



## Dualism of quality assurance institutions in Indonesia: A legal analysis

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### Abstract

To ensure the quality assurance of consumer products, Indonesia implements Law Number 33 of 2014 concerning Quality Assurance of Products as a legal policy. Previously, the Indonesian Ulema Council (MUI) through LPPOM-MUI voluntarily handled quality certification, but in October 2019, the Quality Assurance Organizing Agency (BPJPM) made it mandatory. Despite BPJPM having national authority, in Aceh, LPPOM MPU Aceh also has the authority to provide quality certification in the region, creating a dualism of rules that can cause confusion for businesses. Therefore, legal certainty clarification is needed regarding the implementation of quality product assurance in Aceh to create a conducive business environment. This research uses an empirical juridical method with a focus on field data to analyze the implementation of quality product assurance in Aceh. The research results show that there is dualism in quality certification institutions in Aceh, namely LPPOM MPU Aceh and BPJPM. LPPOM MPU Aceh refers to specific regulations in Aceh, while BPJPM has national authority. Nevertheless, the issuance of quality certification in Aceh has created a conducive business climate by providing legal certainty, product assurance, and consumer confidence. Entrepreneurs who have obtained quality certificates from authorized institutions can gain significant advantages and opportunities in the market.

**Keywords:** Dualism, product, quality assurance, institutions

### Introduction

The 1945 Constitution of the Republic of Indonesia guarantees freedom of religion and worship according to the beliefs of each citizen. To ensure the quality assurance of products consumed by the public, Law Number 33 of 2014 concerning Quality Assurance of Products was issued as legal certainty in Indonesia. The quality certification process, previously conducted voluntarily by the Indonesian Ulema Council (MUI) through LPPOM-MUI, became mandatory in October 2019 under the Quality Assurance Organizing Agency (BPJPM). Although BPJPM has national authority, in Aceh, LPPOM MPU Aceh also has the authority to provide quality certification valid only in that region. There is dualism in the rules that can cause confusion for businesses, so legal certainty needs to be clarified regarding the implementation of quality product assurance in Aceh to create a conducive business environment.

### Research Method

The research method used is an empirical juridical research method that prioritizes field data as the main data, considering the starting point of the research on "Dualism of Quality Assurance Institutions in Indonesia: Legal Analysis in the Province of Aceh." The aim is to obtain data that corresponds to the actual conditions on the ground.

### Research Finding

Change in the implementation of quality assurance certification in Aceh. Initially, the Institute for the Assessment of Food, Drugs, and Cosmetics (LPPOM) MPU Aceh was responsible for quality assurance certification. However, Law Number 33 of 2014 transferred authority to the Quality Assurance Organizing Agency (BPJPM) of the Ministry of Religious Affairs, with several changes

stipulated in Law Number 6 of 2023 concerning Job Creation. The process of obtaining quality assurance certification, initially carried out voluntarily by LPPOM MPU Aceh, has now shifted to BPJPM of the Ministry of Religious Affairs. This change also affects the authority of the Indonesian Ulema Council (MUI), which is reduced, including in providing recommendations and selecting Quality Assurance Institutions (LPM) and quality auditors. This creates a situation where LPM and quality auditors can operate independently, establishing their own rules without the knowledge of MUI. There is also a self-declaration program where businesses can declare the quality assurance of their products without comprehensive audits, regulated by Law Number 33 of 2014. Alongside this, LPPOM MUI must adhere to BPJPM due to a lack of regulatory tools to resist, and BPJPM opens up significant access to form LPM, possibly as an effort to balance the role of LPPOM MUI with the aim of possibly dissolving MUI.

The implementation of quality assurance certification in Aceh involves two institutions, namely LPPOM MPU Aceh and the Quality Assurance Service Task Force (BPJPM Kanwil Kemenag Prov Aceh). This system has created a conducive business environment, where entrepreneurs can choose between these two institutions to obtain quality assurance certificates. Despite having a choice, it is observed that many entrepreneurs prefer one institution to avoid complicated bureaucracy. Nevertheless, there are concerns regarding legal clarity and regulatory differences in Aceh, which can be a burden for businesses. Despite doubts about the effectiveness of a one-stop licensing system, it is considered a positive step in the effort to create a conducive business environment. Some entrepreneurs argue that having two quality assurance certificates, from LPPOM MPU Aceh and BPJPM Kanwil Kemenag Prov Aceh, can be disadvantageous and distressing. Therefore, to

ensure the quality assurance of products circulating nationally, entrepreneurs in Aceh are required to obtain additional permits from BPOM RI. Although these permits may be considered a burden, it is acknowledged that this is a crucial step to provide legal protection and confidence to consumers. In this context, a conducive business environment depends on the balance between ease of licensing, legal clarity, and consumer protection.

The business climate in Aceh related to quality assurance certification can be understood from two perspectives, namely from LPPOM MPU Aceh and BPJPM. LPPOM MPU Aceh emphasizes the certainty of the authenticity of the quality assurance label through quality assurance certificates, with the aim of increasing market share, sales, and consumer satisfaction. The inclusion of the quality assurance label in the certificate aims to meet consumer demand, improve product quality, and ensure consumer comfort. Additionally, quality assurance certificates are also introduced to declare compliance with consumer rights in choosing products that adhere to quality assurance based on religious beliefs.

Meanwhile, BPJPM emphasizes that quality assurance certification is not just an administrative procedure but a standard for fulfilling crucial administrative obligations. Quality assurance certificates issued by BPJPM provide legal certainty regarding the quality assurance of products, safeguarding consumer rights to obtain quality assurance products, and enhancing added value for economic actors. This certification is carried out through a process involving various parties in accordance with regulations.

The implementation of quality assurance certification in Aceh is believed to have created a conducive business environment, especially through quality assurance labels and logos that serve as tools to establish a positive business climate. Business climate indicators such as ease of doing business, product circulation permits, and government facilities are considered crucial factors in achieving favorable business conditions. With the presence of quality assurance labels from both LPPOM MPU Aceh and BPJPM, it is expected to instill consumer confidence, support the national economy, and create a healthy business climate.

Nozy Juice, a micro, small, and medium-sized enterprise (UMKM), manages the processing of quality assurance certificates through LPPOM MPU Aceh and BPJPM. The owner of Nozy Juice obtains two quality assurance certificates, first from LPPOM MPU Aceh and then from BPJPM to make their product valid nationwide. The reason behind obtaining two certificates is the requirement from BPOM, which demands the National Quality Assurance licensing process. Although the requirements from both institutions are almost the same, the process of obtaining the quality assurance certificate from BPJPM is considered easier and without fees.

The management of quality assurance certificates is considered to provide certainty and assurance of the quality assurance of products, strengthening consumer confidence. As a result, the sales of Nozy Juice increased by a few percent after obtaining the quality assurance certificate. The benefits of quality assurance certification lie in the increased consumer confidence, heightened consumer interest, and increased sales. Quality assurance certificates also provide legal certainty, a sense of security, and legal protection for consumers.

Moreover, the owner of Nozy Juice states that quality assurance certificates have health benefits and bring blessings. Information about quality assurance on product packaging is seen as an effort to enhance consumer confidence. The increased production of Nozy Juice after obtaining the quality assurance certificate reflects its positive impact on the business climate, indicating an increase in economic activities and better business opportunities. In conclusion, the implementation of quality assurance certification in Aceh has realized a conducive business climate by providing legal certainty, consumer confidence, and better business opportunities.

## Conclusion

The implementation of quality assurance certification in Aceh involves institutional dualism, namely LPPOM MPU Aceh and BPJPH. LPPOM MPU Aceh has specific rules based on Law Number 44 of 1999, Law Number 11 of 2006, Aceh Qanun Number 2 of 2009, Aceh Qanun Number 8 of 2014, and Aceh Qanun Number 8 of 2016. With these rules, Aceh has special authority to provide quality assurance certification for products in its region. In addition, BPJPH, formed through the Decree of the Minister of Religious Affairs of the Republic of Indonesia Number 82 of 2022, also plays a role in providing quality assurance certification in the province. The implementation of quality assurance certification in Aceh has successfully created a conducive business climate. Entrepreneurs who manage quality assurance certificates from authorized institutions, both LPPOM MPU Aceh and BPJPH, gain legal certainty, product assurance, and create a sense of security for consumers. This provides benefits and significant opportunities for entrepreneurs in Aceh.

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