

EFEKTIVITAS REGULASI JAMINAN PRODUK HALAL TERHADAP PENERAPAN SERTIFIKASI HALAL PARA PELAKU USAHA MIKRO DAN KECIL PASCA BERLAKUNYA UNDANG-UNDANG CIPTA KERJA DI DAERAH ISTIMEWA YOGYAKARTA

INTISARI

Vita Dwi Sakundiana¹ dan Irna Nurhayati²

Tujuan penelitian ini untuk menganalisis secara komprehensif efektivitas Regulasi Jaminan Produk Halal terhadap kepatuhan sertifikasi halal para pelaku UMK pasca berlakunya UUCK di D.I. Yogyakarta serta mengkaji dan mendeskripsikan berbagai faktor pendorong dan penghambat dalam penerapannya. Hasil dari identifikasi berbagai faktor penghambat, peneliti mencoba merumuskan usulan yang dapat digunakan sebagai pertimbangan atau pendukung bagi *stakeholder* dalam meningkatkan kepatuhan pelaku UMK di D.I. Yogyakarta.

Penelitian ini menggunakan perpaduan pendekatan penelitian yuridis normatif dan yuridis empiris. Pendekatan yuridis normatif dilakukan dengan cara mengkaji dan menganalisis bahan hukum primer dan bahan hukum sekunder. Sementara, pendekatan yuridis empiris dilakukan dengan mengkaji penerapan dari Regulasi Jaminan Produk Halal di masyarakat melalui kuesioner *online* dan wawancara dengan pihak yang relevan. Data yang diperoleh dianalisis secara kualitatif dan hasil penelitian bersifat deskriptif analitis.

Hasil penelitian ini dapat ditarik kesimpulan sebagai berikut: 1) Efektivitas Regulasi Jaminan Produk Halal terhadap kepatuhan sertifikasi halal para Pelaku UMK di D.I. Yogyakarta pasca berlakunya Undang-Undang Cipta Kerja telah mencapai tingkat internalisasi. Artinya, pelaku UMK di D.I. Yogyakarta mematuhi hukum yang berlaku karena sesuai dengan nilai-nilai yang dianut. Kendati demikian, penerapan sertifikasi halal oleh pelaku UMK di D.I. Yogyakarta sesuai Regulasi Jaminan Produk Halal dan aturan perubahannya melalui UUCK belum efektif. Hal ini karena terdapat berbagai permasalahan dalam implementasinya; 2) faktor pendorong kepatuhan sertifikasi halal oleh pelaku UMK di D.I. Yogyakarta yaitu kesadaran hukum cukup tinggi, adanya fasilitasi pembiayaan sertifikasi, adanya regulasi yang mengharuskan pelaku UMK memiliki sertifikat halal, adanya permintaan dari konsumen akan kehalalan produk yang akan dikonsumsi, adanya keuntungan yang akan diperoleh dari kepemilikan sertifikat halal. Sementara, faktor penghambatnya yaitu: rendahnya literasi digital, kurangnya komitmen menjaga kehalalan produk, kurangnya sosialisasi skema baru pengajuan sertifikasi halal pasca berlakunya UUCK, perbedaan interpretasi oleh *stakeholder* terkait atas Putusan MK Nomor 91, dan pengisian data yang cukup banyak dan rumit.

Kata Kunci: Kepatuhan Hukum, Sertifikasi Halal, UUCK, Pelaku UMK.

¹ Mahasiswa Magister Hukum Bisnis dan kenegaraan Fakultas Hukum Universitas Gadjah mada Yogyakarta (vitadwisakundiana@gmail.com).

² Dosen Hukum Bisnis Magister Hukum Bisnis dan kenegaraan Fakultas Hukum Universitas Gadjah mada Yogyakarta (irna.nurhayati@mail.ugm.ac.id).

*EFFECTIVENESS OF HALAL PRODUCT GUARANTEE REGULATION ON
THE IMPLEMENTATION OF HALAL CERTIFICATION OF MICRO AND
SMALL BUSINESS ACTORS AFTER THE ENACTMENT OF THE JOB
CREATION LAW IN SPECIAL REGION OF YOGYAKARTA*

ABSTRACT

Vita Dwi Sakundiana¹ dan Irna Nurhayati²

The purpose of this study is to comprehensively analyze the implications of halal product assurance regulations on halal certification compliance of UMK actors after the enactment of UUCK in D.I. Yogyakarta and review and describe various driving factors and obstacles in their application. As a result of the identification of various inhibitory factors, researchers try to formulate proposals that can be used as considerations or support for stakeholders in improving compliance of UMK actors in D.I. Yogyakarta.

The research uses a blend of normative juridical and empirical juridical research approaches. Normative juridical approaches are carried out by reviewing and analyzing primary legal materials and secondary legal materials. Meanwhile, empirical juridical approaches are carried out by reviewing the application of halal product assurance regulations in the community through online questionnaires and interviews with relevant parties. The data obtained is analyzed qualitatively and the results of the study are descriptive analytical.

The results of this study can be concluded as follows: 1) The effectiveness of the Halal Product Guarantee Regulation on halal certification compliance of UMK Actors in D.I. Yogyakarta after the enactment of the Job Creation Law has reached the level of internalization. That is, UMK actors in D.I. Yogyakarta comply with applicable laws because they are in accordance with the values adopted. Nevertheless, the implementation of halal certification by UMK actors in D.I. Yogyakarta in accordance with the Halal Product Guarantee Regulation and its change rules through UUCK has not been effective. This is because there are various problems in its implementation; 2) The driving factors for halal certification compliance by UMK actors in D.I. Yogyakarta are quite high legal awareness, the facilitation of certification financing, the existence of regulations that require UMK actors to have halal certificates, the demand from consumers for the halalness of products to be consumed, the benefits that will be obtained from the ownership of halal certificates. Meanwhile, the inhibiting factors are: low digital literacy, lack of commitment to maintain product halalness, lack of socialization of new halal certification application schemes after the enactment of UUCK, different interpretations by related stakeholders of the Constitutional Court Decision Number 91, and the filling of quite a lot of data and complicated.

Keywords: *Legal Compliance, Halal Certification, UUCK, UMK Actors.*

¹ Student of Master of Business and State Law, Faculty of Law, Gadjah Mada University Yogyakarta (vitadwisakundiana@gmail.com)

² Lecturer in Business Law, Master of Business and State Law, Faculty of Law, Gadjah Mada University Yogyakarta (irna.nurhayati@mail.ugm.ac.id)