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# Responsibilities of Marketplace Providers in Providing Non-Halal Information as Consumer Protection

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## Abstract

The Muslim community is prohibited from eating unclean food. Therefore, Indonesia as the majority of the population is Muslim, business actors are required to provide information about the raw materials of their products honestly and clearly so that it can be seen whether the product is halal or haram. Based on this, the formulation of the problem is what is the responsibility of the marketplace provider in providing non-halal information as a form of consumer protection. This research is studied in a normative juridical manner by using a statutory regulation approach and an analytical approach. The results of this study can find out that there is no regulation that requires business actors in the marketplace to include halal or non-halal information. Therefore, the government seeks legal protection for Muslim consumers so they are not fooled into buying food made from non-halal ingredients and/or food that has a mixture of non-halal ingredients by requiring business actors to provide correct, clear and accountable information, as well as include halal information and / or non-halal on the product.

**Keywords:** Responsibility, Marketplace, Consumer Protection

## 1. Introduction

Humans are individual beings who have their own lives, but humans are also social beings who cannot escape from society (Kansil, 1986). Humans need various things for their survival. To fulfill these needs, humans must be assisted by other humans or assisted by their surroundings. Humans are also referred to as Economic creatures, meaning that humans are never satisfied with what they buy and will carry out these activities to meet all needs. There are three basic human needs that must be met, namely clothing, food and shelter. The need for clothing is often interpreted as the need for clothing, food means food, and boards as a place to shelter and live which is commonly referred to as a house.

Derived from three basic human needs, food has the most important role in the body (Ahmat & Sutarman, 2015). The body needs the nutrients contained in food, then processed to produce energy. Today there are various types of food ingredients and preparations, both those produced by local factories or restaurants, to imports from foreign factories. However, not all raw materials or food can be circulated or consumed by Indonesian people, especially Muslims. Muslims are required to consume halal food and avoid unclean or non-halal food. The halalness of a product is not only seen from the main raw materials such as pork, but can also include facilities or tools from halal policies, halal management teams, training, materials, production facilities, products, written procedures in

the form of critical activities, traceability, product handling does not meet the criteria, internal audit, and management review.

In making it easier for the public to differentiate halal food from non-halal food, the government has ordered businesses to provide information and register their products with the Halal Certification Agency (LSH). In addition, food circulating in the territory of Indonesia must also register its product with the Food and Drug Supervisory Agency (BPOM), so that people do not have to hesitate and worry about the ingredients in it because they already have a distribution permit. In accordance with Article 111 paragraph (2) of the Law of the Republic of Indonesia Number 36 of 2009 concerning Health which states that food and drinks can only be listed to after obtaining a distribution permit in accordance with statutory provisions. Then based on Article 3 of Government Regulation Number 39 of 2021 concerning the Implementation of the Halal Product Assurance Field, halal certification is given to products originating from halal materials and fulfilling the halal product process (PPH). The halal label must at least contain the logo and certificate number or registration number. This information is stated on the packaging, part or a certain place on the product. However, if products that have packaging that is too small, are sold and packaged directly in front of buyers in small quantities, and are bulk products, there is no need to provide a halal logo on the packaging.

For Muslim Indonesian citizens, information on whether a product is halal or not is considered very important, because this is related to the implementation of Islamic religious shari'a law. Therefore, halal in products, especially food is a sensitive issue. In Article 97 of Law Number 18 of 2012 concerning Food it is explained that food is the most important basic human need. Food or food must be guaranteed for safety, quality, nutrition, and does not conflict with religious law, beliefs and community culture.

Along with developments in the field of information technology, it is very rapid, giving rise to various new styles in the trading system. In recent years, the internet has been used as a medium for trading. There are even various types of marketplaces such as Shopee Food, Tokopedia, GrabFood, GoFood, Open Stalls, and so on that can make it easier for humans to meet their daily needs. Marketplace is an application and/or website that facilitates buying and selling online from various types and sources of sellers (Iwan et al., 2018). With this platform, people don't need to leave the house or come directly to the store.

PT. Indonesian Transportation Solutions (Grab) is an e-commerce founded by Anthony Tan and Tan Hooi Ling under the name of the Grab application. Grab was founded in 2012. Grab was founded with the belief that technology companies in Southeast Asia can also run profitably and create sustainable social impacts. As of today, Grab is spread across 8 (eight) countries, namely Indonesia, Malaysia, Singapore, Thailand, Vietnam, the Philippines, Myanmar and Cambodia. Grab saw an opportunity to expand into the realm of food delivery, healthcare, ticket sales, delivery of goods, buying goods for consumers, paying bills, and more. Grab has three pillars namely speed, innovation and social impact. This has been achieved with the various features issued by Grab. The Grab application has implemented an e-wallet in collaboration with Ovo. Ovo is a digital wallet that can be used to pay for all transactions in the Grab application and can also be used to pay at various outlets in Indonesia.

In this feature, the Grab company has given obligations to business actors as partners to describe the menu that is sold complete with the price. However, this company does not provide an obligation to include non-halal information in food descriptions, product photos, restaurant photos, and names. The inclusion of non-halal information is not found in the terms and system of the application. In fact, it cannot be denied that a raw material usually has more than one name or term that not many people know about. For example, pork has more than 5 (five) terms. Therefore, business actors must provide clear and complete information so that consumers are not fooled or mistaken in buying.

Furthermore, PT Aplikasi Karya Anak Bangsa, which oversees PT Go Jek Indonesia. Go Jek was created in 2010 by Nadiem Makarim and Kevin Aluwi with 1 (one) call center and 20 (twenty) motorcycle taxis. In 2015 there was an increase in orders, from 3,000 per day to 10,000 per day which made Go-Jek see an opportunity to expand into a wider area, such as food delivery, ticket sales, and others. A year later, Go-Jek became the first unicorn

company in Indonesia with an increase in orders of up to 300,000 per day. Seeing the various opportunities that exist, Go Jek expanded to Singapore, Vietnam and Thailand in the 8th year of Go Jek's establishment. Go Jek has a variety of features that are not much different from Grab, namely Go Ride, Go Car, Go Food, Go Send, Go Credit, and so on. Go Jek has an e-wallet called Go Pay. Not only does it function in transactions on the Go-Jek application, but it can be used at several outlets that work with Go-Jek. The Go-Jek application also provides Go Nearby, so application users can find out which nearest outlet can use Go-Pay. Filling Go Pay is quite easy, you can do it through mobile banking, Alfamart, Indomaret, and Go Jek drivers. Registering as a Go-Jek merchant is also quite easy, just by filling out the form and waiting for confirmation from Go-Jek.

If Grab and Go Jek are marketplaces made for the realm of transportation, it's different from Shopee. PT Shopee or commonly known as Shopee can be said to be e-commerce because it has the Shopee Mall feature which does not require a third party, but also as a marketplace because it provides services and acts as an intermediary for buying and selling. Shopee is a mobile commerce application that first arrived in Indonesia in December 2015. Shopee was founded by Forrest Xiaodong Li Apart from Indonesia, Shopee also launched in Singapore, Malaysia, Thailand, Vietnam, the Philippines and Taiwan. In Shopee, there are various types of goods being sold, such as food, household furniture, clothes, electronics, and other goods.

But last April 2020, Shopee spread its wings to the realm of food delivery, such as Grab and Go Jek, called Shopee Food. Shopee Food remains in one application with Shopee, which makes it easier for application users to order food with a much more diverse price comparison. Similar to the two previous applications, business actors who work with Shopee Food are also referred to as merchants. Shopee also provides an e-wallet called Shopeepay and has a credit payment system, Shopeepay later.

In the Grab, Go Jek and Shopee Food marketplaces, most of the merchants are Micro, Small and Medium Enterprises (MSMEs) where in the Job Creation Law, the Central Government and Regional Governments with their respective authorities have the obligation to facilitate, support and stimulate MSME activities. According to Article 91 of the Ease of Job Creation Law, including the ease of business licensing, the government is obliged to provide guidance and registration for MSMEs by simply attaching an Identity Card (KTP) and a business certificate from the government at the neighborhood level. After the registration, the business actor will be given a Business Identification Number through the electronic Business Licensing system. Business Identification Number is a single license that applies to all business activities, including with Business Licensing, Indonesian National Standards, and Halal Product Guarantee Certification.

Next, there is a case that was experienced and shared by the owner of the Twitter account @Fkadrun who accidentally bought and ordered food, which turned out to be pork. The incident started with @Fkadrun who ordered food via Grab at an outlet called Nasi Campur 99 in the Karanganyar area. He ordered the Murmer 2 menu package at a price of IDR 35,000.00. The package contained Hainanese rice, lapchiong, fried meatballs, soy sauce eggs, salted vegetables, red sauce, brown sauce, and others with confidence, because from the name of the outlet and also the food menu at a glance it doesn't look suspicious. After the order came he immediately finished half of the food. Then his wife asked about where he bought the mixed rice, @Fkadrun tried to search via Google. @Fkadrun was shocked by what he saw, apparently a restaurant with the name Nasi Campur 99 was selling non-halal food and just realized that the lapchiong he was eating was pork as the basic ingredient. @Fkadrun mentions that he is a layman who does not understand other terms for pork. He thought that lapchiong was the name of a dish named by a foreigner and tried to eat it. Grab responded to this by replying to posts from @Fkadrun for further action.

Related to the halalness of a product or restaurant. Article 8 paragraph (1) letter a Law Number 8 of 1999 concerning Consumer Protection stipulates that business actors are prohibited from producing and/or trading goods and/or services that do not meet or do not comply with the required standards and provisions of laws and regulations . In addition to the Consumer Protection Act, there is Law Number 33 of 2014 concerning Guarantees for Halal Products as a regulation that regulates the distribution and labeling of halal products.

Article 4 of the Halal Product Guarantee Law stipulates that products imported, distributed and traded in the territory of Indonesia must have a halal certificate. There are several obligations for business actors when applying for a halal certificate and after obtaining the halal certificate. Furthermore, Article 26 paragraph (2) of the Halal Product Guarantee Law requires business actors to provide non-halal information on their products. Business actors will be subject to administrative sanctions if they violate the provisions of this article.

The Halal Product Guarantee Law does not require all products circulating in the territory of Indonesia to be halal according to the teachings of the Islamic religion, there are some non-halal foods that may be produced by following the provisions of Article 26 paragraph (1) of the Halal Product Guarantee Law which states that business actors who producing from materials originating from prohibited materials as referred to in Article 18 paragraph (1) and Article 20 are exempted from applying for Halal Certification. Prohibited foodstuffs in Article 18 paragraph (1) stipulated by the Minister based on the MUI fatwa are carrion, blood, pork, animals slaughtered not in accordance with Shari'a. Next in Article 20 paragraphs (1) and (2) are plants that can intoxicate or endanger health if consumed; materials originating from microbes and materials resulting from chemical, biological or genetically engineered processes if the growth process or its manufacture is mixed with, contains and/or contaminated with prohibited materials.

Information in Law Number 33 of 2014 concerning Guarantees for Halal Products or JPH is strengthened by Government Regulation Number 39 of 2021 concerning Implementation of the Field of Guarantees for Halal Products (BJPH). As in Article 2 paragraph (1) PP No 39 of 2021 concerning BPJH, products that enter, circulate and trade in the territory of Indonesia must be halal certified, then in paragraph (2) products originating from materials that are prohibited are exempted from the obligation to be halal certified, and paragraph (3) strengthens paragraph (2), namely the product as referred to in paragraph (2) must be given a non-halal statement. Non-halal products in Indonesia are included in the minority numbers, so that the inclusion of non-halal information in products, outlets, restaurants and marketplaces can make it easier for people to choose. Inclusion of non-halal information on the product packaging, certain parts and places of the product as well as non-halal information can be in the form of pictures, writing, and or names of ingredients with different colors in the composition of the ingredients.

Business actors are required to provide information about the raw materials of their products honestly and clearly. Including the location, means of slaughter, processing, storage, packaging, circulation, sales and presentation. If there is a change in one or more of the conditions proposed, then the business actor must report the change in composition to the Halal Product Assurance organizing body. The general criteria regarding material fatigue have been stated in the Halal Product Guarantee Act. These materials apply to raw materials, processed materials, additives and auxiliary materials as well as materials derived from animals, plants, microbes or materials produced by chemical, biological or genetic engineering processes.

The inclusion of halal and non-halal labels only applies to restaurants and products sold in markets other than marketplaces and e-commerce. There is no guarantee regarding legal protection for consumers, especially those who are Muslim as marketplace consumers and there is no responsibility for marketplace companies as restaurant partners for non-halal logos. Based on the background described above, the laws and regulations have spelled out halal certification for products distributed within the territory of Indonesia, including for MSMEs, but it can be seen that the problem is the platform, in this case the marketplace, and there is a legal void that can be drawn for further analysis. further on Consumer Protection for restaurants as marketplace partners that do not provide non-Halal information, with the title Marketplace Provider Responsibilities in Providing Non-Halal Information as Consumer Protection.

## **2. Research Method**

The method is a procedure for knowing something with systematic steps (Husaini & Purnomo, 2003). The research method is a scientific activity which is basically in the form of methods, systematics, and certain thoughts with the aim of studying one or more legal phenomena (Khudzaifah & Kelik, 2004).

### *2.1. Type of Research: Normative Juridical*

The type of research used in this study is normative juridical research, namely basing legal materials by examining theories, concepts, legal principles, and laws and regulations related to the researcher's issues (Soerjono, 2007). Normative legal research because according to Soerjono Soekanto, research includes legal principles, legal systematics, level of legal synchronization (Soerjono, 2007).

Research with normative law because in this research will use a lot of secondary data or library materials, namely written regulations or other legal materials (Sri & Soerjono, 1990). Besides that, this study also used a field approach to obtain information and data as supporting materials related to research.

### *2.2. Research Approach*

This study uses several approaches aimed at obtaining answers, namely:

#### *2.2.1. Statue Approach*

Approach with legislation and regulation. This approach is taken to examine all laws and regulations related to the legal issues being studied (Peter, 2017). This approach is used to study and review the Consumer Protection Law and Government Regulation Number 39 of 2021 concerning BJPH.

#### *2.2.2. Analytical Approach*

The analytical approach is to carry out an analysis of legal material with the aim of knowing the meaning contained in the terms (plus non-halal and merchant terms in the application) used in statutory regulations, as well as knowing their application in practice. This was done through two examinations. First, the researcher tries to obtain a new meaning contained in the relevant legal rules. Second, testing these legal terms in practice through an analysis of legal decisions.

### *2.3 Types and Sources of Legal Materials*

#### *2.3.1. Primary Legal Materials*

The author uses primary legal materials sourced from statutory regulations.

Legislation as primary legal material can include statutes made directly by the legislature, court decisions, executive decrees, and regulations issued by state administrative bodies (Dyah & A'an, 2014). Authorative legal material, which means having authority consisting of:

- 1) Law Number 8 of 1999 concerning Consumer Protection
- 2) Law Number 11 of 2008 concerning Information and Electronic Transactions
- 3) Law Number 20 of 2008 concerning Micro, Small and Medium Enterprises
- 4) Law Number 36 of 2009 concerning Health
- 5) Law Number 18 of 2012 concerning Food
- 6) Law Number 33 of 2014 concerning Guarantees for Halal Products.
- 7) Government Regulation Number 82 of 2012 concerning Implementation of Electronic Systems and Transactions.
- 8) Government Regulation Number 7 of 2021 concerning Facility, Protection and Empowerment of Cooperatives and Micro, Small and Medium Enterprises.
- 9) Government Regulation Number 39 of 2021 concerning Implementation of the Field of Halal Product Guarantee

### 2.3.2. Secondary Legal Materials

The library materials used are books, journals, theses, and documents that discuss consumer protection. Legal materials that use library materials as a support for primary legal materials (Soerjono & Sri, 2001). The library materials include Cel Tri Siwi Kristiyanti entitled Consumer Protection Law; Gunawan Widjaja with the title Series on Legal Aspects in the Business of Civil Partnerships, Firm Partnerships, and Limited Partnerships; Soerjono Soekanto on Introduction to Legal Research; Peter Mahmud Marzuki regarding the Revised Edition of Legal Research; Yudha Bhakti Ardiwisastra with the title Legal Interpretation and Construction. Furthermore, there are several journals such as Iwan Setiawan, Saepudin Nirwan, and Firsta Maisya Amelia, Marketplace Application Design for Web-Based Micro, Small and Medium Enterprises.

### 2.3.3. Tertiary Legal Materials

Tertiary legal materials are used as instructions or explanations for primary and secondary legal materials such as the internet, English dictionaries, and the Big Indonesian Dictionary. All three are very influential on the continuity of writing this research because with the internet the writer can access various kinds of legal materials and find valid references and sources regarding this research.

## 2.4. *Techniques for Tracing Legal Materials*

The author collects legal materials by means of library research, namely an assessment of the materials to be collected, then the author identifies, classifies, and takes an inventory of these legal materials in order to facilitate the use of legal materials in research. In collecting legal materials, the author uses several methods, namely conducting searches on the internet, obtaining materials through the Documentation Center website, and so on, which then the author analyzes the materials to find answers to the problems studied.

## 2.5. *Legal Material Analysis Techniques*

The method of analyzing legal material in normative juridical research is by processing and analyzing the legal material. In processing legal materials, researchers will relate to legislation and legal theory that is currently developing and include the opinions of legal experts (Soerjono, 2001). The techniques are as follows:

### 2.5.1. Grammatical Interpretation

Interpret the law in terms. Between language and law there is a close relationship. Language is the only tool used by legislators to express their will, it is undeniable that sometimes legislators cannot compose properly and precisely. Therefore, researchers will use language that is common for everyday use so that it is easy to understand. In this study there are several terms that must be interpreted grammatically, such as the term Lapchiong which means large sausage made from pork bag, as well as other pork- derived products that have foreign terms for ordinary people.

### 2.5.2. Systematic Interpretation

Interpret the law by linking one article to another in a law or to other legislation (Yudha, 2012). Because there is no law that can stand alone because it requires the entire existing legal system. Such as the Consumer Protection Act which is supported by the Food Law, the Health Law, and Government Regulation Number 39 of 2021 concerning BJPH.

### 2.5.3. Deduction Technique

Deduction means drawing conclusions from general circumstances to special circumstances. Deduction is the process of reasoning from one or more general statements in order to reach a logical conclusion. This technique can be used to prove a truth that comes from previously known truths or facts.

### 3. Result

#### 3.1 Urgency of Halal Products and Guarantee of Halal Products for Indonesian Consumers

Demographically, Indonesia has a society where the majority are Muslims. As adherents of Islam, there are various prohibitions that must be avoided in order to avoid evil and sin, such as the prohibition against eating pork, carrion, blood and other animals that are slaughtered without mentioning the name of Allah SWT (Nashirun, 2020). Therefore, with the aim of providing security, comfort, certainty and safety regarding the availability of halal products for the public in food products, the government provides guarantees for the implementation of halal products. In pursuing halal product guarantees, it is not only stated in Law Number 33 of 2014 concerning Halal Product Guarantees, but also regulated in Article 69 letter g of Law Number 18 of 2012 concerning Food, namely the implementation of food safety is carried out through guarantees of halal products for required. Halal product guarantees are important to protect consumers from non-halal food products in an era with increasingly rapid advances in food technology (Mashudi, 2015).

Food products have principles that must be considered in order to be safe from the influence of technology that can make food non-halal, namely:

##### 3.1.1. Principles of Food Products

###### 1) Halal food

Video streaming technology by displaying a variety of foods from various countries, especially Korea, has contributed to the desire of the public to try these foods, such as odeng, jjajangmyeon, bibimbap, and so on. However, consumers, especially those who are Muslim, sometimes do not realize that there are product raw materials that use materials that are forbidden by religion. Adherents of Islam must choose food that is halal, thayyib, and nutritious. These three things are principles that must be fulfilled in choosing food determined by experts at the Institute for the Assessment of Food, Drugs and Cosmetics of the Indonesian Ulema Council or LPPOM MUI. So before buying or consuming food, it would be nice to check the raw materials, additives or additions, the production process, and the packaging. Because the halalness of a product does not only cover the main ingredients but also includes the process, method and method of storage.

###### 2) Non Halal/Haram Food

Haram foods in the texts of the Al-Qur'an and hadith are actually not many kinds, but the influence of these forbidden ingredients can cause a food or drink to be categorized as food that is not halal or haram, such as rum which is a fermented alcoholic drink; gelatin made from protein extraction from skin collagen tissue, ligaments, or bones from animals, most of which are made from pigs; Lard or lard; Lecithin as a food additive used for emulsifiers or natural lubricants based on pork; Emulsifier or E471 for mixing water with fat which is usually used in making cakes, ice cream, instant drinks, and so on made from pork; and Angciu which is a type of arak and is commonly used in Chinese, Korean, Japanese specialties, as well as local dishes that can be mixed with arak.

##### 3.1.2. Principles of Beverage Products

Basically, the rules regarding beverage products are not specific, but technological advances regarding the ingredients used in the manufacturing process, materials used in the food manufacturing process can be used in beverage products, such as flavours, sweeteners, vitamins, and so on. Therefore, the rule of law also applies to beverage products (Sopa, 2013). There are 4 (four) factors in the rules or rules of Islamic law that apply to beverage products, namely those that are intoxicating, harmful, unclean, and contaminated with unclean or unclean ingredients. Of the four factors, the most typical for beverage products is the factor that can be intoxicating.

Drinks that can be intoxicating or alcoholic beverages can be grouped as follows, wine, beer, and spirits consisting of liquor and liqueurs or cordials. Liquor is an alcoholic beverage made from plants or seeds and mixed into a

drink. Kinds of liquor itself are gin, vodka, rum, and tequila. Meanwhile, liqueurs or liqueurs in Indonesian with the meaning of dissolving are alcoholic drinks that are sweet with fruit, herbal, spice, seeds, roots, bark, and flower flavors. The liqueur is called dissolving because the liqueur gets the aroma from the above ingredients with the taste dissolved in the alcohol.

There are various types of beer circulating with varying alcohol levels, namely 0% -8% (percent). Beer is of the lager type, or beer that has been stored for approximately 6 (six months) before being marketed. In addition, there are other types that are important to know about, namely drinks made from a mixture of beer or beer-based ingredients, which are mixed with water, flavours, other additives, and carbon dioxide gas which are marketed and known as "shandy" drinks.

The principle above is a reflection of what food products cannot be consumed by consumers. The existence of a Halal Product Guarantee regarding food is initiated by clear, correct and complete information, both in terms of quality and quantity of the food product. Not only merchants and marketplaces, but consumers also take part in choosing and sorting out which good foods can be consumed.

### *3.2 Government Efforts in Providing Information on Halal Products as Part of Consumer Rights*

At present, there are various types of businesses in the food sector, most of which are Micro, Small and Medium Enterprises (MSMEs) and some of which are large domestic and foreign companies, such as Jco, Starbucks, McDonald's, KFC, Burger King, and so on. However, MSMEs and large companies are still referred to as business actors who must comply with all regulations set by the Indonesian government, such as the regulations contained in the Consumer Protection Act, the Halal Product Guarantee Law, the Health Law, the Food Law the Job Creation Law, and other laws and regulations. All food circulating in Indonesia must meet the requirements, such as an official distribution permit issued by the Food and Drug Supervisory Agency of the Republic of Indonesia (BPOM RI) and be halal certified, except for products that are exempt by law.

Halal information or labels that are required by the government for all business actors are a form of consumer protection and also provide consumers with the right to clear and correct information. To support MSMEs, which are one of the backers of the country's economy, the government makes it easier for MSME business actors to arrange the necessary permits. In Article 48 of the Job Creation Law which inserts 1 (one) article between Article 4 and Article 5 of the Law on Halal Product Assurance, namely Article 4A paragraph (1), as follows, MSME business actors must be halal certified as referred to in Article 4 The Law on Halal Product Guarantee is based on statements by MSME business actors and Article 4A paragraph (2) MSME business actors' statements as referred to in paragraph (1) are carried out based on halal standards set by BPJPH.

In carrying out halal certification, business actors will be charged administrative costs, while MSME business actors will be given relief by the government regulated in Article 46 PP Number 7 of 2021 concerning Ease, Protection, and Empowerment of Cooperatives and Micro, Small and Medium Enterprises by not charging licensing registration fees. single entity, fulfillment of ownership of standard certification and/or permits, and extension of halal product guarantee certification for Micro and Small Enterprises. This convenience can be utilized as well as possible by MSME business actors to develop their business while at the same time providing assurance for consumers that the products being sold are halal products.

After carrying out halal certification, all business actors are required to provide or install halal labels to provide information certainty and guarantees regarding the halalness of products sold to consumers, especially to consumers who are Muslim (Kurniawan & Budi, 2015).

The number of outlets and businesses in the food sector is starting to increase in Indonesia, especially those that register themselves as merchants on marketplace applications such as Go-Jek, Grab and Shopee Food. This indirectly requires the government to provide strict supervision for business actors.

Currently, regulations that specifically address marketplaces have not been promulgated by the Indonesian government. However, there are several other regulations that can regulate business actors to fulfill their obligations even if they use marketplace application facilities. Such as Law Number 8 of 1999 concerning Consumer Protection; Law Number 36 of 2009 concerning Health; Law Number 18 of 2012 concerning Food; Law Number 33 of 2014 concerning Guarantees for Halal Products; Law Number 11 of 2020 concerning Job Creation; Government Regulation Number 7 of 2021 concerning Ease, Protection, and Empowerment of Cooperatives and Micro, Small, and Medium Enterprises; and Government Regulation Number 39 of 2021 concerning Implementation of the Field of Halal Product Guarantee.

In this case, business actors who cooperate with marketplaces still bear the same obligations as ordinary business actors. Business actors or merchants in the marketplace also guarantee that the food products they sell comply with government regulations, one of which is halal certification. So that consumers do not guess whether the ingredients and the manufacturing process are halal or not. Even if they only provide the logo in the main photo, merchants must be able to guarantee the halal food products being sold.

There are several provisions in marketplaces such as Go Jek, Grab, and ShopeeFood regarding which food products cannot be traded in the application. Prohibited food, namely food and drink derived from rare or dangerous animals according to law, for example turtles; dog; feathered; lizard; cat; bat; panic; snake; and its kind. Furthermore, in the three applications it is also not permitted to sell alcoholic beverages that do not have a distribution permit. Basically, food that is prohibited from being traded by the marketplace, some of which are foods that fall into the halal category. The Marketplace also provides a means for merchants to provide clear, correct and honest descriptions of food as a source of information for consumers. Even though in the three marketplaces there are still no provisions requiring business actors or merchants to include halal information, merchants can add their own to the photos of the products being traded.

The Consumer Protection Law, the Halal Product Guarantee Law, and the Job Creation Law which specifically regulate the business activities of large businesses and MSMEs, have criminal sanctions and administrative sanctions if the provisions in these laws are violated. The provisions in the three laws and regulations are as follows:

- a. Article 62 paragraph (1) of the Consumer Protection Act regulates criminal sanctions as follows, business actors who violate the provisions referred to in Article 8, Article 9, Article 10, Article 13 paragraph (2), Article 15, Article 17 paragraph (1) letter a, letter b, letter c, letter e, paragraph (2), and Article 18 shall be subject to imprisonment for a maximum of 5 (five) years or a fine of up to Rp. 2,000,000,000.00 (two billion rupiahs).
- b. Article 27 paragraph (1) of the Halal Product Guarantee Law, that business actors who do not carry out the obligations as referred to in Article 25 are subject to administrative sanctions in the form of: a. written warning; b. administrative fines, or c. revocation of Halal Certificate.
- c. Article 41 paragraph (1) of the Law on Halal Product Guarantee, that business actors displaying the Halal Label not complying with the provisions referred to in Article 38 and Article 39 are subject to administrative sanctions in the form of: a. verbal warning; b. written warning; or c. revocation of Halal Certificate.
- d. Article 56 of Law Number 11 of 2020 concerning Job Creation, that business actors who do not maintain the halalness of products that have obtained Halal Certification as referred to in Article 25 letter b shall be subject to imprisonment for a maximum of 5 (five) years or a fine of up to a lot of IDR 2,000,000,000.00 (two billion)

Judging from the example of the @Fkadrun case which went viral on Twitter for buying Hainanese rice at the Nasi Campur 99 outlet with a side dish of Lapchiong which turned out to be made from pork through the Grab Food marketplace. The government can do something to provide protection for these users by giving warnings to restaurants and marketplaces so that it doesn't happen again. In addition, the government can carry out more and periodic preventive efforts so that business actors who have just opened their business can also find out about this. The government can cooperate with marketplaces engaged in the field of food delivery which provide facilities

for business actors to require merchants to include non-halal information on product photos or their stalls in the marketplace.

The government seeks legal protection for Muslim consumers so they are not fooled into buying food made from and/or food that has a mixture of non-halal ingredients by requiring business actors to provide correct, clear and accountable information, as well as include halal and/or non-halal information on the product. However, the existing regulations only regulate business actors in general without linking the facility provider, which in this case is the marketplace. Even though most Indonesians use the marketplace application to help them buy food and/or drinks. Therefore, what must be considered is that the government has yet to provide obligations and regulations that force marketplaces to participate in providing halal and non-halal information on food products and their systems.

The case experienced by the owner of the Twitter account @Fkadrin can be a starting point for the government to further increase supervision of the marketplace so that this problem does not recur. When viewed from the case, there should have been direct action from the government to be more stringent in monitoring and law enforcement, but in reality there was not the slightest action from the government. Even though in this case it is very clear that the organizers of halal product guarantees are not running as they should. The government does not impose administrative sanctions or criminal sanctions on business actors. In fact, the government can issue a written warning to Gojek, Grab and Shopee to pay more attention to the inclusion of non-halal information or logos on non-halal products. In addition, the government can give warnings and appeals to large business actors and MSMEs to pay more attention to the obligations of business actors, prohibitions for business actors, and consumer rights that must be fulfilled.

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