

Juridical Review of Consumer Protection in Halal Assurance of Poultry: A Study on the Feasibility of Product Consumption

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Abstract: The current halal product guarantee can undeniably be realized through regulatory efforts on product assurance that are positively initiated by the government. With the guarantee of halal products, people, both Muslims and non-Muslims, can consume safely. In Law Number 33 of 2014 concerning Halal Product Guarantee, the law requires Poultry Slaughterhouses (RPU) to have halal certificates but the phenomenon in the community is that there are still many Poultry Slaughterhouses (RPU) that do not have halal certificates to ensure the feasibility of the products produced, such as halal product guarantees. The purpose of this study is to explain the juridical review of consumer protection guarantees from products that have not been certified halal. This research method uses a type of field research (qualitative) with a juridical approach that is analyzed descriptively. The results of this study show that there are still many meat sellers (buthcer) and RPUs do not have halal certification. This is a serious problem to ensure the circulation of meat, although there have been many rules stipulated to ensure halal and product feasibility, there are still many products in the field that have not been certified halal meat. The presence of the Head of BPJPH Decree No. 77 of 2023 is a solution for RPU to carry out halal certification immediately to ensure the halalness of their products, but the obstacle of RPU is the high cost of its submission, so it is hoped that the government can provide a halal certification subsidy program for RPU such as the self-declare program.

Keywords: Halal Certification; Customer Protection, Poultry Slaughter House.

Abstrak: Jaminan produk halal saat ini tidak dapat dipungkiri dapat terealisasi melalui upaya regulasi tentang jaminan produk yang digagas secara positif oleh pemerintah. Dengan adanya jaminan produk halal, maka masyarakat baik muslim maupun non muslim dapat melakukan konsumsi dengan aman. fenomena saat ini masih banyak Rumah Potong Unggas (RPU) yang belum memiliki sertifikat halal untuk menjamin kelayakan produk yang dihasilkan, seperti jaminan produk halal. Telah di atur dalam Undang-Undang Nomor 33 Tahun 2014 tentang Jaminan Produk Halal, UU tersebut mewajibkan Rumah Potong Unggas (RPU) memiliki sertifikat halal tetapi Fenomena dimasyarakat masih banyak Rumah Potong Hewan Unggas (RPU) yang belum memiliki sertifikat halal untuk memastikan kelayakan produk yang dihasilkan, seperti jaminan produk halal. Tujuan penelitian ini adalah untuk menjelaskan tinjauan yuridis dari jaminan perlindungan konsumen dari produk yang belum tersertifikasi halal. Metode penelitian ini menggunakan jenis penelitian lapangan (kualitatif) dengan pendekatan undang-undang yang dianalisis secara deskriptif. masih banyaknya penjual daging dan RPU tidak memiliki sertifikasi halal. hasil dari penelitian ini menunjukkan bahwa masih banyaknya penjual daging dan RPU tidak memiliki sertifikasi halal. Hal ini menjadi Problem serius untuk menjamin peredaran daging. meskipun telah banyak aturan yang ditetapkan untuk menjamin kehalalan dan kelayakan produk, namun di lapangan masih banyak ditemukan produk belum daging tersertifikasi halal. hadirnya Keputusan Kepala BPJPH No. 77 Tahun 2023 menjadi solusi bagi RPU untuk melakukan sertifikat halal dengan segera untuk memastikan kehalalannya produknya, akan tetapi kendala RPU adalah biaya yang mahal dari pengajuan, sehingga diharapkan pemerintah dapat memberikan program subsidi sertifikasi halal untuk RPU seperti program selfdeclare.

Kata Kunci: Sertifikasi Halal; Perlindungan konsumen; Rumah Potong Unggas.

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Introduction

Legal protection is the right of everyone to avoid losses caused by others.¹ One form of legal protection implemented by the community is the guarantee of the availability of halal products that provide security, comfort, safety, and the availability of halal products, such as animal food products (meat with slaughter). In the context, the existence of halal product guarantees has become the readiness of a market in meeting the needs of the wider community, such as consumers who consume products not only Muslims but the entire community.² This is proven that they believe that with the guarantee of halal products, the quality of the products is not only halal but also feasible and good for consumption. This is also fully supported by the UUJPH which is contained in article 4 which requires halal certification for all products distributed in Indonesia.³ Before the practice of halal certification, consumer legal guarantees for products in circulation are fully carried out by LPPOM MUI in synergy with institutions as a determination of the halalness of a product carried out by the MUI Fatwa Commission.⁴ Halal Product Operator Guarantee called the Halal Product Assurance Agency (BPJPH)⁵ has a mission to provide security, comfort, safety, and certainty of halal products for the public in using or consuming products, and is able to increase added value for business actors in producing and sales product halal.⁶

To be able to achieve this mission, BPJPH collaborates with other parties such as the Indonesian Ulema Council (MUI), the Halal Inspection Agency (LPH), and the Institute for the Assessment of Food, Drugs, and Cosmetics of the Indonesian Ulema Council (LPPOM) MUI. The mission of BPJPH is realized by halal labeling in the form of halal licenses namely halal certificates.⁷ Halal certificates are an important part of the quality of products distributed in the community so that they do not feel worried when buying the product as regulated in Law No. 8 of 1999 concerning Consumer Protection in article 8 point h in which it is said that,⁸ “*Business actors are prohibited from producing and/or trading goods and/or services that do not follow the provisions of halal production*”. Statement “halal” which is included in the Consumer Protection Law is in continuity with Law No. 18 of 2012 concerning Food in article 101, “*Anyone who declares the halal label of the food traded to be halal in accordance with the requirements is responsible for the truth*”⁹.

The Quality of demand from market for quality and safety of products continues to

¹ Sri Lestari and Poernomo, “Standar Kontrak Dalam Persepsi Hukum Perlindungan Konsumen (Standar Contract in Legal Perspectives of Customer Protection),” *Jurnal Penelitian Hukum DEJURE* 19, no. 1 (2019).

² Koeswinarno et al., “Non-Muslim Acceptance of Halal Products in the Context of Business Development,” in *Digitalization in Halal Management*, ed. Ahmad Rafiki, Contributions to Environmental Sciences & Innovative Business Technology (Singapore: Springer Nature, 2023), 193–207, https://doi.org/10.1007/978-981-99-5146-8_13; Istyakara Muslichah and Krishnamurti Akbar Ibrahim, “Antecedents of Intention to Buy Non-Muslim Halal Fast Foods: Evidence from the Biggest Muslim Population Country,” *JBTI : Jurnal Bisnis : Teori Dan Implementasi* 12, no. 2 (September 22, 2021): 115–28, <https://doi.org/10.18196/jbti.v12i2.12759>.

³ Moch Khoirul Anwar, “Respon Pelaku Usaha Rumah Potong Ayam Terhadap Kewajiban Sertifikasi Halal,” *JURNAL HUKUM EKONOMI SYARIAH* 3, no. 1 (April 17, 2020): 27, <https://doi.org/10.30595/jhes.voio.7112>.

⁴ Amsari Damanik, “Legal Protection For Consumers In Guaranteeing Halal Products Through Halal Certification Of Slaughterhouses (Tph-U),” *Proceedings Borneo Islamic International Conference eISSN 2948-5045* 14 (November 1, 2023): 283–90.

⁵ Irma Suriyani and Safarni Husain, “Perlindungan Hukum Terhadap Konsumen Dalam Jaminan Produk Halal Melalui Sertifikasi Halal Tempat Pemotongan Hewan/Unggas (TPH-U),” in *Proceedings Borneo International Islamic Conference*, vol. 14 (Borneo International Islamic Conference, Samarinda: Majmuah Enterprise, 2023), 284.

⁶ Aisyah Aisyah et al., “Tinjauan Yuridis Dalam Perlindungan Konsumen Terhadap Produk Halal Oleh Pelaku Usaha (Studi Pada Warung Bakso Riski),” *Mizan: Jurnal Ilmu Hukum* 10, no. 2 (December 14, 2021): 183, <https://doi.org/10.32503/mizan.v10i2.1824>.

⁷ Parningotan Malau and Irene Svinarky, “Analisis Perspektif Hukum Pengurusan Sertifikasi Halal Dalam Upaya Perlindungan Konsumen,” n.d., 548.

⁸ RI, “UU Perlindungan Konsumen,” Pub. L. No. 8 (1999).

⁹ RI, “UU Pangan,” Pub. L. No. 18 (2012).

increase along with the level of consumers demand, so that there is a guarantee of halal and good products, because this is considered a condition for the feasibility of consumption, such as meat. The protection of the quality and safety of products circulating in the community is the responsibility of all parties, both sellers, buyers, the community, and the government. One of the forms of quality slaughtered meat products, there are several obligations that must be fulfilled by business actors or sellers of slaughtered meat, such as 1). business actors are required to attach halal labels to the meat products they sell. In addition, 2). the slaughter process must be carried out in accordance with Islamic law, including the method of slaughter and treatment of animals But in the phenomenon that occurs in Ponorogo district, there are still many slaughtered animal food products (poultry) in the community, There are still few halal certificates for slaughter.¹⁰

The existence of this phenomenon guarantees the protection of Muslim consumers who are no longer safe to consume slaughter animal products. Strengthened from article 21 paragraph 1 of the Halal Product Assurance Law (JPH) that the process of slaughtering and processing products is part of the standard parameters of the halal products produced., *"Every user of goods/services available to the public either for the benefit of himself, his family, or other living beings and is not to sell".*¹¹ The article explains that in selling and buying There is something called "last consumer", which means the user of goods or services that are not to be resell. In addition, Law No. 8 of 1999 concerning consumer protection and Law No. 18 of 2012 to make consumer protection in the availability of safe, healthy, intact, and halal poultry products (ASUH)¹² which requires the existence of facilities such as RPU (Poultry Slaughterhouse), TPD (Meat Processing Place, Importer, Collector, and Distributor Business) and their processed products to be able to meet the minimum requirements set by the government¹³

In the previous research on the legal perspective in the management of halal certification in an effort to protect consumers, it was stated that Law No. 33 of 2014 concerning JPH¹⁴ but the results of Yumna's research are still not effective in protecting consumer rights such as product rights available according to ASUH,¹⁵ This is due to the weak government supervision and lack of halal certification literacy from business actors, especially poultry slaughterhouses.¹⁶ The existence of research that has been carried out in various objects and similar study materials in this study reviews the regulations that regulate the guarantee of halal legality of products from RPU that have been circulated in markets in the Ponorogo area which aims to protect consumer rights.

Research Methods

This study uses a qualitative method with a juridical approach.¹⁷ This approach is used to conduct descriptive research and analyze the results of data collection carried out

¹⁰ Ifrotul Hidayah, *Pelaksanaan Sertifikasi halal untuk RPU*, 2024.

¹¹ Wardah Yuspin, "Telaah Yuridis Perlindungan Konsumen Dalam Kegiatan Investasi Aset Kripto Di Indonesia |," *DiH: Jurnal Ilmu Hukum* 19, no. 1 (2023), <https://jurnal.untag-sby.ac.id/index.php/dih/article/view/7886>.

¹² Meliana Siwi, "Analisis Prediksi Willingness To Pay Konsumen Produk Halal (Studi Kasus: Daging Ayam Halal Di Yogyakarta)" (Thesis, Universitas Islam Indonesia, 2023), <https://dspace.uui.ac.id/handle/123456789/48530>.

¹³ guntoro Teja Kusuma, "Perlindungan Hak Konsumen Terhadap Kewajiban Dan Sertifikat Halal Pada Daging Impor Berdasarkan Peraturan Menteri Perdagangan Nomor 29 Tahun 2019 Tentang Ketentuan Ekspor Dan Impor Hewan Dan Produk Hewan" (Semarang, Universitas Wahid Hasyim, 2020).

¹⁴ Malau and Svinarky, "Analisis Perspektif Hukum Pengurusan Sertifikasi Halal Dalam Upaya Perlindungan Konsumen."

¹⁵ Yumna Safira, "Perlindungan Konsumen Terhadap Jaminan Produk Halal Ayam Potong Di Pasar Tradisional Sukaramai Kota Pekanbaru" (Pekanbaru, Universitas Islam Riau, 2020).

¹⁶ Dheni Chaerawan, "Analisis Kesiapan Rumah Potong Ayam Terhadap Kewajiban Sertifikasi Halal (Studi Kasus Rumah Potong Ayam Di Kecamatan Baros Kabupaten Serang)" (Thesis, Universitas Islam Indonesia, 2021), <https://dspace.uui.ac.id/handle/123456789/52326>.

¹⁷ Soerjono Soekanto, *Pengantar Penelitian Hukum* (Jakarta: UI Press, 2008).

collectively in the form of interviews, observations, and documentation. collected from RPA owners and meat traders in markets around Ponorogo Regency or at markets from 5 sub-districts in Ponorogo¹⁸ This study focuses on the study of various related documents, including; The Halal Product Assurance Law (UUJPH), the Consumer Protection Law, and related regulations on the theme of consumer protection on products that are not halal certified.

Results and Discussion

Consumer Protection

Consumer protection is an effort to ensure legal certainty in providing a understanding and protection of its consumers in consuming products, services and goods circulating in the community,¹⁹ or consumer protection is a legal instrumen created to protect and fulfill consumer rights, the example is price tag, quality product, costum model, etc. Consumer rights are the rights owned by consumers to protect themselves from damage to products.²⁰ This right is mandatory to be fulfilled by the producers. The Consumer Protection Law has the goal of achieving the will in trying to protect consumers, including 1) increasing the ability; 2) increase awareness; 3) protect yourself; 4) Improve Independence; 5) avoid negative impacts; 6) increase the empowerment of user; 7) protect consumers; 8) get benefits; 9) obtaining legal certainty; 10) obtain information; 11) Earn security; 12) getting comfort; 13) Getting Safety.²¹

1. As for in Islam, the forms of consumer protection include; Halal products, Islam clearly emphasizes the halal and haram antyara as stated in QS Al "Araf verse 157,

وَيُحِلُّ لَهُمُ الطَّيِّبَاتِ وَيُحَرِّمُ عَلَيْهِمُ الْخَبَائِثَ

"and it is permissible for them all that is good and forbids for them everything that is bad."

halal requirements. Products containing prohibited ingredients, such as pork and alcohol, should be avoided. (Quran, Surah Al-Maidah (5:3).

This is regulated in the Quran and hadith which emphasizes its importance halal food and goods. (Hadith narrated by Muslims).

2. security and health, Products that are not safe for consumed, both in terms of quality and health, such as buying drugs that initially cure but if consumed continuously become addictive²², then such things must be avoided. The principle of *"la darar wa la dirar"* shows that Muslims are prohibited from doing acts that can harm themselves or someone else. (Hadith narrated by Ibn Majah)
3. Information disclosure, Providing accurate and clear information products sold are the rights of consumers. (Quran, Surah Al-Baqarah (2:188)

وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ وَتُدْلُوا بِهَا إِلَى الْحُكَّامِ لِتَأْكُلُوا فَرِيقًا مِّنْ أَمْوَالِ النَّاسِ بِالْإِثْمِ وَأَنتُمْ تَعْلَمُونَ

Islam teaches honesty in transactions, which should be followed by all market participants. The existence of this Openness is very important to avoid fraud and misinformation.

¹⁸ Mukti Fajar Nur Dewata, *Dualisme Penelitian Hukum Normatif Fan Empiris* (Yogyakarta: Pustaka Belajar, 2013); Sigit Sapto Nugroho, *Metodologi Riset Hukum* (Madiun: Oase Group, 2020).

¹⁹ rahmi Ayunda And Viola Zahra Ananda Kusuma, "Perlindungan Hukum Bagi Konsumen Muslim Terhadap Produk Kosmetik Yang Memiliki Kandungan Non-Halal Di Indonesia," *Maleo Law Journal* 5, no. 1 (April 15, 2021): 128, <https://doi.org/10.56338/mlj.v5i1.1466>.

²⁰ Nurjannah Nurjannah, Muhammad Fadel, and Mulham Jaki Asti Jaki Asti, "Eksistensi Hak Khiyar Pada Jual Beli Sebagai Perlindungan Konsumen Dalam Islam," *Jurnal Al-Kharaj: Studi Ekonomi Syariah, Muamalah, dan Hukum Ekonomi* 3, no. 1 (July 1, 2023): 41, <https://doi.org/10.30863/alkharaj.v3i1.4238>.

²¹ ayunda And Kusuma, "Perlindungan Hukum Bagi Konsumen Muslim Terhadap Produk Kosmetik Yang Memiliki Kandungan Non-Halal Di Indonesia," 128.

²² Melinda Nurdin and Muthia Sakti, "Urgensi Labelisasi Halal Produk Obat Over-the-Counter dalam Upaya Perlindungan Konsumen," *JURNAL USM LAW REVIEW* 7, no. 1 (March 29, 2024): 318, <https://doi.org/10.26623/julr.v7i1.8677>.

4. Producer Responsibility, producers must be responsible to ensure the products accordance with consumer needs. They must also be able to account for the quality and safety of the products that offered to consumers. Failure to fulfill this responsibility may result in legal consequences. (Hadith narrated by Al-Bukhari)
5. Transaction Fairness(*adalah*), Fairness in every transaction must be balanced between producers and consumers. This aims to avoid the absence of exploitation

Halal Product

The word halal is a form of permissibility to do something that does not aim to damage oneself or the body's vital organs. According to Buya Hamka in his tafsir al Azhar explained that the call to all mankind to consume halal and thayib products is emphasized in the form of the faith of a servant.²³ The human body from organ function damage and to keep oneself from believing in Allah. Allah gives certain limits to humans so that they do not cause damage. Humans are required to seek sustenance in a halal way. Every Muslim is obliged to ensure the halalness of the products consumed. According to Imam al Ghazali, before eating it, it must be very haqqul yaqin. The Prophet said that : *"whoever seeks halal rizeki to provide for his family, he is like a mujahid in the way of Allah swt, "Whoever seeks halal treasure to protect himself from haram is at the level of syuhada"* (HR.al Thabrani). Currently, the efforts of the government and business actors to protect the people from consuming non-halal products and to consume halal products, this information can be obtained through halal certification from the MUI. The presence of the Halal Product Assurance Law can be an answer to consumer protection for decent and halal products. This law is indispensable for Muslim consumers.

There are several rules for determining halal and haram for a product, namely:²⁴

1. The origin of all food is permissible and halal until there is a postulate that states that it is haram, as in QS al-Baqarah atar 29. This verse shows that everything (including food, drink, medicines and services) on this earth is a blessing from Allah, so this shows that the original law is halal and good
2. Manhaj (Clear and Clear Path) Islam in the treatment of halal haram on food products is "Islam legalizes all foods that are halal, holy, good and do not contain mudharat, as explained in QS al Baqarah verse 168 and al 'Araf verse 157. Furthermore, Allah prohibits the consumption of everything that can damage oneself or harm as in QS al Baqarah 195, products obtained in an unlawful way as in the as in the hadith of the Prophet, *"Indeed, your blood, your property, and your honor among your neighbors are haram"* (HR. Bukhari and Muslim)
3. Human food comes from animals and non-animals. As for food containing animals, it is mentioned in nash al-Qur'an al-baqarah verse 173 *"Indeed, Allah only forbids for you carcasses, blood, pork, and animals that when slaughtered are called names other than Allah. But if he is forced to eat it when he does not want it and does not go beyond the limit, then there is no sin for him."*

Halal Product Regulation on the Consumer Protection

Muslims in Indonesia have the right to legal protection in consuming halal products.²⁵ Every Muslim has the basic right to meet the needs of halal life. Indonesia government must be protect their citizen to complate their basic rights.²⁶ Therefore, the

²³ Astuti Mairinda, *Berkenalan Dengan Jaminan Produk Halal di Indonesia* (GUEPEDIA, n.d.).

²⁴ Dr Farid Wajdi M.Hum S. H. and Diana Susanti M.Kn S. H., *Kebijakan Hukum Produk Halal di Indonesia* (Sinar Grafika, 2021).

²⁵ R.A. Ratna Juwita Dewi Saraswati, "Perlindungan Hukum Bagi Konsumen Muslim Terhadap Produk Minuman Susu 'Binggrae' Berlabel Halal Korea Muslim Federation (KMF)," *YUSTISIA TIRTAYASA: JURNAL TUGAS AKHIR* 2, no. 2 (2022).

²⁶ Arya Salsabila Auliana Putri and Hari Sutra Disemadi, "Preserving Spiritual Rights through Halal Certification for MSME Products: Voluntary vs Mandatory," *Jurnal MEDIASAS:Media IlmuSyari'ah Dan Abwal Al-Syakhsyiyah* 6, no. 2 (2023).

government must actively participate in regulating the economic system through the application of laws.²⁷ In addition, the Indonesian government is trying to develop the halal industry sectors.²⁸ One of the government's efforts is to ensure that the quality and halalness of products, especially food and beverage products, are legally recognized as regulated in Government Regulation Number 31 of 2019 concerning the Implementation of Law Number 33 of 2014 concerning Strengthening Halal Product Assurance as specified in Perpu No. 2 of 2022 concerning Job Creation determining part of the process of all products in circulation that are required to have halal certification.²⁹ Article No.1 of Law No. 33 of 2014 concerning Halal Product Assurance states that Halal Product Assurance is a legal certainty of the halalness of a product as evidenced by the existence of a halal certificate. Halal products must be able to show in the process or series of activities to ensure halalness, with the guarantor of halal products being the Halal Product Assurance Agency (BPJPH).

In general, business actors usually interpret the term of halal in the sense that their products do not contain ingredients that are prohibited by Islamic law. In the rapidly growing industrial field, the need is increasing along with the advancement of technology and science,³⁰ Thus, the key points of product status become more complex and cover various aspects.³¹ The principle of upstream to downstream traceability is used in certification to ensure product quality.

As a result, legal certainty of the product can be achieved.³² In addition to the food industry sector, such as meat seller or butcher who provides meat of poultry products that are halal and suitable for consumption by the consumers are by reviewing the object of the Poultry Slaughterhouse (RPU) which is one of the sectors that meets the food needs of the community, especially in meat products based on Article 140 of Government Regulation No. 39 of 2021 concerning the Implementation of the Halal Product Assurance Field, The staging of the halal certification obligation on food, beverage, slaughter products and slaughter services was revealed as of October 2019,³³ this is also a target for the government to carry out halal certification including poultry slaughterhouses (RPU) and their slaughter products. , according to the Livestock Law No. 18 of 2009 which was replaced by Law No. 41 of 2014 requires that Poultry Slaughterhouses (RPU) and Animal Slaughterhouses (RPH) in carrying out their business activities must be carried out in accordance with Sharia provisions and requirements to produce products and the requirements to produce halal and decent products must be in accordance with the Halal Assurance System (HAS) 23000 and carried out in accordance with the Halal Assurance System standards (SJH).³⁴

HAS is a system that is prepared, implemented and maintained by RPU/RPH that already has halal certification. So far, the practice of fulfilling slaughtered meat in the

²⁷ Indonesia, Pemerintah Pusat, "Undang-Undang (UU) Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen," Pub. L. No. 8 (1999).

²⁸ M. Harahap et al., *Industri Halal Di Indonesia* (Banten: Sada Kurnia Pustaka, 2023); May Shinta Retnowati et al., "Grand Design of Halal Supply Chain on Pesantren Business: Study on AMIDAS Manufacturer's Company," *AL-IKTISAB: Journal of Islamic Economic Law* 7, no. 2 (2023): 177–90, <https://doi.org/10.21111/aliktisab.v7i2.11455>.

²⁹ PP, "PP Peraturan Pelaksanaan UU No 33 Tahun 2014," Pub. L. No. 31 (2019).

³⁰ Koeswinarno et al., "Non-Muslim Acceptance of Halal Products in the Context of Business Development."

³¹ HIdri, *Prinsip-Prinsip Ekonomi Islam* (Lintas Pustaka, 2021), <http://www.bibliovault.org/BV.landing.epl?ISBN=9780226763743>.

³² aisyah Et Al., "Tinjauan Yuridis Dalam Perlindungan Konsumen Terhadap Produk Halal Oleh Pelaku Usaha (Studi Pada Warung Bakso Riski)," 184.

³³ RI, "UU Tentang Penyelenggaraan Bidang Jaminan Produk Halal, Penahapan Dari Kewajiban Sertifikasi Halal Pada Produk Makanan, Minuman, Hasil Sembelihan Dan Jasa Sembelihan," 39 § (2021).

³⁴ Muhammad Sayuti, "Penerapan Halal Logistik Pada Distribusi Daging Sapi Di Kabupaten Karawang | Sayuti | JISI: Jurnal Integrasi Sistem Industri," *JISI: Jurnal Integrasi Sistem Industri* 8, no. 1 (2021), <https://jurnal.umj.ac.id/index.php/jisi/article/view/7931/5118>.

Ponorogo area is not only limited to RPU, but there are also many butchers/ meat seller as slaughter independently.³⁵ The existence of the Regulation of the Minister of Agriculture of the Republic of Indonesia Number 110/Permentan/PD.410/9/2014 concerning the Second Amendment to the Regulation of the Minister of Agriculture Number 84/Permentan/PD.410/8/2013 which discusses the entry of carcasses, meat, offal and/or its processing must implement a halal assurance system in the RPU by implementing manual slaughter for each pig with a halal slaughterer. There are many butchers (chicken meat sellers), especially in the Ponorogo area, who slaughter manually, and some use quick and short methods or use machines with slaughterers who have not been certified halal slaughterers. This is also seen from the lack of a halal certificate from RPA. The data collected in the Ponorogo area for August 2024 there are only 2 (two) RPUs that have done halal certificates. This will certainly affect the availability of halal and decent meat products in the Ponorogo area.

Basically, the slaughter of livestock itself or in RPU must meet the aspects of ASUH (Safe, Healthy, Whole, and Halal).³⁶ Veterinary Public Health (Kesmavet)³⁷ In addition, it must also meet halal standards³⁸, because they see that the majority of the Ponorogo people are Muslims.³⁹ The government has prepared a series of laws and regulations related to halal satndar that must be completed by the RPU, including;⁴⁰

1. Instructions President (Inpres) 1991 concerning Enhancement Guidance and supervision Production and Distribution Food Processed
2. Law No. 33 of 2014 concerning Halal Product Assurance.⁴¹ Article 1 number 10 of Law Number 33 of 2014 concerning Halal Product Assurance states that a halal certificate is a recognition of the halalness of a product issued by BPJPH based on a written halal fatwa issued by the MUI. Article 3 number 3 of the Law states that the purpose of halal certification is to provide convenience, security, safety, and certainty of the availability of halal products for the public to consume and use.
3. Law No. 8 of 1999 concerning Consumer Protection.⁴² From this Law, in article 8 paragraph 1 point h, it is stated that business actors are prohibited from producing, trading goods or services that do not follow the provisions of halal production as stated on the product label.
4. MUI Fatwa No. 12 of 2009 concerning Halal Slaughter Certification Standards,⁴³ stated in the fatwa which means that the failure of slaughter is an animal that has been slaughtered not in accordance with halal slaughter standards and is not in accordance with the legal provisions of the standard process section that ensures the death of the animal from slaughter.
5. Law No. 18 of 2012 concerning food. In this law, there are several articles related to halal certificates, especially in Chapter VIII food labels and advertisements 97 (1), articles 101 and 105
6. Fatwa DSN MUI No. 35 of 2021 concerning the Law on Certification Standards for

³⁵ Daud Sukoco, "Observasi Peredaran Daging Sembelihan Di Ponorogo," 2024.

³⁶ Ilka Sandela, Adella Yuana, and Putri Kemala Sari, "Pengaturan Sertifikasi Halal Bagi Rumah Pemotongan Hewan (RPH) Di Indonesia," *Ius Civile: Refleksi Pengakuan Hukum Dan Keadilan* 7, no. 2 (October 23, 2023): 60, <https://doi.org/10.35308/jic.v7i1.8451>.

³⁷ "Dilan Kesmavet," accessed December 7, 2024, <https://dilankesmavet.ditjenpkh.pertanian.go.id/>.

³⁸ Yumna Safira, "Perlindungan Konsumen Terhadap Jaminan Produk Halal Ayam Potong Di Pasar Tradisional Sukaramai Kota Pekan Baru."

³⁹ Daud Sukoco, "Observasi Peredaran Daging Sembelihan Di Ponorogo."

⁴⁰ Sumirahayu Sulaiman, "Tinjauan Hukum Islam Tentang Perlindungan Konsumen Dalam Produk Halal : Tantangannya Di Era Globalisasi | Jurnal Kolaboratif Sains," *Jurnal Kolaboratif Sains* 7, no. 10 (2024), <https://jurnal.unismuhpalu.ac.id/index.php/JKS/article/view/6221>.

⁴¹ RI, "UU Tentang Jaminan Produk Halal," 33 § (2014).

⁴² Undang-Undang, "UU Perlindungan Konsumen," 8 § (1999).

⁴³ MUI, "Fatwa MUI Tentang Standar Sertifikasi Penjualan Halal," 12 § (2009).

Animal Slaughter Using Machines. In this fatwa, it is explained about the reference for RPU or RPH that slaughters animals in a modern way (using machines) is allowed with terms and conditions such as slaughterers must be Muslims, naïves and puberty, the machines used are sharp tools and are not made of bones, teeth or nails, the slaughterer when he is going to start his slaughter activities must read the basmallah.

7. Law No. 6 of 2023 concerning the implementation of the regulations of Law No. 2 of 2022 concerning Job Creation
8. Government Regulation No. 39 of 2021 concerning the Implementation of Halal Product Assurance.⁴⁴ Article 7 stipulates that the location of the slaughterhouse must meet several requirements for the slaughterhouse to be certified halal, including: a. physically separate the location of the halal slaughterhouse and the location of the non-halal slaughterhouse; b. limited by a wall fence of at least 3 (three) meters to prevent the traffic of people, tools, and products between slaughterhouses; c. not in flood-prone areas, polluted by smoke, odors, dust, and other contaminants; have a solid and liquid waste handling facility separate from non-halal slaughterhouses; the basic construction of the entire building must be able to prevent contamination; and has a separate door for the entry of slaughter animals with the exit of carcasses and meat. In Article 8, slaughterhouses must be separated between halal and non-halal in parts, including: animal shelters; b. slaughter of animals; c. skinning; d. production of offal; e. the application room; f. handling of carcass; g. cooling chamber; and h. waste handling facilities. Slaughtering equipment must meet the following requirements: a. do not use slaughtering equipment interchangeably with those used for slaughtering non-halal animals; b. using different means for the haram and non-halal in cleaning the equipment; c. using different means for halal and non-halal in the maintenance of equipment; and d. have their own storage area for halal and non-halal tools. The purpose of this separation is so that it is not contaminated from something haram, so that halal meat remains halal.
9. Decree of the Head of BPJPH No. 77 of 2023 concerning Guidelines for the Implementation of the Halal Product Assurance System in the Slaughter of Ruminant and Poultry Animals.⁴⁵ The decision states that the three parties must work together to ensure that the slaughterhouse is halal. namely business actors, halal slaughterers, and the Halal Product Assurance Agency (BPJPH). Halal slaughterers can only be done by individuals who are Muslims and meet the necessary criteria to become a halal slaughterer as they have a Halal Slaughterer certificate (JULEHA).

The critical point of a halal RPU is in several parts, including the slaughter process and post-slaughter handling. In this slaughtering process, halal slaughterers play an important role in ensuring halal slaughter results. Halal slaughter is slaughtering animals at the neck that cuts off three channels, namely blood vessels, respiratory tract and feeding tract in accordance with Islamic law. RPUs must comply with the following requirements to guarantee halal products so that the meat they produce can be considered halal and safe for consumption.⁴⁶ RPU can be granted a halal certificate after meeting the following conditions: location and slaughter equipment, pre-slaughter requirements, slaughter

⁴⁴ RI, UU tentang Penyelenggaraan Bidang Jaminan Produk Halal, penahapan dari kewajiban sertifikasi halal pada produk makanan, hasil sembelihan dan jasa sembelihan.

⁴⁵ Kepala BPJPH, "Surat Keputusan Tentang Pedoman Penyelenggaraan Sistem Jaminan Produk Halal Dalam Pemotongan Hewan Ruminansia Dan Unggas," 77 § (2023).

⁴⁶ Marlinda Indriati, Tuti Rostianti Maulani, and Uti Nurliawati, "Analisis Faktor Titik Kritis Dan Uji Malachite Green Untuk Menentukan Status Halal Ayam Potong Di Tpa Kecamatan Menes," *International Journal Mathla'ul Anwar of Halal Issues* 1, no. 1 (February 27, 2021): 1–8, <https://doi.org/10.30653/ijma.202111.6>.

process, post-slaughter, and distribution of slaughter results. These requirements are mentioned above. If referring to the rules and regulations above,⁴⁷ The government has regulated the halal certification of slaughterhouses, including detailed rules that guarantee halal products in RPU. In this case, there needs to be a commitment and consistency from the RPU to be able to carry out the guarantee of halal and thayib slaughtered products so that consumers are safe to consume these products.

Judging from the number of halal-certified RPUs in the Ponorogo area is still very small, this will give the people of Ponorogo a sense of worry about meat products circulating in the market. Although the government has regulated consumer protection guarantees with the guarantee of halal products juridically, in practice this has not been maximized to provide a sense of security for the community. According to Prof. Sudikno Mertokusumo, a Legal Expert quoted by the Chairman of the Presidium of the NGO Bintang Merah Putih Alam Parlingungan Simamora that in the important aspects of law enforcement, there are three elements that must be considered, namely legal certainty; (*Rechtssicherheit*), Benefits (*Zweckmassigkeit*) and Justice (*Gerechtigkeit*).

1. Legal Certainty is a form of protection from the act of arbitrariness which means that a person will obtain something that is expected under certain circumstances, in this aspect of legal certainty guarantees that the public to obtain meat products consumed are halal and suitable for consumption. Decent in Islam can be likened to the state of thayib, this meaning of meat that is marketed in the state of ASUH (Safe, Healthy, Intact, and Halal) meat provided by the market so that ASUH is not only the responsibility of RPU as a meat provider, but all aspects, elements such as the government to be able to support the availability of decent products. The lack of halal certified RPUs in Ponorogo is due to the lack of education on halal certification obligations for RPUs, because indeed the massive movement of halal certification per 2020 scheduled by BPJPH is still concentrated on food products from MSMEs in the Selfdeclare program. The large cost of applying for halal certification on the RPU is the reason for most RPUs in Ponorogo, seeing that many of the RPUs are meat traders themselves, so that the costs proposed for applying for halal certification are far from their daily income, besides that there are also many requirements that must be completed from the submission, such as halal slaughterers (many of the slaughterers do not have a JULEHA certificate), do not have a Veterinary Control Certificate (NKV) from the Livestock Service because the proposed standards are difficult to meet because the majority of RPUs as meat sellers in the facilities and infrastructure used by RPUs are very simple/traditional.
2. This benefit is the impact of the implementation of the rules properly so that a sense of security, peace and tranquility can be felt by the community after the enforcement of the law, as in the Quran and Sunnah it is clearly explained that food and drinks must be clean and useful for consumption, not dirty and disgusting so that it spoils the taste. As a result, not all food or beverages are recommended to be eaten or drunk by a Muslim in all situations where this benefit provides a sense of security to the butcher and/or RPU as well as the consumer.
3. Justice. This standard of justice can be measured from the benefits felt by all parties. As with the existence of halal certification in RPU must still be carried out as a form of compliance with the rules made by the government, this is also explained in QS an Nisa verse 59 which reads;

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ۚ ذَٰلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا

⁴⁷ Mohamad Solek, "Juru Sembelih Halal Berbasis Pada Walisongo Halal Research Center (WHRC)," *Dimas: Jurnal Pemikiran Agama Untuk Pemberdayaan* 17, no. 2 (2017): 297–312, <https://doi.org/10.21580/dms.2017.172.2431>.

O believers! Obey Allah and obey the Messenger and those in authority among you. Should you disagree on anything, then refer it to Allah and His Messenger, if you 'truly' believe in Allah and the Last Day. This is the best and fairest resolution

From the above verse, it is explained that in order for the determination of the law to run fairly and well, it is necessary to obey the implementation of every rule set by Allah SWT, the Messenger, and the decree set by the government, this aims to provide comfort and security for the community as a whole, especially in consuming halal and decent products.

In striving for good law enforcement, it is necessary to have good legal subjects with integrity so that they are able to carry out their rights and obligations in accordance with high moral and ethical principles. Ethics of legal subjects carry out their duties with integrity, this will increase public trust in the judicial system and encourage active participation of the community in law enforcement. Thus, the existence of legal subjects with integrity not only supports fair law enforcement but also contributes to the creation of a better and fairer society as a whole.

Legal Efforts to Protect Consumers in Consuming Poultry that Have Not Been Halal Certified

RPUs that do not fulfill the obligation of halal certificates, there are consequences that are accepted based on article 27 of Law No. 33 of 2014 concerning Halal Product Assurance, which states that if business actors do not meet the requirements to guarantee halal products, they will be subject to administrative sanctions such as written warnings, administrative fines, or even their halal certificates will be revoked this is in line with Law No. 8 of 1999 concerning Consumer Protection, and criminal sanctions can be given to business actors who commit violations of the matters regulated in the Law. This is regulated in Article 61, Article 62 and Article 63 of Law Number 8 of 1999 concerning Consumer Protection in conjunction with Article 56 of Law Number 33 of 2014 concerning Halal Product Assurance. In addition to the administrative sanctions mentioned above, RPUs that do not meet the halal certification requirements can suffer the following consequences: 1) Poultry Slaughterhouses (RPUs) that do not have halal certificates and are not qualified to guarantee halal products should be prohibited from operating. This prohibition was made to ensure that consumers have the right to obtain halal products in accordance with sharia. If the RPU continues to operate, the meat produced will be slaughtered and not in accordance with halal law, so it is inconvenient for the Muslim community to eat it. and 2). Slaughter products from RPUs that are not halal certified are prohibited from being sold for the safety, convenience, and safety of consumers.

The results of research conducted on butcher or meat seller and/or RPUs in the Ponorogo area show that both butcher and consumer still do not know about the halalness of the products sold. They ignore their rights and obligations as consumers and business actors, so they don't really care about the level of halalness of the product which is more about the proper value of the product, and they only believe that the goods they sell and buy are halal even though they do not have a halal certificate from MUI.⁴⁸ There is a phenomenon in Ponorogo where there are still many RPUs that have halal certificates, so to ensure that consumers are safe in consuming slaughtered meat that is suitable for consumption in the market so that they do not hesitate to ask the seller about the quality of the chicken meat they sell such as the origin of the RPU and the slaughter method used, namely by the direct method or slaughtering chickens one by one by cutting off three channels (blood vessels (carotid arteries and jugulic veins), Feeding tract (eshopahus), and respiratory tract (trachea)) so that in carrying out slaughter in accordance with halal slaughter procedures, thus in accordance with the Regulation of the Minister of Agriculture of the Republic of Indonesia Number 110/Permentan/PD.410/9/2014 although many of the

⁴⁸ Penjual A, Produk Daging, 2024.

people are still not aware of the existence of halal certification on the poultry they buy, because when buying poultry in traditional markets, The buyer/ consumer does not know whether the meat has been certified halal. They buy meat because they believe that it is cut with the name of Allah and that it is cheaper.⁴⁹

From the lack of education to the public for the importance of halal certified products, it is influenced by the background of buyers such as; 1) level of understanding, 2) religiosity, 3) education and 4) income, if the background is weak, then people still buy meat without caring about the safety and quality of the products consumed. In fact, the basis of the Consumer Protection Law is not only a civil relationship, but also related to the interests of many parties, even in relation to obedience to Allah. So if indeed meat traders do not have a halal certificate for the meat they sell, they also have an obligation to provide clear and honest information about the condition of the meat they sell as in article 4 of Law No. 8 of 1999 concerning Consumer Protection.

In Law No. 8 of 1999 concerning Consumer Protection, the government carries out an operating system such as the existence of supervisory and law enforcement agencies is also a legal effort carried out by the government in ensuring the availability of halal and decent products. The government through the National Consumer Protection Agency (BPKN) and other related institutions is responsible for supervising products circulating in the market. If there is a violation of consumer protection provisions, such as selling animal products without halal certification, legal action can be taken against business actors This includes administrative or criminal sanctions in accordance with the applicable legal provisions. Increasing information related to the value of consumption is not only limited to the satisfaction of Desire, but the impact of consumption on various benefits that are felt is an effort to increase consumer awareness and knowledge about their rights is an important step in consumer protection. The government and consumer protection agencies need to socialize the importance of choosing halal-certified products and how to recognize animal products that are safe for consumption. Meanwhile, in the study of fiqh, it is reviewed that consumers buy slaughtered meat animal products when they do not have halal certification as narrated by Ibn Hajar,

أَنَّ كُلَّ مَا يُوجَدُ فِي أَسْوَاقِ الْمُسْلِمِينَ خَمُولٌ عَلَى الصَّحَّةِ ، وَكَذَا مَا ذَبَحَهُ أَغْرَابُ الْمُسْلِمِينَ ، لِأَنَّ الْغَالِبَ أَهْلُهُمْ عَرَفُوا التَّشْمِيَةَ ، وَكَذَا الْأَخِيرَ حَزَمَ ابْنُ عَبْدِ الْبَرِّ
فَقَالَ : فِيهِ أَنَّ مَا ذَبَحَهُ الْمُسْلِمُ يُؤْكَلُ وَيُحْمَلُ عَلَى أَنَّهُ سُبِّي

"Everything obtained from the Muslim market is halal. Likewise with the results of their slaughter because those who slaughter Muslims must understand the need to recite the basmallah when slaughtering, therefore Ubn Abdil Abr said that "the slaughter of a Muslim can be eaten and we are prejudiced that he recites bismillah when slaughtering".

From the above hadith it is explained that when we buy meat or slaughtered products from a Muslim and are prejudiced against the seller who has bbuka basmallah when slaughtering meat, then it is permissible to consume, if the buyer has doubts about the halal quality of the meat, then as a good Muslim buyer it is enough to read the basmallah before eating it, as in the hadith of the Prophet Muhammad, Saw said

عن عائشة رضي الله عنها : أَنَّ قَوْمًا قَالُوا: يَا رَسُولَ اللَّهِ إِنَّ قَوْمًا يَأْتُونَنَا بِاللَّحْمِ لَا نَدْرِي أَذَكَرُوا اسْمَ اللَّهِ عَلَيْهِ أَمْ لَا، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : «سَمُّوا اللَّهَ عَلَيْهِ وَكُلُّوه»

"From Siti Aisha that a tribe asked the Prophet: "O Messenger of Allah, a people came to us with meat while we did not know whether the meat was slaughtered by saying basmallah or not?" The Messenger of Allah replied: "Say Basmallah and eat" (Hadis Shahih, HR.Bukhari)

From the hadith, it can be concluded that if a person buys meat without knowing that the meat has been certified halal, then the meat consumed can be eaten. This is

⁴⁹ Mrs.X, Pembelian Daging, 2024.

because the purpose of halal certification is to allow Muslims in Indonesia to consume halal food and beverages. In addition, for buyers who are Muslims, it is highly recommended to buy meat from traders who have been certified halal or Muslim. This is due to the fact that the trader must have learned how to slaughter livestock in a way that is in accordance with Islamic law. If customers wonder if the seller calls Basmallah when slaughtering an animal, they just need to think that the seller is slaughtering by saying the name of Allah and that we should read Basmallah when eating it.

Conclusion

Article 27 of Law No. 33 of 2014 concerning Halal Product Assurance stipulates the consequences for RPU who are not eligible to obtain halal certificates. The lack of RPU and/or meat traders in the absence of halal certification, it can be concluded that traders and buyers do not know about halal certification. The halal and feasibility aspects of the meat sold are not only to protect buyers, but can also create a healthy business environment and give birth to resilient entrepreneurs to compete with high-quality products. Legal certainty guarantees that meat products consumed by the public are halal and suitable for consumption, which is a form of protection from acts of arbitrariness. In Islam, proper means the state of *thayib*; this applies to meat that is marketed in an ASUH state (Safe, Healthy, Intact, and Halal). ASUH is the responsibility of RPU and/or sellers as meat providers but also from all elements, including the government in order to ensure the availability of halal and decent meat. In addition, to be able to realize the instructions of the Head of BPJPH Decree No. 77 of 2023 concerning Slaughter results from the slaughter of ruminant animals and poultry are products that must be halal certified to ensure their halalness. The government can provide a subsidy program for RPU as well as self-declare. This is nothing but the results of the research on the small business sector carried out by meat sellers and RPU, which are especially managed independently by the meat sellers themselves, see that large costs are not balanced with business income. With the existence of this low-cost halal certification assistance program, it is an effort to drive the halal sector in Indonesia massively.

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