



## CONSUMER PROTECTION AGAINST HALAL-LABELED MARSHMALLOW PRODUCTS CONTAINING PORK INGREDIENTS FROM THE PERSPECTIVE OF LAW NO. 33 OF 2014 CONCERNING HALAL PRODUCT GUARANTEES

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### ABSTRACT

*Halal products are essential for Indonesian Muslims as a form of protection and consumption in accordance with sharia. However, public trust in the halal label was shaken after the BPJPH (Indonesian Food and Drug Authority) and the BPOM (Indonesian Food and Drug Authority) discovered nine halal-labeled marshmallow products that contained pork in early 2025. This study aims to analyze the legal protection provided to consumers for products that do not comply with the halal label, specifically from the perspective of Law No. 33 of 2014 concerning Halal Product Assurance. This study uses a normative juridical method with a statutory, conceptual, and case-based approach. The results show that businesses that illegally use the halal label can be subject to criminal and administrative sanctions in accordance with statutory provisions. On the other hand, consumers have the right to legal protection, both materially and spiritually. To address this issue, strengthening the monitoring system, digital transparency, consumer and business education, and strict law enforcement against violations of the halal label are needed. This research is expected to strengthen the halal product assurance system and increase legal awareness of all parties involved.*

**Keywords:** Consumer protection, Halal Products, Marshmallow

## 1. INTRODUCTION

Halal products are a crucial need for Indonesian Muslims, given that Indonesia has the largest Muslim population in the world (Aziz, 2020). Trust in the halal label on a product is a guarantee of halalness and safe consumption for Muslims (Syahrudin, 2022). However, this trust began to be questioned after the discovery of nine halal-labeled products that were found to contain pork, as reported by the BPJPH and BPOM in early 2025.

The nine products are: Corniche Fluffy Jelly, Corniche Marshmallow, ChompChomp Car Mallow, ChompChomp Flower Mallow, ChompChomp Marshmallow), Hakiki Gelatin, Larbe-TYL Marshmallow, AAA Marshmallow, and SWEETIME Marshmallow. Of the nine products, seven are halal-certified: Corniche Fluffy Jelly, Corniche Marshmallow, ChompChomp Car Mallow, ChompChomp Flower Mallow, ChompChomp Marshmallow, Hakiki Gelatin, Larbe-TYL Marshmallow. Two are not halal-certified: AAA Marshmallow and SWEETIME Marshmallow (Haikal, 2025).

The ChompChomp Marshmallow product, a tube-shaped product (mini marshmallow), is produced by Shandong Qingzhou Erko and imported by PT Catur Global Sukses. It holds BPOM permit numbers ML 224509149048 and ML 24093300900833, and holds a BPJH Halal Certificate ID0041000023378082 with Batch Number N0231123A (Haikal, 2025). These products are largely imported and freely circulated on various Indonesian e-commerce platforms. This fact indicates weaknesses in the halal supervision and certification system and has caused public unrest, particularly among Muslim consumers.

These findings, based on laboratory testing and a joint investigation between the Food and Drug Supervisory Agency (BPJPH) and the Food and Drug Monitoring Agency (BPOM), indicate that several of these products contain pork gelatin (BPJPH, 2025). Pork gelatin is commonly used because it is cheaper than beef gelatin (Hasibuan, 2023). This situation is exacerbated by the presence of unofficial or counterfeit halal labels affixed by businesses, thus not being registered in the official BPJPH system (Nuraini, 2022). However, according to Article 4 of Law No. 33 of 2014 concerning Halal Product Assurance, every food and beverage product distributed in Indonesia must have a halal certificate issued by the competent authority (Law No. 33 of 2014).

Law No. Law No. 33 of 2014 not only regulates the obligation of business actors to obtain halal certification but also grants authority to the Food and Drug Supervisory Agency (BPJPH) in terms of regulation, accreditation, and supervision of halal products (Safitri, 2021). The discovery of products containing pork while still labeled halal not only impacts consumers, who are harmed in terms of their faith and spirituality, but also tarnishes the credibility of BPJPH as an institution mandated by the state (Rahman, 2021). Therefore, this issue is not merely technical in nature, but also involves legal, ethical, and consumer protection dimensions (Haikal, 2025).

The use of gelatin in the food industry, particularly marshmallows, has been the subject of numerous studies. Marshmallows are an aerated candy product that requires gelatin to produce a soft and elastic texture (Zahra, 2020). Gelatin itself consists of two main types: type A (from pig skin through an acid hydrolysis process) and type B (from cow/aged animal bones through an alkaline hydrolysis process). However, physically, these two types are difficult to distinguish. This

often leads to public misunderstanding of product labels and the origin of the gelatin used (Hasibuan, 2023; Humaizi et al., 2024; Ritonga et al., 2024).

A previous study by Rahman (2021) emphasized the importance of the BPJPH's role in maintaining public trust through a strict certification system, while Hasibuan (2023) expressed public concern over weak oversight of imported products on digital platforms. However, no study has specifically addressed irregularities in halal certification for marshmallow products based on official BPJPH findings in 2025.

This study reveals public concern about weak government oversight of imported products, particularly those sold through e-commerce platforms, which carry a high risk of containing non-halal products (Hasibuan, 2023). It states that consumers often have difficulty distinguishing between official and unofficial halal labels, especially for children's snack products, necessitating comprehensive legal education (Nuraini, 2022; Dalimunthe et al., 2025). It highlights the weak sanctions imposed on businesses found to have used false halal labels, resulting in repeated violations without any deterrent effect (Haikal, 2025). It highlights the importance of transparency and public involvement in the halal product oversight process, particularly for imported products that do not go through official distribution channels (Mardiah, 2024). This study aims to analyze the forms of consumer protection for marshmallow products found to not conform to the stated halal label, by examining the role of positive law and the effectiveness of oversight and sanctions imposed on businesses that violate halal certification provisions.

## 2. RESEARCH METHOD

This study uses a normative juridical method, which is a research approach carried out by reviewing legal materials such as laws and regulations, legal literature, and other relevant official documents. This method is used to analyze legal issues that arise in practice, especially related to halal-labeled marshmallow products containing pork elements, in the context of Law No. 33 of 2014 concerning Halal Product Guarantees and Law No. 8 of 1999 concerning Consumer Protection. The approaches used in this study are a statutory approach that focuses on the study of legal norms related to halal product guarantees and consumer protection, a conceptual approach that analyzes the concept of consumer protection and halal principles in Islamic economic law and a case approach that raises facts regarding halal-labeled marshmallow products containing pork elements as analytical material to assess the effectiveness of legal implementation. The data collection technique is carried out through library research by reviewing relevant legal literature and official news. Data analysis is carried out qualitatively, namely by processing and interpreting the collected data to reach systematic legal conclusions.

### 3. RESULT AND ANALYSIS

In Islam, the concept of halal encompasses not only the type of food or drink consumed, but also the method of obtaining, producing, and serving those products. Etymologically, halal comes from Arabic, meaning "permissible" or "allowed." In the context of Islamic law, a product is considered halal if it does not contain prohibited elements, such as pork, blood, carrion, and alcohol, and is processed in a manner that complies with Islamic law.

Some also define it as food that is appetizing to the consumer and does not harm their physical or mental health, which can be broadly interpreted as healthy food. Generally, there are three categories of food consumed by humans: plant-based, animal-based, and processed products. Foods made from plant-based ingredients are generally halal and therefore permissible to consume, except for those that contain poison, are impure, and/or intoxicating (Zulham, 2023).

Generally, there are three categories of food consumed by humans: plant-based, animal-based, and processed products. Foods made from plant ingredients are generally halal, and therefore may be consumed except those which contain poison, are unclean, and/or are intoxicating. Halal is a term that indicates conformity with Islamic teachings and is often associated with the *halalan toyyiban* principle, which means that food is not only permissible according to the Shari'a, but is also beneficial and harmless. This shows that the food consumed must meet religious standards and be safe for health. Eating halal food is a form of obedience to Allah SWT's commands. In Islamic teachings, people are required to choose food that is halal and good, as explained in the verses of the Koran.

وَإِيَّهَا النَّاسُ كُلُّوا مِمَّا فِي الْأَرْضِ حَلَالًا طَيِّبًا وَلَا تَتَّبِعُوا خُطُوَاتِ الشَّيْطَانِ إِنَّهُ لَكُمْ عَدُوٌّ مُبِينٌ

*Meaning: "O mankind! Eat of what is lawful and good (thayyib) on earth, and do not follow the footsteps of Satan. Indeed, Satan is a clear enemy to you." (QS. Al-Baqarah: 168). (Hasanah, 2024)*

God bless you God willing *لَكُمْ* Eat of what is lawful and good (thayyib) on earth, and do not follow the footsteps of Satan. Indeed, Satan is your open enemy." (QS. Al-Baqarah: 168). (Hasanah, 2024). The role of the Indonesian Ulema Council (MUI) regarding products traded by manufacturers is in accordance with the word of Allah SWT in Qs. Al-Maidah verse 88 as follows:

وَكُلُوا مِمَّا رَزَقَكُمُ اللَّهُ حَلَالًا طَيِّبًا وَاتَّقُوا اللَّهَ الَّذِي أَنْتُمْ بِهِ مُؤْمِنُونَ

*The meaning is: "And eat of what Allah has provided for you as lawful and good provision, and fear Allah in whom you believe."*

In this verse, Allah SWT instructs every human being to consume and use products (food and so on) from something that is pure, both in its source and in its processing. This demonstrates the correlation between the food consumed by humans and the practice/implementation of acts of worship to Allah SWT.

Implementation in the context of worship, among other things, will bring blessings if it comes from halal, clean, and good sources. (Suparmin, 2023)

Furthermore, the hadith of the Prophet Muhammad (peace be upon him) also emphasizes the importance of maintaining the halal status of the food consumed, as this impacts whether or not one's acts of worship are accepted. From a regulatory perspective, Law Number 33 of 2014 concerning Halal Product Assurance (UU JPH) provides a clear definition of halal products. Article 1 number 2 of Law No. 33 of 2014 states that: "Halal products are products that have been declared halal in accordance with Islamic law."

This law also stipulates that every product entering, circulating, and traded within Indonesia must have a halal certificate, particularly for food, beverages, medicines, cosmetics, chemical products, biological products, genetically engineered products, and goods worn, used, or utilized by the public. Furthermore, the halal status of a product is assessed not only by its basic ingredients but also by its production, storage, packaging, and distribution processes. Therefore, the involvement of the Halal Inspection Agency (LPH) and the Halal Product Assurance Agency (BPJPH) is crucial in ensuring the accuracy and public trust in the halal labels displayed on products. Therefore, the understanding of halal products according to Islam and the law are closely related and complementary. Islam provides a normative and spiritual foundation, while the law provides legal certainty and consumer protection in Indonesia, a country with a Muslim majority population.

### ***Halal Product Assurance Regulations in Indonesia***

Regulations regarding halal product assurance in Indonesia are stipulated in Law Number 33 of 2014 concerning Halal Product Assurance. This law was drafted to provide legal protection to consumers, particularly Muslims, in consuming products that comply with Sharia principles. Halal product assurance, as referred to in Article 1 number 1 of this law, provides legal certainty regarding the halal status of a product, as evidenced by a Halal Certificate. One of the main provisions of the Halal Product Assurance Law is Article 4, which states that products entering, circulating, and traded within Indonesia must be halal certified. This obligation reflects the state's active role in ensuring consumer protection and demonstrates that the halal label is not merely a symbolic claim but must undergo a rigorous legal and scientific verification process.

The implementation of the halal assurance system in Indonesia is carried out by the Halal Product Assurance Organizing Agency (BPJPH), which is responsible for registration, certification, education, and supervision. The Halal Product Assurance Agency (BPJPH) collaborates with the Halal Inspection Agency (LPH), which conducts technical audits of products, and the Indonesian Ulema Council (MUI), which issues fatwas (religious edicts) on a product's halal status. This collaboration creates a multi-layered oversight system for the halal certification

process, as stipulated in Article 7 and Articles 29 to 34 of the Halal Product Assurance Law. However, in practice, the implementation of the halal product assurance system has not been fully optimized.

The Halal Product Assurance Agency (BPJPH) of the Ministry of Religious Affairs is obligated to establish the halal logo, as stipulated in Article 37 of Law Number 33 of 2014 concerning Halal Product Assurance (Halal, 2014) (JPH). This determination is also part of the mandate of Government Regulation (PP) Number 39 of 2021 concerning the Implementation of the Halal Product Assurance Sector (President of the Republic of Indonesia, 2021). Article 90 of the Government Regulation states that the halal label is determined by the BPJPH. The article states: The logo on the Halal Label as referred to in Article 89 paragraph (1) letter a is a manifestation of the decision and/or action determined and/or carried out by the BPJPH. In the same PP, it is stated that the label must be included by business actors who have obtained halal certification. Then, on March 1, 2022, the BPJPH issued the Head of BPJPH Decree No. 40 of 2022 concerning the determination of halal labels. The reason behind the change in halal labels is due to the transfer of halal certification authority from the Indonesian Ulema Council's Food, Drug, and Cosmetics Assessment Institute (LPPOM MUI) to the Ministry of Religious Affairs' BPJPH. (Cahaya Permata, 2022).

Products labeled halal are still found to contain non-halal ingredients, such as marshmallows containing pork gelatin. This indicates that post-certification supervision and product distribution have not been carried out comprehensively. As Wahyuni noted in her 2021 research, weak coordination between the Food and Drug Supervisory Agency (BPJPH) and food supervisory agencies is one factor contributing to violations of the halal label. Weak reporting and control systems within the distribution chain also contribute to the ineffectiveness of these oversights. Therefore, the halal product assurance system in Indonesia needs to be strengthened not only in its regulatory aspects but also in its implementation and ongoing oversight. Strict enforcement of laws against halal label violations must be carried out to provide a deterrent effect and maintain consumer trust in the state-regulated halal assurance system (Dalimunthe et al., 2025).

### ***Consumer Protection Rights for Halal-Labeled Products***

Consumer protection is a fundamental right guaranteed by the state, as stipulated in Law Number 8 of 1999 concerning Consumer Protection. Article 4 of this law states that every consumer has the right to comfort, security, and safety when consuming goods and/or services, and the right to receive correct, clear, and honest information regarding the condition and guarantees of the goods and/or services consumed. This right also applies to halal-labeled products, which hold significant religious and religious significance for Muslim consumers.

The halal label displayed on a product is not merely a symbol or marketing strategy, but rather a legal guarantee that the product has undergone a

certification process in accordance with Sharia law (Ohorella et al., 2024; Harianto et al., 2023). Muslim consumers who purchase halal-labeled products automatically place their full trust that the product does not contain any prohibited ingredients, including pork or pork derivatives. Therefore, if the product is found to contain prohibited ingredients, the business entity is deemed to have violated the consumer's right to correct and honest information.

In this context, Law Number 33 of 2014 concerning Halal Product Guarantee provides a clear legal basis. Article 56 states that anyone who intentionally places a halal label on a product that is not halal certified can be subject to a maximum prison sentence of five years or a maximum fine of IDR 2 billion. This sanction aims to deter businesses and prevent misuse of halal labels that mislead consumers.

Consumers who suffer losses have a number of legal rights. Based on Article 19 paragraph (1) of the Consumer Protection Law, businesses that violate the provisions are required to provide compensation, either in the form of a refund, replacement of goods, or other appropriate forms. In addition, consumers can file complaints with authorized institutions, such as the Indonesian Consumers Foundation (YLKI), the National Consumer Protection Agency (BPKN), or directly with the Halal Product Guarantee Agency (BPJPH).

Consumers not only have the right to material losses but also to moral and religious protection, considering that the consumption of haram products is a sensitive issue for Muslims. In certain cases, such violations can even be sued as a class action by groups of aggrieved consumers. This proves that legal protection for consumers in the case of halal labels is not just a formality, but concerns fundamental rights that must be seriously enforced.

### ***Law Enforcement Against Business Actors and Solutions for Handling Halal-Labeled Marshmallow Products Containing Pork***

Law enforcement against businesses that violate halal labeling requirements is a crucial aspect in ensuring fairness and consumer trust, particularly among Muslims. In the case of marshmallow products labeled halal but found to contain pork, this constitutes a serious violation of Law Number 33 of 2014 concerning Halal Product Assurance and Law Number 8 of 1999 concerning Consumer Protection.

Article 56 of Law Number 33 of 2014 concerning Halal Product Assurance regulates the obligation to obtain halal certification for products entering, circulating, and traded within Indonesia. More specifically, this article stipulates that food products, beverages, slaughtered animals, and slaughtering services must be halal-certified, with a phased process stipulated in government regulations (Rambe et al., 2023).

Businesses who intentionally affix halal labels to products that are not halal certified, or whose content is found to contradict halal principles, may be subject to criminal sanctions of up to five years' imprisonment or a maximum fine of IDR

2 billion. This sanction serves as a deterrent to discourage businesses from arbitrarily affixing halal labels without following the proper certification procedures through the BPJPH (Product Safety Management Agency), the Product Quality Assurance Institution (LPH), and the Indonesian Ulema Council (MUI) fatwa. Law enforcement can also be carried out through civil and administrative mechanisms.

Consumers or consumer groups can file civil lawsuits based on breach of contract or unlawful acts, as stipulated in the Civil Code and the Consumer Protection Law. In addition, BPJPH can impose administrative sanctions on businesses in the form of revocation of halal certificates, product recalls, or temporary suspension of business activities. Concrete solutions to address such cases include:

1. Strengthening supervision by BPJPH and LPH of all stages of product production, distribution, and labeling.
2. Socialization and education for business actors regarding the importance of honesty in including halal labels, as well as the procedures for obtaining valid halal certification.
3. Empowering consumers to be more critical, by checking halal certificate numbers, the clarity of product composition, and the validity of the label.
4. Implementing digital transparency, such as the use of QR codes on halal product packaging that consumers can directly trace to the BPJPH (Indonesian Halal Product Supervisory Agency).
5. Consistent law enforcement, including the publication of sanctions against violating business actors, so that the public is aware and other business actors feel under scrutiny.

In the long term, establishing an integrated oversight system between BPJPH, the Indonesian Ulema Council (MUI), the LPH (Indonesian Food Supervisory Agency), and consumer watchdog institutions is key to preventing the recurrence of halal label fraud cases. Firm and measured law enforcement provides concrete protection for consumers and maintains the integrity of the halal product assurance system in Indonesia.

#### **4. CONCLUSION**

The halal label on a product is not merely a symbol, but a form of legal, ethical, and trust guarantee for Muslim consumers. In the case of halal-labeled marshmallows that were found to contain pork, this constitutes a serious violation of Law No. 33 of 2014 concerning Halal Product Assurance and Law No. 8 of 1999 concerning Consumer Protection. The study's findings indicate that:

1. Halal products, from an Islamic perspective and under Indonesian law, must meet halal requirements in terms of substance, process, and official labeling.



2. Regulations regarding halal product assurance are comprehensively regulated in Law No. 33 of 2014, which requires businesses to obtain halal certification through the Food and Drug Supervisory Agency (BPJPH).
3. Consumers have the right to legal protection, accurate information, and compensation if harmed by misleading halal labels. Sanctions for businesses can include imprisonment of up to five years or a fine of Rp 2 billion.
4. Law enforcement must be carried out consistently, supported by an integrated monitoring system and increased awareness among businesses. In addition, solutions such as information transparency, strengthening the Halal Product Assurance Agency (BPJPH), and public education are crucial steps in preventing similar violations.

Therefore, strengthening the halal product assurance system not only aims to maintain business order but also to protect consumer rights as part of the state's obligation to uphold justice and public trust, particularly in the context of Muslim consumption in Indonesia.

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