

## ANALYSIS OF MICRO BUSINESS ACTORS' PERCEPTION OF HALAL CERTIFICATION THROUGH SELF-DECLARATION AT BANGKALAN REGENCY IN FRIEDMAN'S REVIEW OF LEGAL CULTURE

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### Abstract

One of the government's attempts to ensure that products which is sold by the societies are in accordance with Islamic law by going through halal certificates. The self-declare system ease the micro business actors to get halal certification without going through a long process and high costs. However, the implementation of halal certification through self-declaration causes different perceptions among micro business actors, which are influenced by local legal and cultural factors. This study analyzes the perceptions of four business actors, namely two business actors who have been halal certified and two business actors who have not been halal certified. This study uses Friedman's theory of legal culture, and uses a qualitative research method with the type of field research on how legal culture is a lens in analyzing the perception of micro business actors on halal certification through self-declaration at Bangkalan Regency. This study concludes that the implementation of halal certification through self-declaration can be influenced by legal understanding and cultural awareness of the community. And as an evaluation for the government in carrying out more intensive socialization and policy adjustments that consider local legal culture to increase the participation of micro business actors in halal certification.

**Keywords :** *Halal Certification, Legal Culture, Micro Business Actors, Perception*

### INTRODUCTION

Indonesia is the country with the largest Muslim population in the world, one of the districts with the largest Muslim population on Madura Island is located in the Bangkalan area with the total of Muslim population of 1,045,825 people out of 1,047,306 people (Dinas Kependidikan dan Pencatatan Sipil, 2024). As a district with a majority Muslim population, with a number of micro businesses in the culinary sector of 22,390 in 2023 (UMKM, 2023), it is already a basic right for every Muslim to meet the needs of life with a halal lifestyle. Thus, Bangkalan Regency has a more active role in regulating



the economic system in accordance with Islamic law. This is shown in the strategies used in running business instruments, through halal certification.

Halal certification is a series of processes that are passed by business actors, both legal and non-legal entities, to obtain a halal certificate. Halal certification serves as a marker of the halalness of the product, but also as a guarantee of safety for consumers of the products they will consume. Certification is carried out through various examinations conducted by auditors who are experienced in their fields. After the inspection is completed, the halal status is determined. Manufacturers can obtain a halal certificate for their products if halal requirements are met. After that, manufacturers can use this halal certificate to include halal labels and Halal registration number on the product packaging. This halal label is an information for customers about the halalness of their products that can increase the competitiveness in a market where the majority of consumers are Muslims (Warto & Samsuri, 2020). The benefits of halal certification are to ensure the safety of the products they consumed, provide peace of mind for the community, and a comparative advantage in global marketing (Warto & Samsuri, 2020).

Along with the development of government policies, halal certification processes has two flows, one of it is self-declare. Thus, certification through self-declaration is an alternative way for business actors because it is simpler and more affordable. Self declaration is a statement about the halalness of business actors' products. In the process of self-declaration halal certification does not require expensive costs, business actors in the process only need perseverance from each MSME in running it. Small micro business actors need support, and assistance when they have an NPWP (Taxpayer Identification Number) or NIB. Meanwhile, halal product process assistants (PPH), whose certifications are obtained by many students and young people themselves, do not accompany the process. Some MSMEs complained that there was a process that still needed to be passed and some concerns with the existing licensing persons, making some MSME actors cancel their intention to continue the process of applying for halal certification even though the free fatwa process can be obtained for free (Choiri & Ma'adi, 2023). Referring to the results of data researched by researchers from the Trade Office and the Industry Office, the data on MSMEs that are halal certified is still small compared to the number of MSMEs in the district Bangkalan.

Referring again to Muttaqin Choiri's research in the Bangkalan can be concluded that the halal task force at the Ministry of Religion Bangkalan and the agencies in Bangkalan Regency in their socialization are still talking about the technical certification process, which has not led to other aspects of administrative needs that are more needed by MSMEs in the acceleration process. Such as the need for NPWP, Business Identification Number (NIB) which is a separate problem in the management of halal certification (Choiri & Ma'adi, 2023). In accordance with population data in Bangkalan Regency with the majority of Muslims, and the number of micro business actors, it is interesting to discuss how the understanding and perception of micro business actors



towards the halal certification process through self-declaration. As with halal certification, it is often considered an additional burden by micro business actors, especially complex and cost-related requirements. This perception can be influenced by several factors, including local legal cultural factors. And social norms about halal that also play an important role.

Friedman's review of legal culture helps to understand that the acceptance of micro businesses towards halal certification through self-declaration is not only determined by the existing formal rules, but also by the interaction between the legal structure, legal substance, and legal culture in their environment. This insight is important to design policies that are not only legally appropriate, but also culturally effective in supporting micro business actors in Indonesia. In the framework of relevant analysis to understand legal culture in this study uses Friedman's theory of legal culture

## **LITERATURE REVIEW**

### **2.1 Perception**

Perception is a brain stimulus that can generates a statements, understandings or a meaning from individuals through the five senses. Perception in the dictionary is defined as the process of understanding or giving a statement as the information to a stimulus. Stimulus is obtained from the process of sensing objects, events, or relationships between symptoms which are then processed by the brain. The process of cognitive begins from perception and through perception humans see their world. Whether the world looks "colored" brightly, pale, or black, it is all human perception. Perception must be distinguished by sensation. The latter is a physiological function, and depends more on the maturity and functioning of the sensory organs. Sensation includes visual, audio, olfactory, and taste, as well as civilization, balance, and control of movement. these are often called senses (Jayanti & Arista, 2019). The human experience of the world is sought in the study of perception. There is a unique tendency for everyone to see the same object in different ways. Individual knowledge, experience, and perspective are some of the factors that can influence these differences (Sumarandak et al., 2021).

### **2.2 Business Actors**

Business actors are individuals, groups, or entities that carry out an activity in the economy with the aim of generating profits. Based on Law Number 8 of 1999 concerning Consumer Protection, business actors are any individual or business entity, both in the form of legal entities and non-legal entities that are established and domiciled or carry out activities within the jurisdiction of the Republic of Indonesia, either alone or jointly through agreements on the implementation of business activities in various economic fields (Ibrahim, 2021). They play a role in various economic sectors such as trade, industry, services or agriculture. Business



actors are divided into several categories, one of which is micro businesses. Micro businesses are a type of small-scale business, which is often managed by individuals or families. And usually micro businesses have limited capital and labor. For example, small stalls, street vendors or local artisans. Micro businesses are small-scale community as the economic activities that are traditional and informal, means that they have not been officially registered, do not have records, and are still not legal entities. Sales from this business reach a maximum of IDR 100 million (Karim & Utomo, 2023).

### 2.3 Halal Certification

Halal certification is a process to ensure that products or services, particularly food and beverages, meet halal requirements. This is important for consumers because it guarantees that the product has been processed, produced, and served in accordance with halal principles. And regulations on halal certification are considered positive by Muslims because they provide legal certainty related to products in circulation. This makes Muslims feel calm about the halalness of certified products. Thus, the obligation of halal certification is listed in Law Number 33 of 2014 concerning halal product assurance which emphasizes the obligation of business actors to certify their products halal (Eva Diyah et al., 2022).

List of halal certification requirements for micro business actors through self-declaration;

1. The product does not contain risks and uses ingredients that have been confirmed to be halal.
2. The production process is ensured to be halal and carried out in a simple way.
3. It has a maximum annual turnover of Rp. 500 million, as evidenced by an independent statement, and has a business capital of up to Rp. 2 billion.
4. Have a Business Identification Number (NIB).
5. The location, place, and equipment for the production of halal products are separated from those used for non-halal products.
6. Have or not have a distribution permit (PIRT/MD/UMOT/UKOT), Sanitary Hygiene Certificate (SLHS) for food/beverage products with a shelf life of less than seven days, or other industrial permits issued by relevant agencies/agencies.
7. Have outlets and/or production facilities in a maximum of one location.
8. It has been actively producing for one year before applying for halal certification.
9. The products produced are goods (not services, restaurants, canteens, catering, or shops/houses/food stalls).



10. The ingredients used have been confirmed to be halal, evidenced by a halal certificate or included in the list of ingredients that are exempt from the obligation to be halal certified according to the Decree of the Minister of Religion Number 1360 of 2021.
11. Does not use hazardous materials.
12. It has been verified for halal by a companion in the halal product process.
13. Products or groups of products that are certified halal do not contain elements of slaughtered animals, except from producers or slaughterhouses/poultry that already have halal certificates.
14. Using production equipment with simple technology or done manually and/or semi-automatically (home business, not factory industry).
15. The product preservation process does not use radiation techniques, genetic engineering, ozonization, or a combination of several preservation methods (hurdle technology).
16. Completing halal certification application documents through online business actor statements through SIHALAL (Arifin, 2023).

#### 2.4 Friedman's Legal Culture Lawrence M.

Friedman stated that each individual has a culture, mindset and trait, if it is united in a collective group for a long time, it will affect certain ideas or habits as the beginning of legal culture. Friedman stated that legal culture is the source of law (Carrillo, 2007), and legal culture is one of the three main aspects of the legal system that functions as a pillar that supports the course of law in society. The concept of legal culture was introduced by Lawrence Friedman in 1975 to emphasize that law should be understood and described as a system that is a product of social forces, as well as a conduit for the same forces.

Although law is often considered a collection of rules or norms, both written and unwritten, that govern right or wrong behaviors, obligations, and rights, according to Friedman, this conventional view tends to place too much emphasis on the independence and force of law in the text, thus ignoring the force and certainty of law in its application (Moh. Karim et al., 2022). Therefore, it can be concluded that legal culture is values, Belief in the law, such as how far they obey or support the law. If the legal culture in a society is strong, then people tend to obey the law and trust the existing legal system. On the other hand, if the legal culture is weak, then the law is only seen as a formality and has no real influence on daily behavior.

As a simple example, Friedman's legal system can be analogous to the application and obedience of road users to the provisions of the Traffic Law. From the point of view of legal substance, driving and traffic regulations are regulated in Law No. 22 of 2009. Second, in terms of structure, traffic law enforcement is carried out by the police, and further law enforcement is carried



out by judicial institutions. In general, these two components have been fulfilled in substance and structure, but in reality there are still many motorists who are prosecuted for violating the provisions of the Traffic Law. The weak commitment of law enforcement agencies and the existence of settlement efforts outside the judicial mechanism (illegal) create a stigma in the community that traffic violations are minor violations that can be tolerated and resolved without going through legal channels. This stigma and behavior then affects people's attitudes (legal culture) towards the law (Syafri Hariansah, 2022).

## **RESEARCH METHOD**

### **3.1 Types and Approaches of Research**

The research method used in the research is a qualitative method with field research. Qualitative research is a type of research that aims to explain and analyze phenomena, events, social activities, attitudes, beliefs, perceptions, and thoughts of individuals and groups (Lestari et al., 2022). Because this research aims to understand the perception of phenomena experienced by the research subject, such as behavior, social interaction, actions, and so on, the approach used is field research. The main focus is for researchers to go directly into the field to analyze data. This research is descriptive because it predicts and analyzes the picture of a research problem formulation that is sourced from theories and research results in a narrative manner.

### **3.2 Data Collection Techniques**

The data collection methods that will be used in this study are:

1. Interview

Interviews are the process of obtaining information for research purposes through face-to-face questions and answers between the interviewer and the respondent, resource person, or other person. Interviews are conducted with or without using interview guidelines, to obtain informative data, interviews are usually conducted both individually and in groups (Rizky Fadilla & Ayu Wulandari, 2023). Tools used by researchers in interviews include notebooks and devices such as mobile phones to record or take the necessary photos and videos.

2. Documentation

Documentation records past events which can be in the form of reports, photos of activities, diary notes, ledgers, company profiles, or other data relevant to the research theme. Documentation can be in the form of writings, drawings, or monumental works. Examples of writing documentation are diaries, biographies, regulations, and policies. Documentation in the form of images includes photos, sketches, and



others. Documentation in the form of works includes art such as drawings and sculptures. Document studies serve as a complement to observation and interview methods in qualitative research.

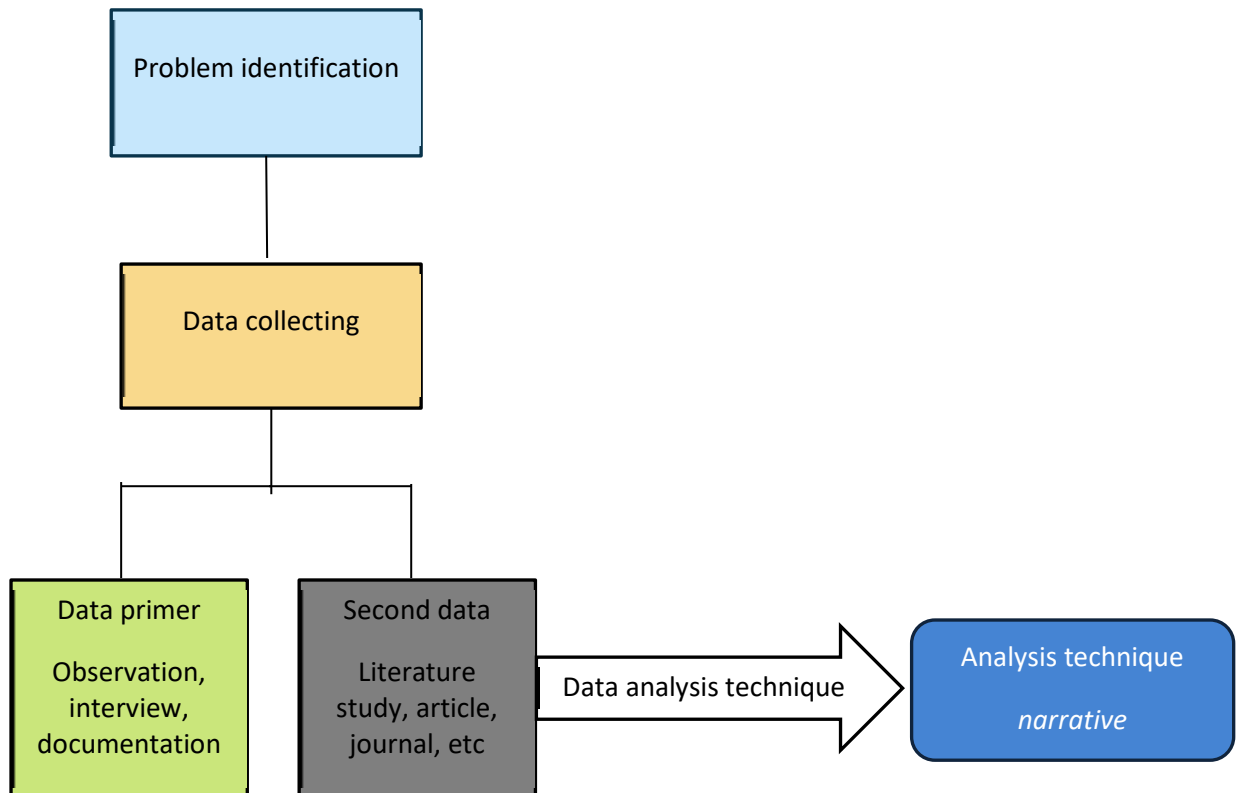
3. Observation

Observation is data collected directly from the field. Observation is a daily activity of human beings with the five senses. Observation as a data collection technique in this study uses observers to hear and look at the research object, then conclude the results that have been observe

3.3 Data Analysis Techniques

Data analysis techniques are a series of processes carried out by researchers in collecting data by means of interviews, observations and so on. The analysis technique used by the researcher in this study is a narrative analysis technique. According to Webster and Metrova, narrative is a research method in the social sciences. The essence of this method is its ability to understand a person's identity and worldview by referring to the stories (narratives) that are listened to or told in their daily activitie

3.4 Flowchart



## RESULTS AND DISCUSSION

### 4.1 Perception of Micro Business Actors Towards Halal Certification Through Self Declaration in Bangkalan Regency

Bangkalan Regency consists of 18 sub-districts including Kamal, Socah, Klampis, Kwanyar and others, because the indigenous people who inhabit Bangkalan Regency are mostly Muslim, of course, in consuming their daily food in accordance with sharia or halal certified. In this study, the researcher will analyze the perception of micro business actors towards self-declare halal certification. Based on the results of research obtained by researchers, there are two micro business actors for the time being, including:

First, the results of an interview with Mrs. Indriyani, she is 45 years old, address Jl. Basis Al No. 27, RT/RW -, Kebun, Kamal, Bangkalan she has been running her business for a long time since she graduated from college and until now it is still running. The name of the product he owns is Homemade Snack yy Snack, with many kinds of products including breadfruit chips, egg nuts, rolls, wet cakes, and other pastries. He knows the halal certification from his friend and registers on March 31, 2024. The income he earns is also erratic or depends on the season, such as the proverb of sea water has ebbs and flows.

Mrs. Indriyani said that with the existence of halal certification self declare that

*"At first, I thought it was difficult maybe because I didn't have it or I hadn't registered, but after going through it and immediately trying to register, it turned out to be easy, because there was only a request for personal identity and a photo of the product and not long after that about a month the certificate was out. And the problem I heard in 2024 is that all food products sold must be halal certified. If not, there will be a fine. So I figured out how to sign up."*

The response from Mrs. Inriyani when compared between halal certified and not yet in her products, she said

*"Previously, because what I was selling was indeed the product as it is and there were no preservatives, so yes, I was safe. After I held the halal certificate, Alhamdulillah, I became more confident. And it also depends on ourselves when we are friendly to buyers/customers from sales as well as from food as well if it is delicious, even though it is far away, it will definitely be sought after by people."*

Second, the results of an interview with Mr. Moh Jamik, his age is 33 years old, address Jl.Kenanga, Anggrek, Kemayoran, Bangkalan. He started his business in 2019 and was certified halal self-declared in 2022. The income he earns per month is approximately around 400-500 thousand per month.

Mr. Jamik said that with the existence of halal certification self declare that *"Halal self-declaration certification in the process is not difficult. Regarding the requirements needed, including personal identity, address, and we must also provide*





*data, our personal data such as ID cards, business industry numbers, and product names. Sometimes ordinary people are still confused and do not understand what it means. Maybe what makes people afraid to register for self-declare halal certification is that most of them are afraid, afraid that their data will be misused."*

The response from Mr. Jamik when compared between halal certified and not yet in his product, he said that

*"Of course, there is a differentiator for the first advantage as the legality of the guarantee product has been determined. For example, if we want to sell abroad, we want to export, then we feel safer and easier to process".*

Third, the results of an interview with Muthiatul J.A.'s sister, she is 20 years old, address Jl. Raya Kamal No. 26, RT 09/RW 01 -, Kejawen, Kamal, Bangkalan she has been running her business for a long time since she graduated from college and until now it is still running. The name of the product he owns is Lambe Pedas, with many kinds of products including tofu kocek, pentol tofu, aci telur, pop ice. The start of the business was on 20 of July 2024 with an income of Rp.700.000 per month and has not been certified halal. Sister Muthiatul J.A said that with the existence of halal certification self declare that

*"Actually, what I know about halal certification is the process of sellers or business actors where to get a halal certificate for the needs of their products and I don't know that halal certification has its division, as I explained earlier about halal certification, one of which is through self-declare"*

Thus Muthiatul J.A's sister also said that

*"I have never participated in socialization about halal certification, but I know halal certification from the internet. To register for halal certification there is no preparation because I sold recently, but I will plan to register. Yes, it is used for the safety of my product and to comply with regulations".*

Fourth, Ratna's sister is 22 years old, address Korot Laok, Kesek, Kec. The product sold is mochi. This mochi business actor already knows or understands halal certification but the product is not halal certified so he said that

*"If interviewed like this, it automatically means that business actors who have not carried out halal certification violate article 4 of the UUJPH, where food/beverage products should be registered with halal certification before the end of October 18, 2024 products"*

#### 4.2 Friedman's Legal Culture Assessment of Micro Business Actors' Perception of Halal Certification Through Self Declaration

Culture, mindset and nature, if they are united in a collective group for a long period of time, will affect certain ideas or habits as the beginning of legal culture, Friedman stated. Thus, if the perception of business actors described above is reviewed from Friedman's legal culture, it can be seen that many micro business actors in Bangkalan district have been halal certified and there are still



those who have not been halal certified even though the obligation to be halal certified is regulated by Law Number 33 of 2014 concerning Halal Product Assurance (JPH). Business actors explained that knowing the obligation of halal certification from others, this shows that the government is low because there has been no socialization related to applicable regulations. Business actors before registering have a stereotype that the products sold are indeed as they are without preservatives so they are safe and how we are friendly to buyers, this shows that the value of confidence in business actors is very thick because it can be influenced by the environment or so on. in conducting socialization has the desire to register for halal certification in developing their business. Micro business actors also explained the comparison of their products that have not been certified halal and after being halal certified, and there is clearly a comparison, namely in the marketing system and the sale of the product. Business actors also explained However, business actors in Bangkalan district kec. Kamal still does not know that halal certification consists of two parts, including self-declaring, this proves that business actors have access to halal certification information or it can be called the lack of government in providing information to business actors. Micro business actors who do not want to be interviewed and are afraid of being entangled in articles even though this can also help business actors or help the government to optimize halal certification for Micro, Small and Medium Enterprises (MSMEs).

## CONCLUSION

Based on the results of the above research, it can be concluded that the perception of micro business actors in Bangkalan Regency towards halal certification through self-declaration varies, depending on the knowledge and experience of each business actor. Most business actors who have participated in the halal certification process through self-declaration stated that the process is not too difficult and provides a sense of security and confidence in running a business. Business actors who have been halal certified feel the benefits, especially in terms of product legality, marketing, and export potential. However, there are still some business actors who do not know or fully understand the halal certification process, including the difference between ordinary and self-declare halal certification. This ignorance is generally caused by a lack of socialization from the government, so that business actors tend to get information from other sources, such as friends or the internet. From the perspective of legal culture according to Friedman's theory, there is a willingness of micro business actors to comply with the law without coercion, even though there is a stereotype that the products sold are safe because they do not use preservatives. This shows that the legal culture in Bangkalan Regency is developing, but it still needs to be improved in terms of regulatory socialization, especially regarding the obligation of halal certification. Overall, despite the desire and



efforts of micro business actors to comply with halal certification rules, there is an urgent need to increase access to information and awareness about the importance of halal certification, as well as the need for an active role of the government in supporting the process.

The suggestion is to increase awareness and understanding of micro business actors in Bangkalan Regency regarding halal certification, especially the self-declare process, the local government needs to increase socialization and education more intensively. Socialization can be carried out through training, seminars, or counseling that involve micro business actors directly. In addition, there is a need for easy access to information, both through print and digital media, so that business actors can better understand the benefits and importance of halal certification in increasing the competitiveness of their products, both in the local and international markets.

And Suggestions for Further Research to focus on analyzing the effectiveness of socialization and education programs carried out by the government regarding halal certification, as well as how the program can be optimized to reach micro business actors in rural areas who have limited access to information. In addition, a more in-depth study of the factors that affect the level of compliance of business actors with halal certification obligations can also be an interesting topic.

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