminal Accountability for Businesses That Do Not Implement the Halal Food Product Warranty System in Aceh Based On**

#### **The Principle of Justice**

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#### **Abstract**

Aceh is the only province in Indonesia that has the specificity and privilege to implement Islamic Sharia in all dimensions of life. One of the concrete manifestations of the Government of Aceh in upholding Islamic Sharia in Aceh is establishing Aceh Qanun Number 8 of 2016 concerning the Halal Product Guarantee System (hereinafter referred to as Qanun Aceh SJPH) which aims to provide protection, peace and legal certainty to the public in consuming and using products Halal and hygienic food for physical and spiritual health. The criminal liability regulated in the Aceh Qanun is the same as the criminal liability regulated in the Law of the Republic of Indonesia Number 33 of 2014 concerning Guarantees for Halal Products. This study aims to find out, examine and explain the arrangements for the implementation of the halal food product guarantee system in Aceh, forms of criminal liability for business actors who do not implement the halal product guarantee system in Aceh and also aims to examine statutory provisions related to halal food product guarantees and identify reasons for forgiveness for business actors who do not implement a halal product guarantee system in Aceh. This study uses a normative juridical method, using a statutory approach, a conceptual approach, a comparative approach and a case approach. Data or legal materials used are secondary in nature in the form of primary, secondary and tertiary legal materials. Arrangements for the implementation of the halal product guarantee system in Aceh are the responsibility of the Government of Aceh. The Aceh government is

responsible for structuring, supervising and law enforcement so that all food products in Aceh are guaranteed to be halal. All products are required to have a halal label or halal certificate from the authorized institution, namely LPPOM MPU Aceh as an autonomous body of MPU Aceh which is permanent. Actors who can be held criminally responsible in the halal product guarantee system as stipulated in the Aceh Qanun SJPH are only individual actors and do not include business entities because the formulation of Article 47 regulates the religion adhered to by business actors as an element of offense, and as a business entity does not adhere to any religion. Likewise with the formulation of offenses that can be held criminally responsible are business actors who do not maintain the halalness of products that have obtained halal certificates, so that it can be interpreted that business actors who do not maintain halal products, especially food products that are not halal-certified, cannot be held criminally responsible. This provision makes business actors reluctant to apply for halal certificates for their products so that they cannot be held criminally liable. The reason for forgiving cannot be applied to business actors who are Muslim who do not maintain the halalness of their food products, but non-Muslim business actors who produce non-halal food for a certain time in a closed place specifically for consumers who are not Muslim cannot be punished for reasons of forgiveness. It is suggested to the Aceh government to revise several provisions in the Qanun Aceh SJPH so that criminal liability for business actors, both Muslim and business actors who are not Muslim, is equated and business actors who produce food illegally can be held criminally liable as well as all raw materials or any Products produced or traded in Aceh must have a halal certificate. In forming and giving birth to qanuns in Aceh, the minority community is not neglected. The Aceh government must be firm and not selective in implementing the SJPH Aceh Qanun,

### **Keywords**

Criminal Liability, Entrepreneurs, Guarantee Systems, and Halal Food Products.

### **I. Introduction**

- **Background**

Aceh is the only province in Indonesia that has implemented Islamic law since 2000. The legality of implementing Islamic law was after Law Number 44 of 1999 concerning the Implementation of Aceh's Privileges was ratified. Then this law was strengthened by the issuance of Law Number 18 of 2001 concerning Special Autonomy for the Province of Nanggroe Aceh Darussalam. In 2006 after the signing of the Peace Agreement (Memorandum of Understanding) in Helsinki, Finland, the Aceh Province again passed regulations regarding the Government of Aceh (UU No. 11 of 2006 or the Law on Government of Aceh). This written legal norm reinforces the previous regulations even though Law Number 18 of 2001 is no longer valid after the Law on Governing Aceh was passed.

The Law on Governing Aceh is a reference for the administration of governance in Aceh which expressly states in Article 20 that the most important

general principle of governance in Aceh is Islamic principles. This means that governance in Aceh cannot be separated from Islamic teachings. Article 125 paragraphs (1) and (2) of the UUPA state that the implementation of Islamic law in Aceh covers the areas of faith, syar'iyah, and morals. Included in the field of sharia are matters of family law (alwal al-syakhshiyah), civil law (muamalah), criminal law (jinayah), justice (qadha'), education (tarbiyah), da'wah, syiar, and defense of Islam.

The Law on Governing Aceh states that further provisions regarding the matters mentioned above are regulated by Qanun. The Qanun concerning the halal product guarantee system in Aceh was only ratified on December 19, 2016. Qanun Aceh SJPH aims to provide protection, peace and legal certainty to the public in consuming and using Halal and hygienic products for the sake of physical and spiritual health.

This Qanun specifically applies to Muslim and non-Muslim business actors who are domiciled or carry out production activities in the form of providing raw materials, processing raw materials, and marketing food, beverage, medicine, cosmetics, chemical products, biological products, genetic engineering products, , as well as goods that are used or used by people in the Aceh region.

Communities who violate the Qanun are given different sanctions between Muslim and non-Muslim communities. For those who are Muslim who do not maintain the halal product, they are subject to sanctions ('uqubat ta'zir) 60 lashes in public or imprisonment for a maximum of 60 (sixty) months, or a fine of up to 600 (six hundred) grams of pure gold. Meanwhile, those who are not Islamic will be punished with imprisonment for a maximum of 5 (five) years or a maximum fine of 2,000,000,000.00 (two billion rupiahs). Here it appears that there is injustice, especially regarding the amount of fines between Muslims and non-Muslims.

Article 127 paragraph (1) of the UUPA states, "The Aceh government and district/city governments are responsible for the implementation of Islamic law." One of the Islamic teachings that is quite important is to maintain and guarantee the halalness of a product that is used, especially those that are consumed by the community. The food or drink that is consumed is actually not only fulfilling physical needs, but also spiritual (soul) needs that must be protected. There are not a few arguments in the Qur'an and the Prophet's Hadith which recommend that humans always consume halal products. Halal food is believed to be one of the factors for the emergence of glory for a person, and people who cultivate halal consumption will get the light of faith in their hearts. Furthermore, Abu Dzar Al-Qilmani stated that halal food can be an incentive to do good deeds. On the other hand, if a person consumes what is unlawful in his body, then that person will be vulnerable to bad deeds. If this happens it is the state that suffers losses, for this reason the state must be responsible for regulating the products from producers so that they are guaranteed to be halal.

The birth of regulations governing the guarantee of halal products in Aceh is something that must be given appreciation, but on the other hand the sense of

legal justice regarding sanctions for non-Muslims if they violate the Qanun is considered not to have touched the principle of justice. The essence of justice is not to look at it from the point of view of religion, race, and class, especially because of resentment in determining/deciding punishments. In the Koran there are not a few verses that explain justice, as well as in the Hadith of the Prophet, including:

"O you who believe, be you upholders of justice for Allah, witness fairly. And don't let your hatred of a group encourage you to act unfairly. Be fair, because justice is closer to piety. And fear Allah. Verily, Allah is All-Conscientious of what you do" (QS Al-Maidah: 8).

"Be fair, because justice is closer to piety and fear Allah, verily Allah is All-Knowing of what you do" (QS Al-Maidah: 8).

"And when you determine the law among people, then determine the law fairly" (QS. An-Nisa: 58).

"When you decide the law, do it fairly. And if you kill, do it with kindness, because Allah is Most Compassionate and loves those who do kindness" (HR. Ath-Thabrani).

"Indeed, the man who is most loved by Allah SWT and closest to his seat on the Day of Judgment is a just leader, while the man most hated by Allah and the farthest from his seat is a leader who is unjust." (HR At-Tirmidhi).

Based on the word of God and the Hadith of the Prophet above, it can be explained that the scriptus and qauliyah arguments explicitly emphasize that the law is enforced fairly to anyone and regardless of their background. This is not only understood from the essence of the evidence of the proposition, it is also based on the existing editorial wisdom, namely the generality of the proposition. Here it is quite clear that it is concluded that Islam is a universal religion that has zero discrimination and is anti-racism, let alone fascism.

In line with the above, the IV Islamic Caliph, Saidina Ali ra, once said that the essence of justice is to love other humans as he loves himself, "Whoever wants to be fair to humans, let him love others as he loves himself." Saidina Ali's statement above is in line with what was stated by Hans Kelsen, who stated that the essence of justice is to provide happiness to as many people as possible. Here both Saidina Ali ra who represents the Islamic community and Hans Kelsen representing Christians both place legal justice and even generative justice as "law is justice" or "the essential of law is justice".

Ibn Taimiyah, a well-known Islamic theologian and philosopher, emphasized that the purpose of the state according to Islamic law is in addition to facilitating a life system in accordance with divine guidance, upholding justice and truth for the entire natural order of the cosmos is the core goal of Islamic teachings.

Based on the above argument and the expressions of Saidina Ali and Hans Kelsen including Ibn Taimiyah it can also be concluded that the essence of law is justice, because law is deemed not to exist if justice is not its goal (*lex iniusta non est lex*). Socrates said that it is impossible for goodness to manifest if justice is denied. For this teacher of Plato, justice is a common virtue. The same thing was

put forward by Aristotle who stated that justice is an absolute requirement for the achievement of happiness in life for every citizen.

The statement of the scientific expressions of the philosophers above can be stated that the goal of all laws is justice. Denial of justice is the same as denying the law, the two cannot be separated. The essence of justice is to make other people happy, not wronged and so on. The fine criminal penalty for non-Muslims who produce a product that is not halal in the Aceh region is different from the sanctions for Muslims, which is a form of injustice that must be reconsidered and should not become a written positive law (*scriptum*) that binds anyone in the region. aceh.

The state or government is responsible for managing and supervising products starting from the raw materials used to marketing them in order to maintain halal status. Of course, there is no contradiction with anyone, and a necessity. Another obligation of the government according to Qanun Aceh SJPH is provide protection, peace and legal certainty to the public in consuming and using halal and hygienic products for the sake of physical and spiritual health. The problem is not related to the government's intentions or the implementation of norms and regulations, but the issue of legal justice, which is absurd and anomalous, even tends to be destructive and discriminatory.

- **Formulation of the problem**

Based on the description above it can be formulated as follows:

- What is the form of the obligation to implement the halal food product guarantee system in Aceh?
- How is criminal responsibility for business actors who do not implement a halal food product guarantee system in Aceh based on the principle of justice?

- **Research Objectives and Benefits**

Based on the problems above, this paper aims to:

- Explain the form of obligation to implement a halal food product guarantee system in Aceh.
- Describe and analyze criminal liability for business actors who do not implement a halal food product guarantee system in Aceh based on the principle of justice.

- **Framework**

The product referred to in this study is exactly the same as what is defined in Article 1 number (6) Qanun Aceh SJPH, namely "goods and/or services related to food, drink, medicine, cosmetics, chemical products, biological products, genetic engineering products, as well as goods used, used, or utilized by the public. Products include intermediate and final products. While what is meant by producers

or business actors in this research is "every person or business entity, whether in the form of a legal entity or not a legal entity that is established and domiciled or carries out activities providing raw materials, processing raw materials, and marketing products within the Aceh region, both individually and jointly through agreements to carry out business activities in various economic fields.

Business actors in Aceh are not limited to Muslims but can also come from outside Islam. All business actors who already have halal certification must comply with the provisions stipulated in this regulation Qanun Aceh SJPH. This means that whoever the business actor must ensure that their product is guaranteed to be halal. Halal is quite important for human health because food or drink even what is used is not halal there are consequences for the person. In Tafsir Al-Azhar, as quoted by Mulizar, quoting the word of Allah in Surah Al-Baqarah verse 172, Hamka said, "Food has a great influence on the soul and attitude to life. Food also determines the subtlety or roughness of one's mind." A Rafid researcher said that food has a close relationship with emotions, especially depression, fatigue and high blood pressure.

Wayne Callaway, an endocrinologist and nutritionist from the United States, revealed the results of his research that food contains a chemical composition that can affect a person's mood. According to him, apart from physical factors, dietary factors also affect the working system of the emotional center associated with the hypothalamus at the base of the brain. Food can also reflect human character and personality because every body that is composed of nutrients from non-halal food will grow into evil flesh, and the consequence will be hell later. Chairman of PB Al-Washliyah Abdurrahman Dahlan wrote about halal food as follows:

"Wealth and food that is lawful and good will grow good blood and flesh. His behavior and actions (God willing) tend to be good too. What is permitted in religion. Vice versa. If you consume bad food, or it is forbidden in religion, it will have an impact on morals and character to become bad too. Tend to behavior and actions that are forbidden. In summary, it can be concluded with the phrase, "You Are What You Eat". Your character and behavior are relatively heavily influenced by what you eat."

Based on the description above, it can be explained that food or drink, including all products, greatly determines a person's behavior. Food can shape a person's character depending on what he often consumes, even the pre-requisite for prayer to be answered is that he must be sterile from consuming something that is haram, so on that basis why Islam prohibits consumption of something that is haram or something that is not good.

The aim of the Aceh government is to pay attention to the halal products that are consumed and used by the people of Aceh as a form of protection and guarantee in carrying out worship. The implementation of the Qanun is not only intended for Muslims, non-Muslim groups also apply this Qanun as long as they are in the jurisdiction of Aceh. The big problem is not the good will of the government, both the executive and the legislature, but the philosophical basis of a norm has

not fully become a reference. Legal sanctions in the form of fines tend to be discriminatory and ignore the values of justice.

Provisions for the application of legal sanctions should not look at where a person comes from, or from a certain ethnicity, group or religion, but the concept of punishment must reflect a sense of justice. Sanctions or punishments in the Islamic legal system are not only two as stated in the Qanun Aceh SJPH, but there are four, namely: (1) hudud, which is a sanction that has been determined by the rules of law for an act of disobedience, such as adultery, homosexuality, drinking khamr, and others. The purpose of this sanction is to prevent violations of the same act; (2) jinayat, which is a violation of the body which requires qishash or diyat or also sanctions imposed for acts of persecution, such as murder; (3) ta'zir, namely sanctions that are determined for immoral acts in which there is no had and kifarat, such as violation of honor, acts that damage the mind, disturbance of security, subversion and others; (4) mukhalafat, which is not in line with the orders and prohibitions that have been set by the state.

One of the quite important principles and principles in Islamic law is justice. Neither classical nor contemporary Islamic jurists deny that one of the eternal or obligatory principles and principles in Islamic law is justice. Leading scholar from Pakistan Al-Maududi stated that there are 9 (nine) principles of Islamic law, as follows:

- Legislative power and the supreme rule of law reside in the authority of God;
- Inter-human justice.
- Equality among Muslims.
- Government responsibility.
- deliberation.
- Obedience in goodness.
- Attempts to seek power for oneself are forbidden.
- The purpose of the existence of the state; and
- Amar makruf and nahi mungkar.

Unlike Al-Maududi, Juhaya S. Praja argued that there are 7 (seven) principles of Islamic law, namely: 1) monotheism; 2) al-adl (justice); 3) amar makruf and nahi mungkar; 4) independence (al-huuriyah); 5) equality (al-musawah); 6) al-ta'awun (please help); and 7) al-tasamuh (tolerance). Even though empirically it is different, its metaphysical essence in the form of the dimension of justice is not denied by Juhaya S. Praja.

Based on the explanations of the two classical and contemporary Islamic intellectuals above, it can be concluded that justice is one of the principles that is quite important to note in Islamic law besides the principle of equality. In addition to this principle, in Islamic law there is a general principle of Islamic law, in addition to legal certainty and expediency, the scholars agree that the main position is the principle of justice. Someone committing a crime in any form and type in Islamic law still pays attention to the side of justice regardless of their background. This is in line with the objective of Islamic law, which is to uphold justice.

Topo Santoso said that sanctions or punishments in Islamic criminal law (jinayah) are actually not determined by humans, but directly through revelation. Humans may not convict anything as a crime or violation, whether commission or omission in nature, as a crime unless it is determined by the Shari'a (revelation). Islamic intellectuals, including jurists, seek and find a philosophical basis for law that is not only sufficient at the level of giving sanctions as an articulation of "punishment", but far ahead to find the volgeist nature of law based on the principles of justice and civility. According to the author, a crime or violation that leads to sanctions must pay attention to the impact caused by attitudes or behavior. If the impact is large, the sanctions will be adjusted accordingly. However, the sanction or punishment given must take into account the conditions and situation at that time and the mens rea.

## **Ii. Discussion**

### **● Form of Obligation to Implement the Halal Product Guarantee System in Aceh**

The implementation of the halal product guarantee system in Aceh is the obligation of the Aceh government. This obligation is no different from other obligations of the government (state) in general. The 1945 Constitution as the state constitution as well as the grundnorm of a nation legitimizes the provisions under it which aim to protect the Indonesian nation. Law Number 44 of 1999 concerning the Implementation of Aceh's Privileges the Law on Governing Aceh as a lex specialist for regulations in Aceh also gave the go-ahead to realize a halal product guarantee system in Aceh. Halal products are not only important, but mandatory and even obligatory for Muslims, even the benefits are quite large for people of all religions and any background.

To carry out the mandate of the law above, implementing technical regulations are needed in the form of Qanuns. The Qanun concerning the halal product guarantee system in Aceh was only ratified on December 19, 2016. Qanun Aceh SJPH aims to provide protection, peace and legal certainty to the public in consuming and using Halal and hygienic products for the sake of physical and spiritual health.

For the sake of implementation Qanun Aceh SJPH, the Government of Aceh is responsible for structuring and supervising the halal product guarantee system. The arrangement is part of the guidance for business actors carried out by the Government of Aceh in order to ensure that halal products are in accordance with their authority. Arrangement starts from the beginning, from raw materials to product marketing. Every product that already has halal certification must write a halal label. Halal certification is issued by the Aceh Ulema Consultative Assembly (MPU).

Another obligation of the Aceh government is to supervise every product starting from the origin of its raw materials, the production process and its facilities for processed animal and/or vegetable products, medicines and cosmetics.



Supervision is also carried out on microbial products and their use. Furthermore, dissemination and monitoring of the application of harvest technology, post-harvest and product processing. Then supervision of the results of food crops and horticulture, distribution of food and beverage products, both packaged and non-packaged. The final control is to ensure the origin of the raw materials and their processes for making medicines and cosmetics.

Arrangement and Supervision can be carried out at any time, planned and systematic and involves an Integrated Team formed by the Aceh government. The integrated team consists of elements from the Aceh government from related agencies such as: (1) the Office of Industry, Trade, Cooperatives, and Small and Micro Medium Enterprises; (2) Health Office; (2) Department of Agriculture and Food Crops; (3) Maritime Affairs and Fisheries Service; (4) Islamic Sharia Service; and (5) Civil Service Police Unit and Wilayatul Hisbah. Other elements are from the Police, High Court, Kemenkumham, Ministry of Religion, and POM Center in Banda Aceh as well as other agencies/agencies/institutions.

Based on the description above, it can be concluded that the obligation to implement the halal product guarantee system in Aceh rests with the Aceh government. However, operational authority is in the middle of the Aceh MPU. The implementation of the duties, functions and authorities of the Halal Product Assurance Organizing Body in Aceh is carried out by LPPOM MPU Aceh. Every product that already has halal certification must write a halal label. Halal certification is issued by the Aceh Ulema Consultative Assembly (MPU). To ensure and realize the halal assurance system, the Government of Aceh (Aceh Governor) forms an Integrated Team consisting of related agencies or agencies, and they can take certain actions in accordance with statutory provisions.

### ● **Criminal Liability for Business Actors Who Do Not Implement the Halal Product Guarantee System in Aceh Based on the Principle of Justice**

Every business actor who already has halal certification produces their business products not complying with the provisions as stipulated in this Qanun Aceh SJPH, it is deemed to have committed a crime. Regarding crime, there are several experts who have different perceptions. Sudarto said that a person who is to be sentenced must fulfill the conditions of guilt or guilt (subjective guilt) in which the person must be accountable for his actions or when viewed from the point of view of new actions can be accountable to the person.

Criminal liability in legal theory is known for several types of responsibility systems, including: (a) absolute responsibility (strict liability); (b) liability by fault; and (c) liability based on negligence. Munir Fuady explained, absolute responsibility is a translation of the term strict liability, namely responsibility that is imposed on the perpetrator who is not: (1) An act that intends to undermine the interests of someone who is protected by law, without any legal justification for such encroachment or; (2) Violation of a person's obligations in the event that he

behaves appropriately towards another person (reasonable care), namely in the form of negligence which can be prosecuted in court.

It is interesting what Van Hamel put forward regarding criminal acts, in which he formulated that criminal acts are human actions formulated in law, against the law, which deserve to be punished and carried out by mistake. The definition of wrongdoing according to Van Hamel is a psychological understanding that relates to the state of the perpetrator's soul and the manifestation of the elements of offense due to his actions. Briefly concluded that mistakes are legal liability.

Van Hamel further argues that accountability is a normal state and psychological maturity that brings three kinds of ability to understand the meaning and consequences of one's own actions, then understand that his actions are not justified or prohibited by society, and finally determine the ability to an action so that conclusions can be drawn. that accountability implies ability or skill. Moeljatno stated that criminal responsibility is not enough just to commit a criminal act, but there must be a mistake or an attitude that can be blamed.

Based on the description above, it can be concluded that perpetrators of criminal liability can be legally prosecuted if there are perpetrators of criminal acts and there are active or passive actions. Furthermore, there is an intentional or culpa error and is able to be responsible and the act is against the law.

Regarding the case of punishment for business actors who do not implement a halal product guarantee system for non-Islamic groups in the Aceh region, they are subject to more severe sanctions than Muslim actors who are considered to be contrary to justice and seem discriminatory. On the one hand, the perpetrators do not aim to undermine public order, but they are only looking for the company's personal benefits, or it could be a lack of socialization regarding regulations and sanctions. If subject to sanctions as emphasized in Article 47 paragraph (2) Qanun Aceh SJPH must pay attention to the condition and situation as well as the mens rea of the perpetrator. Must also pay attention to the impact that arises from his actions and behavior. Article 47 paragraph (2) reads Qanun Aceh SJPH as follows:

"Business actors of non-Islamic religions who do not maintain the halalness of products that have obtained halal certificates as referred to in Article 34 paragraph (1) letter d shall be subject to imprisonment for a maximum of 5 (five) years or a maximum fine of 2,000,000,000.00 (two billion rupiahs) in accordance with the Law on Halal Product Assurance and/or may choose to comply voluntarily with the provisions referred to in paragraph (1)"

Compare the punishment with Article 47 paragraph (1) Qanun Aceh SJPH:

"Businesses of the Islamic religion who do not maintain the halalness of products that have obtained halal certificates as referred to in Article 34 paragraph (1) letter d are subject to 'uqubat ta'zir in the form of being whipped in public for a maximum of 60 (sixty) times, or imprisonment for a maximum of 60 (sixty) months, or a maximum fine of 600 (six hundred) grams of pure gold."

Based on the estimated sanctions or the nominal amount of gold if calculated by the world gold price per gram dated April 11, 2022, which is IDR

923,456(nine hundred twenty three thousand four hundred fifty six rupiah) multiplied by 60 grams, the total that must be paid is IDR 554,073,600 (five hundred fifty-four million seventy three thousand and six hundred rupiah). This is not comparable to sanctions against non-Muslim communities exceeding 30% (thirty percent). This sanction is clearly far from the spirit of justice and is discriminatory.

If the convict violates Qanun Aceh SJPH who is not willing to be imprisoned, then he must pay a maximum fine of up to Rp. 2,000,000,000.00 (two billion rupiahs) as a fine. It is quite evident that legal justice for non-Islamic business actors does not reflect the true essence of law. Classical and contemporary legal philosophers emphasize that the implementation of law becomes the soul (spirit) of justice. Strictly speaking Plato was of the view that upholding justice must be the goal of the state, and therefore law and justice occupy a central position in politics. Plato's proud student, Aristotle, argued that only through a just constitution (law) would humans achieve happiness (eudaimonia) which is the main goal of human life. This is also in line with the ideals of law in Islam as stated by Saidina Ali ra and the well-known Austrian jurist, Hans Kelsen in the discussion above.

Based on the description above, it can be concluded that criminal liability for business actors who do not implement the halal product guarantee system in Aceh has become positive law, but criminal sanctions, especially criminal fines, against business actors who already have halal certification outside the Muslim community still deny the principle of justice. A larger (severe) fine criminal sanction is imposed for non-Muslim business actors, namely a maximum of 60 grams of gold for Muslims and Rp. 2,000,000,000.00 (two billion rupiahs) for non-Muslims. If the estimated gold price is IDR 1,000,000.00 (one million rupiah) per gram, then the total is IDR 600,000,000.00 (six hundred million rupiah). The difference is above 30 percent, and this shows legal injustice and is not in accordance with the principles of justice in the Indonesian legal system and the Islamic legal system.

### **Iii. Conclusion**

The Aceh government is responsible for structuring, supervising and law enforcement so that all food products in Aceh are guaranteed to be halal. All products are required to have a halal label or halal certificate from the authorized institution, namely LPPOM MPU Aceh as an autonomous body of MPU Aceh which is permanent.

Actors who can be held criminally responsible in the halal product guarantee system as stipulated in the Aceh Qanun SJPH are only individual actors and do not include business entities because the formulation of Article 47 regulates the religion adhered to by business actors as an element of offense, and as a business entity does not adhere to any religion. Likewise with the formulation of offenses that can be held criminally responsible are business actors who do not maintain the halalness of products that have obtained halal certificates, so that it can be

interpreted that business actors who do not maintain halal products, especially food products that are not halal-certified, cannot be held criminally responsible. This provision makes business actors reluctant to apply for halal certificates for their products so that they cannot be held criminally liable.

Entrepreneurs who are not Muslim who produce non-halal food for a certain time in a closed place specifically for consumers who are not Muslim cannot be punished for forgiving reasons.

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