

The Consumer Protection Efforts through the Inclusion of Non-Halal Information on Food Products

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Abstract. *Indonesia, the largest Muslim-majority country, requires a substantial amount of food to meet the needs of its population. This research examines efforts to protect consumers through the inclusion of non-halal information on food products. The study focuses on the regulatory framework, including the Consumer Protection Law, Law No. 33 of 2014 on Halal Product Assurance, and relevant regulations in Indonesia. It aims to analyze how including non-halal information contributes to protecting consumer rights concerning food products. Employing a juridical-normative approach, the research utilizes literature review and interviews. The findings underscore the importance of transparency regarding the halal status of products for consumers, with the inclusion of non-halal information serving as a protective measure for consumer rights. It reaffirms the business actor's responsibility to provide such information on products not meeting halal standards. The study reveals that regulations mandating the inclusion of non-halal information can uphold the right to information for Muslim consumers. Should consumer rights remain unmet, individuals retain the option to seek legal recourse through civil, criminal, and administrative avenues. This research contributes to comprehending consumer protection practices concerning the halal status of food products in Indonesia. It lays the groundwork for policy enhancements and raising producer awareness of consumer rights in the context of halal food products.*

Keywords: *Consumer; Food; Non-Halal; Products; Protection.*

1. Introduction

Food is one of the three most important human needs and is part of human rights whose fulfillment must be guaranteed by the state. This need includes sufficient food to fulfill daily nutritional needs, quality, and variety to maintain variety in diet and balance of nutrients needed by the body.¹

In Indonesia, religion and beliefs significantly influence people's choices in selecting food products. Individuals who follow certain religious principles, such as Islam, have specific requirements when it comes to eating foods that comply with their beliefs. Therefore, it is important to consider the food products available in the market. This involves not only ensuring they have a medically sound composition, but also to pay attention to the fact that the food consumed is healthy and halal.²

In the world of commerce, consumer protection is an important issue. Law No. 8 of 1999 concerning Consumer Protection governs how consumer protection regulations are implemented in Indonesia. This law guarantees customers the right to complete, accurate, and transparent information about the products they utilize. The halal certification of food items is one area of concern in this regard. It is essential to give halal information on food products in order to provide protection for customers who want to be sure that the products they purchase adhere to halal standards in accordance with their religious beliefs and principles.³

The right of every citizen to use or consume halal products as an effort to raise their quality of life and living must be guaranteed by the state. Law No. 18 of 2012 concerning Food mandates the assurance of food safety, quality, and halal certification as part of food safety measures. This is necessary to ensure that the food produced does not pose a risk of harming or endangering human health. The government's role, which is empowered to ensure that the food is safe and halal, is vital in the fight to protect food consumers. In addition to being supported by Indonesian law, the concept of halal products aligns with Islamic principles.

¹ Hasan, K. S. (2014). *Sertifikasi halal dalam hukum positif: regulasi dan implementasi di Indonesia*. Yogyakarta: Aswaja Pressindo. p. 1

² Sakti, M., Ramadhani, D. A., & Wahyuningsih, Y. Y. (2015). Perlindungan Konsumen Terhadap Beredarnya Makanan Yang Tidak Bersertifikat Halal. *Jurnal Yuridis*, 2(1): p. 63. <https://doi.org/10.35586/v2i1.161>

³ General Elucidation of Law No. 8 of 1999 concerning Consumer Protection (State Gazette of the Republic of Indonesia of 1999 Number 42, Supplement to State Gazette of the Republic of Indonesia Number 3821).

The 1945 Constitution of the Republic of Indonesia mandates the state to protect its people in carrying out their religious obligations based on their respective beliefs. This includes offering protection with regard to the halalness of food items that the public consumes.⁴ Muslims as a very large population in Indonesia need to be protected in their rights to practice sharia in their daily lives. For Muslims, food and beverages are not just a means to fulfill external needs, but also part of spiritual needs that must be protected. Consuming products is not just to fulfill physical needs but also as a manifestation of obedience to their God.

There are two key factors that are interrelated with each other when it comes to halal products: the halal certificate and the halal label. A halal certificate is issued by the Indonesian Ulema Council after investigating a product to ensure it does not contain prohibited ingredients (such as pork, unclean, or haram items). On the other hand, the Directorate General of Food and Drug Control of the Ministry of Health of the Republic of Indonesia has the authority to place halal labels on product packaging.⁵ A label must be on the food packaging produced by anybody who imports or produces packaged food into Indonesia for commercial purposes. This label should be securely attached, resistant to fading or damage, and placed in a location that is easily visible and readable.⁶

However, in practice, the lack of halal information on many food products causes concern among consumers, especially Muslims, about consuming them. This is due to the difficulty of obtaining halal certification or labeling, so food industry players choose to continue selling their products even without halal information. Considering that many food products do not include halal information, this certainly creates confusion among consumers. To reduce this misunderstanding, a non-halal description is also needed on food products that do not comply with halal criteria according to Islamic law.

For example, around Lake Toba, North Sumatra, there are many restaurants that serve pork but do not clearly list it on the restaurant board. Most of these restaurants only list the name of the dishes sold without a clear description of the content of the food such as 'B2' which means pork, and BPK which means

⁴ Sakti, M. (2023). "The Urgency of Global Halal Standards on Products in Supporting International Trade". *Law Research Review Quarterly*, 9(4), p. 560. <https://doi.org/10.15294/lrrq.v9i4.68018>

⁵ Triasih, D., Heryanti, B. R., & Kridasaksana, D. (2017). Kajian Tentang Perlindungan Hukumbagi Konsumen Terhadap Produk Makanan Bersertifikat Halal. *Jurnal Dinamika Sosial Budaya*, 18(2), p. 219 <http://dx.doi.org/10.26623/jdsb.v18i2.571>

⁶ Government Regulation No. 69 of 1999 concerning Labels and Advertisements.

Karo Roast Pork.⁷ In fact, some restaurants also sell food made from dog meat, but only write the description 'B1' on the food product. Business Actors do not provide non-halal information about the products they offer because they believe that Christians represent a majority of the population in the Lake Toba region. As a result, they do not need to know if the food they eat is halal or haram. In fact, Lake Toba is a popular destination for tourists from various different religious backgrounds, which not all of whom understand terms such as 'B1' and 'B2'. Given that customers have a right to accurate information about the products they consume, it is unfortunate that business actors are unaware of this and that relevant institutions are not supervising the inclusion of non-halal information on food products optimally.

Including non-halal information on food products is not solely about safeguarding Muslim consumers, but also people of other religions. For example, the Seventh-day Adventist Church, which as in 2020 had 210,234 members in Indonesia, also considers food containing pork as haram food.⁸ Additionally, indigenous religions like Parmalim prohibit pork consumption. Therefore, it is crucial for both business actors and the government to take the inclusion of ingredient information on food products seriously.

In order to uphold the accuracy of information about food products within the community, the Government has issued Law Number 33 of 2014 concerning Halal Product Guarantee. This law mandates that business actors undergo halal certification and disclose non-halal information on products containing haram ingredients. As per Article 26, Paragraph 2, business actors producing items using ingredients derived from prohibited substances must include non-halal information on the product.⁹

Including non-halal information on products containing haram ingredients can offer reassurance to consumers in Indonesia, helping to safeguard them against physical and spiritual harm that can result from mistakes in choosing products to be consumed. The inclusion of non-halal information also serves as a form of transparency and compliance of business actors with halal requirements. By providing accurate information regarding the halalness of products, business actors enable consumers to make informed decisions based on their beliefs and

⁷ Teopilus Tarigan. "Keunikan Sisi Lain Masakan Khas Karo Bernama BPK," https://www.kompasiana.com/teotarigan/607552a9d541df61e73374f2/keunikan-sisi-lain-masakan-khas-karo-bernama-bpk?page=4&page_images=1, accessed on 12 April 2024

⁸ Rosyid, M. (2020). Dinamika Umat Kristen Masehi Advent Hari Ketujuh: Studi Kasus di Kudus Jawa Tengah. *Jurnal Ilmiah Sosiologi Agama (JISA)*, 3(1), p. 26 <http://dx.doi.org/10.30829/jisa.v3i1.7302>

⁹ Law No. 33 of 2014 concerning Halal Product Assurance

needs. In this case, business actors also contribute to maintaining consumer confidence in the products they offer. Including non-halal information on food products can also mitigate the risk for consumers of consuming food that contradicts their beliefs and dietary needs.¹⁰ By providing clear non-halal labels or descriptions, consumers can make informed decisions and avoid products that may contain ingredients or undergo processes contrary to halal principles.

Based on the above statement, research on consumer protection efforts through the inclusion of non-halal information on food products will provide a better understanding of the importance of consumer protection in the context of food trade. This research aims to raise awareness and promote compliance among business actors in providing accurate and transparent information to consumers, while also emphasizing the importance of halal food for Muslims, as well as a better understanding of the urgency of halal food for Muslims. This research will make an important contribution to the development of policies and regulations related to consumer protection, halal product assurance, and the inclusion of non-halal information on food products. With this research, it is expected that there will be increased consumer protection in the context of food trade, especially for Muslim consumers who need clear and precise information regarding the halal status of the food they consume.

2. Research Methods

This research uses a qualitative research type, using a normative juridical approach¹¹ to see norms become the object of legal science in halal products in this study, so laws and jurisprudence are positioned as primary research sources, while facts and behavior in social science become secondary research source data. This research is normative research because it tries to find the law in *concreto*, which means the extent of existing legislation. Furthermore, it is further used to determine the consistency of legal materials and Islamic law regarding the legal certainty of halal products that already exist in national legislation. This research is classified as research on non-dogmatic law because it studies the law descriptively and not prescriptively. According to Satjipto

¹⁰ Istianah, I., & Dewi, G. (2022). "Analisis Masalah Pada Konsep Halal Self-Declare Sebelum Dan Pascaenachment Undang-Undang Cipta Kerja". *Al-Adl: Jurnal Hukum*, 14(1), p. 95. <http://dx.doi.org/10.31602/al-adl.v14i1.5870>

¹¹ Yadhya, P. A. K., & Wibawa, I. G. K. A. (2020). Green tourism Dalam Paradigma Baru Hukum Kepariwisata. *Majalah Ilmiah Universitas Tabanan*, 17(2), p. 166 <https://doi.org/10.58878>

Rahardjo, in studies like this, the law is seen as a variable that is not independent but is related to other subsystems in society.¹²

3. Result and Discussion

3.1. The provision of non-halal information on food items as part of consumer protection initiatives

Halal information on a product can manifest in various forms, such as labels comprising images, text, or a combination of both, or other formats containing pertinent details about the product. It may also take various forms that provide details about the product and the identification of the business actor. Product labeling is the main information about a product that can be attached to or included in the packaging. For example, food labels must include the origin, nature, content, composition, quality, and use of the food in accordance with regulations.¹³

Labels are very important to consumers as they provide accurate and comprehensive information about the goods or services in circulation, enabling them to make informed choices before purchase or consumption. Labels play a key role in three main aspects,¹⁴ namely:

1. Providing necessary information to consumers before the transaction, helping them to choose products that suit their needs.
2. Protect consumers from security and safety concerns by providing correct and complete information.
3. Clearly stating the producer's obligation and verifying that the labeling and production method are as stated on the package by the company.

In Indonesia, Halal Certificates are still provided by the Indonesian Ulema Council as written fatwas that testify to a product's halalness in accordance with sharia law after a detailed inspection by the Institute for the Assessment of Food, Drugs, and Cosmetics. Law No. 33 of 2014 aims to ensure the halal status of

¹² Ronny Hanitijo Soemitro. (1990). *Metodologi Penelitian Hukum dan Jurimetri*. Jakarta: Ghalia. p. 12

¹³ Marzuki, M. (2020). Legal protection of consumers through halal certification on processed food products in palu city. *Hunafa: Jurnal Studia Islamika*, 17(1), p. 38-40. <https://doi.org/10.24239/jsi.v17i1.583.38-55>

¹⁴ Karimah, I. (2015). Perubahan kewenangan lembaga-lembaga yang berwenang dalam proses sertifikasi halal. *Jurnal Syariah*, 3, p. 108. <https://scholarhub.ui.ac.id/jiils/vol1/iss1/4>, accessed on 26 March 2024

products consumed and used by the public, particularly Muslims, focusing on protection, fairness, legal certainty, transparency, effectiveness, efficiency, and professionalism. The introduction of halal certification also aims to enhance the value for businesses that produce and sell halal products by providing the community with comfort, security, safety, and confidence in the availability of halal items.¹⁵

But unfortunately, until now halal certification has not run optimally. The public, especially Muslim consumers, are faced with two assumptions due to the fact that halal certification has not been running optimally until now.¹⁶ Either the food products in circulation are halal but have not been certified, or they are not halal at all. This is the source of confusion.

Law No. 33 of 2014 not only regulates halal certification, but also the obligation of business actors to convey non-halal information on their goods when producing non-halal components as regulated in Article 26 Paragraph 2. This aligns with the Law's Article 7, which requires business actors to give truthful, accurate, and transparent information about the products being traded. Unfortunately, many business actors are unaware of their need to provide non-halal information on the products they sell.

Accurate information about products is very important for consumers because it has an impact on other consumer rights, including the right to choose products from a variety of choices. Therefore, the goal of consumer protection law is to provide a framework that includes information disclosure, access to information, and legal certainty.¹⁷ Information provided to consumers can be in the form of labels/tickets on products, promotional activities, advertisements, and so on. All information on product labels must be accountable for the truth.¹⁸ With the halal certificate and non-halal label from the Indonesian Ulema Council, the halalness

¹⁵ Sakti, M., & Imanullah, M. N. (2021). Legal studies on the halal product certification institution in Indonesia after the enactment of the law on the halal product guarantee. In *Halal Development: Trends, Opportunities and Challenges*. p. 53. Routledge. <https://doi.org/10.1201/9781003189282-9>

¹⁶ Mulyono, A., & Hidayat, Y. R. (2022). Implementasi Kebijakan Sertifikasi Halal Di Indonesia. *Res Publica: Journal of Social Policy Issues*, 1(1), p. 4

¹⁷ Law No. 33 of 2014 concerning Halal Product Assurance

¹⁸ Saraswati, L. W., & Suparto, S. (2021). Studi Komparatif Perlindungan Konsumen di Indonesia dan Singapura Terhadap Kenaikan Harga Yang Tidak Wajar. *Jurnal Justitia: Jurnal Ilmu Hukum dan Humaniora*, 8(1), p. 248. <http://dx.doi.org/10.31604/justitia.v8i1.245-256>

of a product is guaranteed as long as it has a certificate and non-halal label from the institution.¹⁹

In accordance with the Law No. 18 of 2012, food labels must be included in and/or on the packaging by every domestic food producer or importer before trading. Food labels apply to products that have gone through the final packaging process and are ready for trade, but do not apply to products that are wrapped in front of the buyer.²⁰ The mandatory information on product labels encompasses essential details such as the product name, list of ingredients, net weight, producer or importer's name and address, production and expiration dates, distribution license number for processed food, and origin of specific ingredients.²¹ This information aims to provide information rights to consumers. With information on the non-halal status of products, Muslim consumers can be careful in choosing products.²²

The inclusion of non-halal information that depends on the awareness of business actors is still very difficult to implement as long as halal certification has not been fully implemented; therefore, the non-halal (non-certified) label must also be applied or regulated in parallel to the halal label (halal certification). This suggests that the non-halal label should be given by certain authorities in addition to depending on the awareness or understanding of business actors.

In a Muslim-majority society like Indonesia, it may be difficult to encourage all businesses that produce non-halal products to fulfill their obligation to provide honest and transparent information regarding the products they offer (non-halal). However, by harmonizing the regulation of halal and non-halal labels by certain authorities, this can be used as an effort to safeguard the rights of Muslim consumers.

3.2. The role of related institutions towards the inclusion of non-halal information on food products

¹⁹ Sakti, M., Ramadhani, D. A., & Wahyuningsih, Y. Y. (2015). Perlindungan Konsumen Terhadap Beredarnya Makanan Yang Tidak Bersertifikat Halal. *Jurnal Yuridis*, 2(1). p. 63 <https://doi.org/10.35586/v2i1.161>

²⁰ Wardo, W., & Samsuri, S. (2020). Sertifikasi Halal dan Implikasinya Bagi Bisnis Produk Halal di Indonesia. *Al Maal: Journal of Islamic Economics and Banking*, 2(1), p. 104. <http://dx.doi.org/10.31000/almaal.v2i1.2803>

²¹ Law No. 18 of 2012 concerning Food

²² Lahaling, H., Makkulawuzar, K., & Rukka, S. (2015). Hakikat Labelisasi Halal terhadap Perlindungan Konsumen di Indonesia. *Hasanuddin Law Review*, 1(2), 282-294. <https://doi.org/10.20956/halrev.v1i2.84>

Consumers' religion and beliefs can influence the way they make food purchasing decisions. The halalness of food products is an absolute necessity that cannot be ignored for Muslims, especially in the era of free trade. Therefore, the clarity of the legal rules governing it is very important. According to Law No. 33 of 2014, business actors are prohibited from producing and/or trading goods and/or services that do not comply with halal production requirements, as indicated by the halal statement on the label.²³ To safeguard consumers from potentially exploitative practices by producers, various legal instruments are necessary to provide security and protection, as well as to encourage critical consumer behavior, particularly in the face of intense global competition, especially within the food industry.²⁴

Based on Article 7 in conjunction with Article 26 of Law No. 33 of 2014, supervision of halal certification and accountability of business actors is under the Halal Product Supervisory Agency. However, until now the supervision and certification of food products by the Halal Product Supervisory Agency has not run optimally. For this reason, all relevant institutions (Department of Industry and Commerce, Food and Drug Supervisory Agency, Indonesian Ulema Council, and Institutions involved in the consumer protection sector) must carry out regular supervision. The people in Indonesia, the nation with the biggest population of Muslims worldwide, cannot continue to question and worry about the certainty or guarantee of a food product circulating in the market, so this supervision becomes very necessary.

The right of consumers needs to be protected from activities that involve fraudulent, deceptive, or misleading advertising, labeling, or other activities. They should be provided with the necessary facts to make informed choices based on the information presented on the packaging of each product.²⁵ The truthfulness of information is of paramount importance, as deception and misrepresentation have raised concerns over the years, materially interfering with consumer rights. Therefore, non-halal labeling is considered a form of quality assurance that serves as an information material to the public, explaining that the product is halal for eating by Muslims.

²³ Law No. 33 of 2014 concerning Halal Product Assurance

²⁴ Sukri, I. F. (2021). Implementasi Undang-Undang Cipta Kerja terhadap Penyelenggaraan Sertifikasi Halal dan Produk Halal di Indonesia. *Majalah Hukum Nasional*, 51(1), p. 86 <https://doi.org/10.33331/mhn.v51i1.139>

²⁵ Aminuddin, M. Z. (2016). Sertifikasi produk halal: Studi perbandingan Indonesia dan Thailand. *SHAHIH: Journal of Islamicate Multidisciplinary*, 1(1), p. 31. <https://doi.org/10.22515/shahih.v1i1.52>

In Indonesia, the Indonesian Ulema Council plays a role in providing halal certification. However, there are no further regulations regarding which institutions have the right to provide non-halal labels or information on food products. The inclusion of non-halal information on food products in Indonesia until now still depends on the awareness of the business actors themselves.²⁶ This needs to be regulated by the Government in order to maximize protection and clarity of information for consumers who do not consume food products containing certain ingredients. Therefore, the role of the government on this issue is to make regulations related to consumer protection for non-halal information, conduct guidance, and supervision. The first is guidance, or the government's role in promoting consumer protection as stated in Law No. 33 of 2014, Article 29 paragraph 1, which covers the duties of promoting consumer protection implementation, ensuring consumers' and business actors' rights, and carrying out consumers' and business actors' obligations. The sustainability of business actors in economic principles is also a concern, and consumer empowerment is directed at creating a healthy business climate.

Secondly, as per Article 30 paragraph 1, the community, non-governmental consumer protection groups, and the government all work together to supervise the implementation of consumer protection and the enforcement of laws and regulations. In addition to carrying out the same duties as the government, community engagement and non-governmental consumer protection groups play a part in keeping an eye on the products and/or services that are being offered in the market. On the basis of this explanation, the responsibility for supervision is not only placed on the government; the general public and relevant institutions can also be actively involved. In the meanwhile, in addition to the government's responsibilities, the public and non-governmental consumer protection groups have supervisory responsibilities over goods and/or services that are on the open market.

4. Conclusion

Halal certification and inspection agencies play a vital role in guaranteeing that businesses provide accurate and trustworthy information about the halal status of their products. Educating and informing consumers is equally important, as it helps them understand the significance of consuming halal products, the importance of accurate information, and their rights to products that align with their religious beliefs. Greater consumer awareness can lead to more transparent and ethical business practices. Therefore, efforts to protect consumers by

²⁶ Nurdahniar, I. (2021). Label Non Halal Sebagai Upaya Perlindungan Hak Konsumen Muslim. *Wacana Paramarta: Jurnal Ilmu Hukum*, 20(1), 34-51. <https://doi.org/10.32816/paramarta.v20i1.97>

including non-halal information on food products are an essential part of the halal product guarantee system. This approach not only ensures legal certainty and transparency but also upholds fairness, religious freedom, and the consumers' right to make informed choices based on their values.

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